

TABLE OF CONTENTS

May 24, 2013 Volume 37, Issue 21

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Licensing Standards for Child Welfare Agencies

89 Ill. Adm. Code 401.....6927

Licensing Standards for Day Care Homes

89 Ill. Adm. Code 406.....6939

Licensing Standards for Group Day Care Homes

89 Ill. Adm. Code 408.....6962

EMERGENCY MANAGEMENT AGENCY, ILLINOIS

Regulations for Radon Service Providers

32 Ill. Adm. Code 422.....6987

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 140.....7078

HEALTH INFORMATION EXCHANGE AUTHORITY

Protection of Privacy of Public Aid Applicants and Recipients

77 Ill. Adm. Code 4000.....7107

NATURE PRESERVES COMMISSION

Inventories, Registers, and Records

17 Ill. Adm. Code 4020.....7111

ADOPTED RULES

CAPITAL DEVELOPMENT BOARD

Selection of Architects/Engineers (A/E)

44 Ill. Adm. Code 1000.....7122

PUBLIC HEALTH, DEPARTMENT OF

Emergency Medical Services and Trauma Center Code

77 Ill. Adm. Code 515.....7128

Grade A Pasteurized Milk and Milk Products

77 Ill. Adm. Code 775.....7166

VETERANS' AFFAIRS, DEPARTMENT OF

Rules Governing Payment from the Disabled Veterans Property

Tax Relief Fund

95 Ill. Adm. Code 130.....7184

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....7189

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Electoral Proclamation – Second Congressional District

2013-193.....7190

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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

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 1st through **Monday, July 1st, 2013.**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Child Welfare Agencies
- 2) Code Citation: 89 III. Adm. Code 401
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
401.250	Amend
401.380	Amend
401.520	Amend
401.570	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILCS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 401, Licensing Standards for Child Welfare Agencies, to:
 - Require 10 clock hours of training for prospective adoptive parents seeking an international adoption, in compliance with federal law [22 CFR 96.48]; and
 - Require a Child Welfare Agency (CWA) report to the Department within 30 days when an agreement is made with an independent adoption contactor
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
Fax: 217/557-0692
E-Mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
 - C) Types of Professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated when the agendas were published.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR
CHILD WELFARE AGENCIES

Section

401.1	Purpose (Repealed)
401.2	Definitions (Repealed)
401.3	Effective Date of Standards (Repealed)
401.4	Application for License (Repealed)
401.5	Application for Renewal of License (Repealed)
401.6	Provisions Pertaining to License (Repealed)
401.7	Provisions Pertaining to Permit (Repealed)
401.8	Incorporation (Repealed)
401.9	Composition and Responsibilities of the Governing Body (Repealed)
401.10	Finances (Repealed)
401.11	The Administrator (Repealed)
401.12	Social Work Supervisors (Repealed)
401.13	Child Welfare Workers (Repealed)
401.14	Professional Staff (Repealed)
401.15	Support Personnel (Repealed)
401.16	Volunteers (Repealed)
401.17	Background Checks (Repealed)
401.18	Legal Safeguards of Children Served (Repealed)
401.19	Required Written Consents (Repealed)
401.20	Agency Responsibility (Repealed)
401.21	Interstate Placement of Children (Repealed)
401.22	Health and Medical Services for Children (Repealed)
401.23	Records and Reports (Repealed)
401.24	Records Retention (Repealed)
401.25	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
401.26	Severability of This Part (Repealed)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

401.30	Purpose
--------	---------

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

401.40 Definitions

SUBPART B: PERMITS AND LICENSES

Section

401.100 Application for License
401.110 Provisions Pertaining to Permits
401.120 Provisional Licenses
401.130 Provisions Pertaining to Licenses
401.140 Application for Renewal of License
401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3)
Status
401.145 Renewal Application Under Deemed Status
401.150 Acceptance of Accreditation through Deemed Status
401.155 Removal of Agency from Deemed Status
401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section

401.200 Agency Corporate Status
401.210 Composition and Responsibilities of the Governing Body
401.220 Organization and Administration
401.230 Finances
401.240 Background Checks
401.250 Required Reporting to the Department
401.260 Required Record Keeping
401.270 Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

Section

401.300 The Executive Director
401.310 Child Welfare Supervisors
401.320 Child Welfare Workers
401.330 Licensing Staff
401.340 Professional Staff
401.350 Support Personnel
401.360 Use of Volunteer Services
401.370 Non-Discrimination Against Employees Who Report Suspected Licensing
Violations
401.380 Personnel Records

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: SERVICES TO CHILDREN

Section	
401.400	Legal Safeguards of Children Served
401.410	Required Written Consents
401.420	Agency Responsibility
401.430	Interstate Placement of Children
401.440	Health and Medical Services for Children
401.450	Transportation of Children
401.460	Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
401.470	Agency Responsibilities for Adoption Services (Renumbered)
401.480	Agency Responsibilities for Independent Living Programs (Renumbered)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section	
401.500	Child Welfare Agency Responsibilities for Adoption Services
401.510	Disclosures
401.520	Adoptive Parents Training
401.530	Annual Reports
401.540	Preferential Treatment in Child Placement
401.550	Waiver Prohibited
401.560	Adoption Services Fees
401.565	Adoption Agency Payment of Salaries or Other Compensation
401.570	Independent Contractors
401.580	Cessation or Dissolution of an Adoption Agency
401.590	Adoption Agency Information and Complaint Registry
401.595	Agency Complaint Policy and Procedure
401.600	Advertisement

SUBPART G: INDEPENDENT LIVING PROGRAMS

Section	
401.700	Agency Responsibilities for Independent Living Programs

SUBPART H: ENFORCEMENT AND SEVERABILITY CLAUSE

Section	
401.800	Referrals to Law Enforcement and Injunctive Relief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

401.850 Severability of This Part

- 401.APPENDIX A Licensing Progression for Child Welfare Agencies
 401.APPENDIX B Requirements for Operation of Branch Offices
 401.APPENDIX C Management Representations of Child Welfare Agency Financial Condition and Operations
 401.APPENDIX D Minimum Requirements for a Risk Management Plan
 401.APPENDIX E Acceptance of Voluntary Surrender of License – No Investigations Pending (Repealed)
 401.APPENDIX F Acceptance of Voluntary Surrender of License – Investigations Pending (Repealed)
 401.APPENDIX G Acceptable Human Services Degrees
 401.APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 494, effective January 15, 2003; amended at 28 Ill. Reg. 10588, effective August 1, 2004; emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days; emergency expired February 26, 2006; amended at 30 Ill. Reg. 2699, effective February 27, 2006; amended at 36 Ill. Reg. 2157, effective January 30, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.250 Required Reporting to the Department

- a) Staff, ~~and~~ Volunteers and Adoption Contractors
- 1) The child welfare agency shall maintain and submit reports on staff, ~~and~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

volunteers and independent adoption contractors to the Department on forms prescribed by the Department:

- A) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.
 - B) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).
- 2) Staff changes shall be reported monthly to the Department.
- b) License Status of Child Care Facilities Supervised by the Child Welfare Agency
The child welfare agency shall report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. The reports shall be received within five days after the last day of each month for all license status changes in the month. Reportable changes in license status may include, but are not limited to:
- 1) failure or refusal to renew the license;
 - 2) revocation or voluntary surrender of the license;
 - 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
 - 4) change of address of the licensee;
 - 5) change in license capacity;
 - 6) transfer of license supervision to another supervising child welfare agency; or
 - 7) foster or adoptive family moves out-of-state.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) **Semiannual Monitoring of Licensed Facilities Supervised by the Agency**
The agency shall maintain and submit to the regional licensing office a list of the licensed facilities subject to monitoring, noting both the date that the agency has performed a semiannual monitoring visit at the facility and those facilities with violations or corrective plans, as documentation of compliance with Section 401.420(c) requiring semiannual monitoring.
- d) **Reports of Child Abuse and Neglect**
When there has been a report of child abuse or neglect in a foster family home or day care home that is supervised by the agency and a formal child abuse and neglect investigation begins, the agency shall send a complete copy of the licensing record and any other requested information to the Department's agency and institution licensing representative within 5 days after a request for the information.
- e) **Licensing Complaint Investigation**
The agency shall send a copy of the licensing complaint investigation file to the Department's licensing unit within 5 days after the conclusion of the complaint investigation.
- f) **Monthly Visits with Children in Placement**
The agency shall submit written quarterly reports to the regional licensing office listing the names of all children served by the agency, with the dates on which an agency child welfare worker visited each child, as documentation of compliance with Section 401.420(b) requiring monthly visits with foster parents and children in care.
- g) **Unusual Incident Reports**
The agency shall report to the Department unusual incidents as defined in 89 Ill. Adm. Code 331 (Unusual Incidents).
 - 1) **Involving Children**
The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian and the Department licensing worker. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.

- 2) Involving Employees, Foster Parents, or Relative Caregivers
The governing body or its designee shall report to the Department licensing worker any work or service related unusual incident that results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.

- h) Complete Copy of the Licensing File
Upon request, the agency shall provide the Department's licensing unit, within 5 calendar days, a complete copy of the licensing file for a foster home or day care home that is supervised by the agency.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: PERSONNEL REQUIREMENTS

Section 401.380 Personnel Records

- a) The child welfare agency shall maintain personnel records on all employees of the agency, whether full-time or part-time. These records shall contain:
 - 1) a copy of the form required to be sent to the Department of Children and Family Services which contains information on persons employed by a child welfare agency;
 - 2) a certified transcript of the employee's educational achievements, when required for the individual's position. Foreign credentials require additional documentation providing a certified translation and statement of the equivalency in the U.S. educational system;
 - 3) verification the employee holds a valid professional license (if required by law);

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) acknowledgment on a form prescribed by the Department of the employee's status as a mandated reporter of child abuse and neglect by virtue of his or her employment;
 - 5) verification of the employee's work history prior to hire and residence for the past three years. When the employee's work experience is considered part of the individual's qualifications for his or her current position, the child welfare agency must verify the employee's stated work history;
 - 6) if the employee or his or her supervisor examines foster family homes or day care homes for licensure, verification that the employee and supervisor has passed the licensing examination for all types of facilities the employee examines or supervises;
 - 7) if the employee transports children, proof of insurance and a valid driver's license and the certification required by Section 401.450(c); and
 - 8) a copy of each employee's annual evaluation and any progressive discipline provided to an employee. Such records of progressive discipline shall be maintained in accordance with the personnel policies approved by the governing body.
- b) Authorizations for and the results of a background check, as required by 89 Ill. Adm. Code 385 (Background Checks), shall be maintained in a separate and confidential file which may be accessed only by authorized child welfare agency and Department staff.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section 401.520 Adoptive Parents Training

- a) Agencies providing adoption services shall provide prospective adoptive parents with a training program that shall include:
 - 1) A minimum of 6 clock hours of training for private domestic adoption families and a minimum of 10 clock hours of training for international

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

adoptions; at least 4 of the 10 hours shall be in person (see 22 CFR 96.48(a));

- 2) Counseling and guidance for promoting a successful adoption in conjunction with the placement of a child for adoption with the prospective parents;
 - 3) Additional training of the adoptive parent, as necessary, to meet the needs of the adoptive family or child prior to the adoption.
- b) The adoptive parent training may be provided by an agent or independent contractor of the child welfare agency, provided the curriculum has the prior written approval of the Department's Office of Training.
 - c) All agencies shall keep on file a written record of the nature and extent of the training provided to the adoptive parents.
 - d) *An eligible adoption agency may be deemed compliant with this Section. This presumption of compliance may be rebutted by the Department with substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from the agency. [225 ILCS 10/2.27 and 7.5]*

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.570 Independent Contractors

- a) Subject to subsection (a)(1), a child welfare agency providing adoption services may use the services of any person, group of persons, agency, association, organization, corporation, institution, center, or group as an independent contractor to perform services on behalf of the licensed agency, ~~provided that the licensed agency has a written agreement with the independent contractor specifying:~~
 - 1) The licensed agency must have a written agreement with the independent contractor specifying:
 - A) Terms of remuneration;
 - B)2) Services to be performed;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ~~C)3)~~ Personnel performing those services;
 - ~~D)4)~~ Qualifications of the personnel, in addition to any other information or requirements the Department may specify; and
 - ~~E)5)~~ That the contract may be terminated at any time.
- 2) Within 30 days after entering the agreement, a copy of the written agreement shall be submitted to the Department.
- b) The independent contractor providing services on behalf of the licensed agency has an affirmative obligation to disclose its contractual relationship to all clients prior to performing any services.
 - c) The licensed agency is not exempt, by reason of the use of the contractor, from compliance with all of the provisions in this Part and in the Child Care Act of 1969.
 - d) The Department has the authority to disapprove, and shall do so in writing, ~~of~~ the use of any contractor if the Department is not satisfied with the agency's agreement. The factors to be considered include, but are not limited to:
 - 1) Personnel who are performing the services;
 - 2) The qualifications of the personnel; or
 - 3) If the contractor violates any provision of this Part, the Child Care Act or the Adoption Act.
 - e) The Department has the authority to require the immediate termination of the contract between an agency and independent contractor.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
406.4	Amend
406.5	Amend
406.8	Amend
406.13	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending its rules in order to comply with Public Act 97-981 requiring that effective January 1, 2013, all day care homes be tested for radon at least once every three years, and a note prescribed in the Act on the dangers of Radon be posted next to the proof of Radon test.

A provision was also added that day care homes constructed after December 15, 2011 or that underwent a substantial remodeling of its structure or wiring system after December 15, 2000, that a battery-operated smoke detector may be installed in each room where children sleep or nap to comply with the required installation of a smoke detector in each room as required by law. A provision was added allowing providers to count their own school-age children in the additional 4 school-age children provided that when there are more than 8 children in care, a qualified assistant is present. If the provider's child comes home sick from school they will still be able to be counted in the care provided before and after school.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
Fax: 217/557-0692
E-Mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
- C) Types of Professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the two most recent regulatory agendas because the need for the rulemaking was not anticipated when the agendas were published.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 406.APPENDIX D Pre-Service and In-Service Training
406.APPENDIX E List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012; amended at 36 Ill. Reg. 13057, effective August 15, 2012; amended at 36 Ill. Reg. 13388, effective August 15, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 406.4 Application for License

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:
 - A) a completed, signed and dated Application for Home License;
 - B) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - D) a completed, signed and dated Child Support Certification form;
 - E) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
 - F) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
 - G) a copy of high school diploma or equivalent certificate; ~~and~~
 - H) for applications submitted on or after September 1, 2012, proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the home with all educational credentials and pre-service training entered into the registry; ~~and~~
 - I) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*
- 2) For initial applications submitted after January 1, 2011, the applicant, who shall be the primary caretaker, shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix D, which shall include the following topics:
- A) Sudden Infant Death Syndrome (SIDS);

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Shaken Baby Syndrome; and
 - C) Department approved Mandated Reporter training.
- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- d) Fire Safety Inspection
- 1) The Department shall request the Office of the State Fire Marshal (OSFM) to perform a fire safety inspection of homes when an initial application is being considered for licensure and when care will be provided on other than ground level and for homes in multi-housing units and submit a written recommendation of the inspection to the supervising agency of the day care home and to the applicant;
 - 2) The fire safety inspection on single floor homes, at ground level with no unusual or complex code considerations, shall be completed following the list of items for fire safety inspection in Appendix E by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to the Department issuance of a permit or a license, the day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- e) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- f) New Applications

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) A new application shall be filed when any of the following occurs:
 - A) When an application for a license has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of the location of the day care home;
 - C) Not sooner than 12 months after the Department has revoked or refused to renew a license, after the previous license has been surrendered with cause, or refused to issue a full license to a permit holder, and a new license is sought.
- 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
 - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
 - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 406.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

sufficient.

- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix D.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 406.4(b)(6)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
 - 1) Fire safety inspections of homes licensed for multi-housing unit or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;
 - 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix E.
- h) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- i) *For a renewal application effective January 1, 2014 or later, proof the home that has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home. For homes that may not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.

C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.

5) Carbon Monoxide Detector

A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
- B) A second exit may be a window.
- i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of OSFM.
- 11) All walls and surfaces shall be free from chipped or peeling paint, carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
 - 12) Walls of rooms that children use shall be maintained free of lead paint.
 - 13) Furniture and equipment shall be kept in safe repair.
 - 14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 16) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 17) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- A) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- B) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.*
- 18) There shall be written plans for fire and tornado emergencies. Caregivers and assistants in the home shall be familiar with these plans.
- A) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
- B) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
- C) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
- D) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as the safe spots.
- 19) Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible.
- 20) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

tornado.

- 21) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained on file for a period of 3 years.
- 22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.
 - A) All corridors and escape routes from the home shall be kept clear of obstructions.
 - B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.
 - C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.
 - E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.
 - F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc) on any exit door or exit window.
 - G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outside.
 - H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
- 23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable. A log of these daily inspections shall be maintained for at

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.

- 24) The licensee shall hold monthly fire inspections of the day care home.
- 25) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 26) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 27) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 28) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 29) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 30) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
- 31) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

32) Radon Test

Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, with an informative statement provided by the Department.

- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- g) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:
 - 1) A minimum of 35 square feet of floor space per each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.
 - 3) Play areas shall be well drained and safely maintained.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No openings shall be between ⅜ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
- 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

supervise children.

- n) By December 28, 2012, the day care home shall obtain certification that all cribs used by the home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 406.13 Number and Ages of Children Served

- a) The maximum number of children under the age of 12 cared for in a day care home by a caregiver alone shall be 8. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home.
- b) [A Caregiver Alone](#). A caregiver alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 5 children may be under the age of 5, of which
 - C) Up to 3 children may be under 24 months of age.
 - 2) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 6 children may be under the age of 5, of which
 - C) Up to 2 children may be under 30 months of age.
 - 3) A school age group consisting of 8 school age children, as defined in Section 406.2.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) [Caregiver and an Assistant under 18 Years of Age](#)
- [1\)](#) A caregiver and an assistant under age 18 may care for:
- [A1\)](#) One of the groupings in subsection (b) and 4 additional children who are attending school full-time; or
- [B2\)](#) A total of 8 children under 5 years of age, of which up to 5 children may be under 24 months of age.
- [2\)](#) [A caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that when there are more than 8 children in care, a qualified assistant is present.](#)
- [3\)](#) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, [when the provider's own children come home sick,](#) and during the summer.
- d) [A Caregiver and an Assistant 18 Years of Age or Older](#)
- [1\)](#) A caregiver and an assistant 18 years of age or older may care for:
- [A1\)](#) The groupings in subsection (b), and 4 additional children who are attending school full-time; or
- [B2\)](#) Eight children under 5 years of age, of which up to 5 children may be under 24 months of age, and 4 additional children who are attending school full-time.
- [2\)](#) [A caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that, when there are more than 8 children in care, a qualified assistant is present.](#)
- [3\)](#) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, [when the provider's own children come home sick,](#) and during the summer.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- e) The maximum number of children receiving night care shall be 8 children and the groupings shall be consistent with subsections (b) and (c) ~~of this Section~~.
- f) Any children under age 12 living in the home who are receiving home schooling shall be counted in the maximum of 8 children in subsections (b), (c), and (d), unless another parent or caregiver is providing the schooling apart from the day care area and the caregiver has no responsibility for care or supervision or schooling of the children during the hours home day care is provided.
- g) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- h) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
408.10	Amend
408.15	Amend
408.30	Amend
408.65	Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part in order to comply with Public Act 97-981 requiring that effective January 1, 2013, all group day care homes be tested for radon at least once every three years, and a note prescribed in the Act on the dangers of Radon be posted next to the proof of Radon test.

A provision was added that day care homes constructed after December 15, 2011 or that underwent a substantial remodeling of its structure or wiring system after December 15, 2000, that a battery-operated smoke detector may be installed in each room where children sleep or nap to comply with the required installation of a smoke detector in each room as required by law.

A provision was added allowing for instances when providers are caring for children alone to count their own school-age children in the additional 4 school-age children in care provided that when there are more than 8 children in care, a qualified assistant is present. If the provider's child comes home sick from school, they will still be able to be counted in the care provided before and after school count.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
Fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
- C) Types of Professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the two most recent regulatory agendas because the need for the rulemaking was not anticipated when the agendas were published.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	Pre-Service and In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
408.APPENDIX I	List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. 13105, effective August 15, 2012; amended at 36 Ill. Reg. 13403, effective August 15, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 408.10 Application For License

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:
 - A) a completed, signed and dated Application for Home License;
 - B) a list of persons who will be working in the group day care home,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

including any substitutes and assistants, and members of the household age 13 and over;

- C) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
- D) a completed, signed and dated Child Support Certification form;
- E) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e);
- F) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
- G) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic, construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
- H) a copy of high school diploma or equivalent certificate; ~~and~~
- I) for applications submitted on or after September 1, 2012, proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the group day care home with all educational credentials and pre-service training entered into the registry; ~~and~~;
- J) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) For initial applications submitted after January 1, 2011, the applicant shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include:
 - A) Sudden Infant Death Syndrome (SIDS);
 - B) Shaken Baby Syndrome; and
 - C) Department approved Mandated Reporter training.
- c) Fire Safety Inspection
 - 1) For initial applications of group day care homes in multi-housing units, or single family dwellings in which care will be provided on other than ground level, the Department shall request a fire safety inspection from the Office of the State Fire Marshal (OSFM). OSFM shall submit its written recommendation to the supervising agency of the group day care home and to the applicant;
 - 2) The fire safety inspection on single floor homes at ground level with no unusual or complex code considerations shall be completed following the list of items for fire safety inspection in Appendix I by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to Department issuance of a permit or a license, the group day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- d) Licensed group day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- e) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

- f) New Applications
- 1) A new application shall be filed when any of the following occurs:
 - A) When an applicant or licensee seeks to reapply for a license after it has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of residence or location of the group day care home;
 - C) When 12 months have elapsed and the applicant seeks to reapply for a license after:
 - i) the Department has revoked or refused to renew a license;
 - ii) the previous license has been surrendered with cause; or
 - iii) The Department has refused to issue a full license to a permit holder.
 - 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
 - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
 - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 408.15 Application for Renewal of License

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department at least 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix G.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 408.10(b)(7)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
 - 1) Fire safety inspections of homes licensed for multi-housing units or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix I.
- h) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.
- i) *For a renewal application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
- A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
- B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home. For homes that may not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.
- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

that the activation of one detector will activate all the detectors in the facility unit.

- 5) Carbon Monoxide Detector
 - A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.
 - B) The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.

- 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 12) When the basement area may be used for child care, 2 exits shall be provided.
 - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of OSFM.
- 13) All walls and surfaces shall be free from chipped or peeling paint.
- 14) Walls of rooms that children use shall be maintained free of lead paint,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.

- 15) Furniture and equipment shall be kept in safe repair.
- 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 18) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- 20) Radon Test
Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, with an informative statement provided by the Department.

- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
 - 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.
 - 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.
 - 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.
 - 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
 - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
 - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
 - 9) The licensee shall hold monthly fire safety inspections of the group day care home.
 - 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
 - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- d) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- e) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

serving of food, and reasonably safe from hazards.

- g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- j) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- k) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- l) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.

- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- n) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

pesticides used shall be maintained.

- o) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) There shall be written response plans for fire and tornado emergency. These plans shall be familiar to all caregivers and assistants in the group day care home.
 - 1) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
 - 2) The fire evacuation plan shall identify a safe assembly area outside of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

home. It shall also identify a near-by indoor location for post-evacuation holding if needed.

- 3) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
 - 4) Fire drills shall be conducted monthly for the purpose of removing children from the group day care home as quickly as possible during an emergency.
 - 5) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.
 - 6) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
 - 7) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.
- r) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
- t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
 - 2) *The operator of the group home shall notify the parents or guardian of*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.

- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) By December 28, 2012, the group day care home shall obtain certification that all cribs used by the group home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 408.65 Number and Ages of Children Served (~~See Also Appendix H~~)

Appendix H includes a chart of the number and ages of children who can be served.

- a) A ~~Caregiver Alone~~ caregiver alone

1) The maximum number of children under the age of 12 cared for in a group day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

children, related children and unrelated children under age 12 living in the home. A caregiver alone may care for children in accordance with the following age groupings:

A)1) A mixed age group consisting of:

i)A) Up to 8 children under 12 years of age, of which

ii)B) Up to 5 children may be under 5 years of age, of which

iii)C) Up to 3 children may be under 24 months of age; or

B)2) A mixed age group consisting of:

i)A) Up to 8 children under 12 years of age, of which

ii)B) Up to 6 children may be under 5 years of age, of which

iii)C) Up to 2 children may be under 30 months of age; or

C)3) Up to 8 pre-school children if no child is under age 3; or

D)4) Up to 12 school age children as defined by Section 408.5.

2) A caregiver's own full-time school age children may be counted in the additional 4 school-age children if, when there are more than 8 children in care, a qualified assistant is present.

b) A Caregiver~~caregiver~~ and an Assistant~~assistant~~ 18 Years~~years~~ of Age~~age~~ or Older~~older~~

The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and an assistant shall be 12 except when extended capacity is considered under condition in Section 408.65(c). The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. The caregiver and assistant 18 years of age or older may care for children in accordance with the following age groupings:

1) 12 children between 3 and 6 years of age. The assistant must be present

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

when more than 8 such children are present; or

- 2) No more than 12 children under 12 years of age of which no more than 6 children may be under 30 months of age, of which no more than 4 children may be under 15 months of age.
- c) Extended Capacity~~capacity~~
 - 1) A caregiver, a full-time assistant and a part-time before and/or after school assistant is employed may care for 4 additional children who are attending school full-time. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.
 - 2) Care provided for the additional before and after school children is limited to children who attend school full-time and ~~it is limited~~ to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.
- d) The maximum number of children receiving night care shall be 12 children and groupings shall be consistent with subsections (a) and (b) ~~of this Section~~.
- e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
 - 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations for Radon Service Providers
- 2) Code Citation: 32 Ill. Adm. Code 422
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
422.20	Amendment
422.30	Amendment
422.45	Amendment
422.50	Amendment
422.60	Amendment
422.65	New Section
422.70	Amendment
422.90	Amendment
422.100	Amendment
422.110	Amendment
422.120	Amendment
422.130	Amendment
422.140	Amendment
422.150	Amendment
422.160	New Section
422. APPENDIX A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 20 of the Radon Industry Licensing Act [420 ILCS 44/20]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing these amendments to be consistent with the Radon Industry Licensing Act [420 ILCS 44], Radon Resistant Construction Act [420 ILCS 52] and the School Code [105 ILCS 5]; to allow the Agency to conduct performance audits of licensees' records at Agency offices; to clarify license application and termination requirements; to allow variances for building contractors; to allow for an exam fee and remove fee waivers; to allow licensed home inspectors to perform required activities during a measurement; to clarify quality control requirements for school and commercial building measurements; to clarify device protocol to ensure only laboratories authorized by the manufacturer performed calibration and maintenance on electret devices; and to allow drain tile to be used beneath soil gas retarders.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355: No studies or reports were used in drafting this amendment to 32 Ill. Adm. Code 422.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments should be submitted to:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)
217/524-3698 (fax)
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities or not for profit corporations affected: Radon licensees are all individuals who are small businesses, except for a few radon measurement professionals who work for county health departments. The licensees who are employees of small municipalities will no longer be granted a waiver of fees by the regulations.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 422

REGULATIONS FOR RADON SERVICE PROVIDERS

Section

422.10	Purpose and Scope
422.15	Incorporations by Reference
422.20	Definitions
422.30	Exemptions from Requirements for a License
422.40	Categories of Licenses
422.45	Form, Location and Retention of Records
422.50	Application for Licenses
422.60	Requirements for Issuance or Renewal of Licenses
<u>422.65</u>	<u>Terminating a License</u>
422.70	Conditions of Licenses
422.75	State Radon License Exam
422.80	Continuing Education Requirements
422.85	Agency Approval of Radon Courses
422.90	Renewal and Termination of Licenses
422.100	Fees
422.110	Reports to the Agency
422.120	Disciplinary Action by the Agency
422.130	Measurement Protocol
422.140	Device Protocol
422.150	Mitigation Standard <u>for Existing Housing</u>
<u>422.160</u>	<u>Mitigation Standard for New Residential Construction</u>
422.APPENDIX A	Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)
422.APPENDIX B	Recommended Testing Strategy for Measurements in Buildings Involved in Real Estate Transactions
422.APPENDIX C	Radon and Radon Decay Product Measurement Method Categories
422.APPENDIX D	Sample Notice
422.APPENDIX E	Diagram of Room Worksheet for Radon Measurements

AUTHORITY: Implementing and authorized by Section 20 of the Radon Industry Licensing Act [420 ILCS 44/20].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rule adopted at 21 Ill. Reg. 1568, effective January 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 10499, effective June 1, 1998; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 3212, effective February 22, 2005; amended at 33 Ill. Reg. 14479, effective October 9, 2009; amended at 37 Ill. Reg. _____, effective _____.

Section 422.20 Definitions

As used in this Part:

"Act" means the Radon Industry Licensing Act [420 ILCS 44].

"Active Mitigation System", also known as "Active Soil Depressurization" or "ASD", means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD). [420 ILCS 52]

~~"Active Soil Depressurization" or "ASD" means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).~~

"Agency" means the Illinois Emergency Management Agency (IEMA).

"Altering" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design.

"As Low As Is Reasonably Achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Backdrafting" means a condition where the normal movement of combustion products up a flue, resulting from the buoyant forces on the hot gases, is reversed, so that the combustion products can enter the house. Backdrafting of combustion appliances (such as fireplaces and furnaces) can occur when depressurization in the house overwhelms the buoyant force on the hot gases. Backdrafting can also be caused by high air pressures or blockage at the chimney or flue termination.

"Backer Rod" means a semi-rigid foam material resembling a rope of various diameters used to fill around pipes, etc., and to assist in making a sealed penetration. For example, where a pipe is inserted through a concrete slab, a length of backer rod is jammed into the opening around the pipe. Caulking is then applied to the space above the backer rod and between the outside of the pipe and the slab opening. The purpose of the backer rod is to hold the semi-fluid caulk in place until it sets or hardens. It is most important that a sealant only adhere to the 2 sides of the joint and not the base of the joint (third side). Adhesion to all 3 sides will prevent the sealant from elongating properly and will cause sealant failure.

"Block Wall Depressurization" means a radon mitigation technique that depressurizes the void network within a block wall foundation by drawing air from inside the wall and venting it to the outside.

"Client" means any person who contracts for measurement or mitigation services.

"Combination Foundations" means buildings constructed with more than one foundation type, e.g., basement/crawlspace or basement/slab-on-grade.

"Commercial Building" means a type of building that is designed for commercial use, including but not limited to office buildings, warehouses, retail facilities, schools, recreational facilities, assisted living facilities and buildings that combine these uses.

"Communication Test" means a diagnostic test designed to qualitatively measure the ability of a suction field and air flow to extend through the material beneath a concrete slab floor and thus evaluate the potential effectiveness of a sub-slab depressurization system. This qualitative test is commonly conducted by applying suction on a centrally located hole drilled through the concrete slab and simultaneously observing the movement of smoke downward into small holes drilled in the slab at locations separated from the central suction hole. (See also

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Pressure Field Extension.)

"Continuing Education Credits" or "CE Credits" means those continuing education credits received for documented successful completion of Agency-approved CE courses or for instructing an approved CE course.

"Crawlspace Depressurization" means a radon control technique designed to achieve lower air pressure in the crawlspace relative to indoor air pressure by use of a fan-powered vent drawing air from within the crawlspace. (See also Mechanically Ventilated Crawlspace System.)

"Diagnostic Tests" means procedures used to identify or characterize conditions within buildings that may contribute to radon entry or elevated radon levels or may provide information regarding the performance of a mitigation system.

"Drain Tile Depressurization" or "DTD" means a type of active soil depressurization system where the suction point piping attaches to a drain tile or is located in the gas-permeable material near the drain tile. The drain tile may be inside or outside the footings of the building.

"Drain Tile Loop" means a continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawlspace footing.

"Dwelling" means a single family home or a single unit within a multiple family complex.

"Eave" means the border of a roof that overhangs any wall.

"Electret Ion Chamber" or "Electret" means an electrostatically charged piece – usually a disk – of Teflon, called an electret, located inside an electrically conducting plastic chamber of a known air volume. The electret serves as a source of high voltage needed for the chamber to operate as an ion chamber. It also serves as a sensor for the measurement of ionization in air. The ions produced inside the sensitive volume of the chamber are collected by the electret causing a depleted charge. The measurement of the depleted charge during the exposure period is a measure of integrated ionization during the measurement period. The electret charge is read before and after the exposure using a specially built non-contact electret voltage reader.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Footprint" means each foundation type in direct contact with soil or other material.

"Foundation Type" means basement, crawlspace, slab-on-grade or any other construction technique approved by local building code.

"Government Entity" means the State, a State agency, a political subdivision, or any entity of local government.

"HVAC" means heating, ventilation and air conditioning.

"Home Environment Measurement" means a short term or long term measurement of radon in a single family home, duplex or condominium.

"Individual" means any human being.

"Interfere" means *to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation.* [420 ILCS 44/15]

"Laboratory" means any organization that analyzes or calibrates radon or radon progeny measurement devices or detectors.

"Laboratory Analysis" means *the act of analyzing the radon or radon progeny concentrations with passive devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.* [420 ILCS 44/15]

"Living Area" means any area in a building that is, or could be, adapted for human habitation whether the area is located in a basement, over a crawlspace, or situated on a slab-on-grade.

"Long Term Measurement" means measurements lasting 91 days or more; closed building conditions are not required, but are recommended. Long term measurements are not time-sensitive and, therefore, real estate testing options do not apply.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Measurement" means any radon or radon progeny tests, laboratory analysis, or exposure in a known radon or radon progeny environment, as in a radon chamber.

"Mechanically Ventilated Crawlspace System" means a radon control technique designed to increase ventilation within a crawlspace, achieve higher air pressure in the crawlspace relative to air pressure in the soil beneath the crawlspace, or achieve lower air pressure in the crawlspace relative to air pressure in the living spaces, by use of a fan. (See also Crawlspace Depressurization.)

"Mitigation" means *the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.* [420 ILCS 44/15]

"Mitigation System" means any system or steps designed to reduce radon concentrations in the indoor air of a building.

"Multi-Family Building" means a building, 3 stories or less, designed to house more than 4 families in separate units that do not have a common HVAC system for multiple units.

"New Residential Construction" means any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or town houses. [420 ILCS 52]

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

~~"Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to at least 12 inches above the roof.~~

"Passive Monitor" means a measurement tool that does not require external power or batteries to operate, such as charcoal detectors or alpha track detectors.

"Passive New Construction Pipe" or "PNC" means a pipe installed in new

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof. [420 ILCS 52]

"Performance Audit" means an examination of a program, function or operation or of the management systems, procedures and records of a radon contractor to assess whether the entity is complying with the Radon Industry Licensing Act [420 ILCS 44], this Part and its Quality Assurance Program.

"Perimeter Channel Drain" means a system for collecting water in a basement by means of a large gap or channel between the concrete floor and the wall. Collected water may flow to aggregate beneath the slot ("French Drain") or to a sump where it can be drained or pumped away.

"Person" means an entity including, but not limited to, *an individual*, company, corporation, *firm, group, association, partnership, joint venture, trust, or government agency or subdivision.* [420 ILCS 44/15]

"Picocurie Per Liter" or "pCi/L" means 2.2 disintegrations per minute of radioactive material per liter of air.

"Pressure Field Extension" means the distance that a pressure change is induced in the sub-slab area, measured from a single or multiple suction points. (See also Communication Test.)

"QAP" means Quality Assurance Program.

"Radon" means a *gaseous radioactive decay product of uranium or thorium.* [420 ILCS 44/15]

"Radon Chamber" means a facility in which radon measurement devices or detectors are exposed to known radon concentrations.

"Radon Contractor" or "Contractor" means a *person licensed to perform radon or radon progeny mitigation or to perform measurements of radon or radon progeny in an indoor atmosphere.* [420 ILCS 44/15]

"Radon Progeny" means any *combination of the radioactive decay products of radon.* [420 ILCS 44/15]

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Radon Resistant Construction" means the installation of passive new construction pipe during new residential construction. [420 ILCS 52]

~~"Radon Resistant New Construction" or "RRNC" means construction techniques that have been demonstrated to limit the amount of radon gas that enters from surrounding soil into the indoor environment. These techniques include passive and skeletal new construction systems.~~

"Radon Service Provider" means a radon contractor, laboratory, or person who performs laboratory analysis.

"Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, or in expectation of, a real estate transaction and are time-limited due to this transaction.

"Re-Entrainment" means the unintended re-entry into a building of radon that is being exhausted from the vent of a radon mitigation system.

"Renewal" means issuance of a license that is expiring, has expired or has been previously terminated.

"Research" means Agency-approved scientific investigation by testing and/or mitigating for radon or radon progeny.

"Residential Building Code" means an ordinance, resolution or law that establishes standards applicable to new residential construction. [420 ILCS 52]

"Residential Building Contractor" means any individual, corporation or partnership that constructs new residential buildings. [420 ILCS 52]

"Residential Real Estate Measurement" means a measurement of radon in a single family home, duplex or condominium involved in a real estate transaction. Based on the time sensitive nature of real estate transactions, only short term measurements are appropriate and specific protocols are required.

"School Screening Measurement" means a measurement of radon performed by school district staff in accordance with the School Code [105 ILCS 5].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Sealing and Caulking" means to plug and make tight to reduce the passage of gas. Sealing and caulking enhances radon reduction techniques; however, sealing and caulking alone has not been shown to lower radon levels significantly or consistently.

"Short Term Measurement" means measurements conducted for at least 48 hours and up to 90 days; closed building conditions are required for measurements lasting seven days or less and recommended throughout.

~~"Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and may consist of multiple vent pipes, including vertical and angled runs not necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof.~~

"Soil Gas" means the gas mixture present in soil that may contain radon.

"Soil Gas Retarder" means a continuous membrane of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible~~or other comparable~~ material used to retard the flow of soil gases into a building.

"Stack Effect" means the overall upward movement of air inside a building that results from heated air rising and escaping through openings in the building envelope, thus causing indoor air pressure in the lower portions of a building to be lower than the pressure in the soil beneath or surrounding the building foundation.

"Subfloor" means a concrete slab and other approved permanent floor system that directly contacts the ground and is within the walls of the living spaces of the building.

"Sub-Membrane Depressurization" or "SMD" means a radon control technique designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor and sealed, relative to air pressure in the crawlspace, by use of a vent or fan-powered vent drawing air from beneath the membrane.

"Sub-Slab Depressurization (Active)" or "SSD (Active)" means a radon control technique designed to achieve lower sub-slab pressure relative to indoor air

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

pressure by use of a fan-powered vent drawing air from beneath the concrete slab.

"Sub-Slab Depressurization (Passive)" or "SSD (Passive)" means a radon control technique designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe (without a fan) routed through the conditioned space of a building and connecting the sub-slab area to the outdoor air. This system relies primarily on the convective flow of warmed air upward in the vent to draw air from beneath the concrete slab.

"Suitable for Occupancy" means a structural area in a home currently lived in or an area not currently used for occupancy, such as a basement, that an occupant or homeowner could use for living space without renovations. This includes an unfinished basement that could be used regularly as, for example, a recreation room, playroom, exercise room or workshop.

"USEPA" means the United States Environmental Protection Agency.

"Working Level" or "WL" means any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon progeny for radon-222 are: polonium-218, lead-214, bismuth-214 and polonium-214.

"Working Level Month" or "WLM" means a unit of exposure used to express the accumulated human exposure to radon decay products. It is calculated by multiplying the average working level to which a person has been exposed by the number of hours exposed and dividing the product by 170.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.30 Exemptions from Requirements for a License

The Agency ~~may~~shall, upon application or upon its own initiative~~therefor~~, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing requirements of this Part:

- a) A person performing radon measurements or mitigation on a dwelling in which the person resides.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- b) A person temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority that is recognized by this State under principles of mutual reciprocity.
- c) Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement or mitigation services.
- d) Persons who do not perform radon measurements or mitigation, but who are employed for the purpose of disseminating beneficial information to the public for agencies that the USEPA considers to be partners in providing accurate radon information to the public, such as educational institutions, the American Lung Association, the National Safety Council, and the National Association of City and County Governments and State and local public health officials who disseminate radon measurement devices to the public.
- e) A person performing diagnostic tests for the purpose of assessing site decontamination in accordance with a radioactive materials license granted by the Agency. Diagnostic tests shall not be used as a basis for a decision to, or not to, mitigate the radon level within a building.
- f) Employees of the Agency performing measurements or mitigations as part of their official duties.
- g) The installation of radon resistant construction may be performed by a residential building contractor or his or her subcontractors.
- AGENCY NOTE: Only a radon contractor may install a radon vent fan or upgrade a passive new construction pipe to an active mitigation system.
- h) School district employees performing radon screening measurements in accordance with the exemptions outlined in Sections 10-20.48 and 34-18.39 of the School Code [105 ILCS 5/10-20.48 and 34-18.39].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.45 Form, Location and Retention of Records

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- a) Each record required by this Part and other applicable Parts of Title 32 shall be legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. Adequate safeguards against tampering with and loss of records shall be maintained throughout the retention period, even if the license expires or is terminated.
- b) Each professional licensee shall maintain the records required by this Part and, at the request of the Agency make himself or herself available during normal business hours, in the offices of the Agency, for a performance audit of the license.
- ~~c) At the time of application for a license or renewal, the applicant shall specify, for Agency approval, a location where records required by this Part and other applicable Parts of Title 32 Ill. Adm. Code shall be maintained for inspection by the Agency. This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located. Copies of records required by this Part and other applicable Parts of Title 32 shall be maintained at the locations specified in Section 422.50(i) or an alternate location approved by the Agency that shall be in Illinois or within 50 miles of the Illinois border.~~
- d) Records required by this Part or other Parts of Title 32, including but not limited to records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans, shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.50 Application for Licenses

- a) Any person applying to the Agency for a new license or a renewal of a license to perform radon-related measurement, mitigation or laboratory analysis services

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

shall:

- 1) Submit a complete and legible application form;
 - 2) Pay the appropriate non-refundable fee prescribed in Section 422.100; and
 - 3) Meet the licensing requirements, as applicable, and as set forth in Section 422.60.
- b) Any person who anticipates conducting radon-related measurement, mitigation, or laboratory analysis services shall receive the license prior to providing such services in Illinois.
- c) The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- d) An application for renewal of a license shall be submitted at least 30 days prior to the expiration date of the license. An application shall be deemed filed on the date that it is received by the Agency. A radon service provider shall not provide radon services after the expiration date of a license.
- e) The application for renewal shall demonstrate successful completion of continuing education requirements as specified in Section 422.80, as applicable, satisfactory inspection or audit results, submittal of a complete and accurate application form for renewal and the payment of the appropriate fee as specified in Section 422.100.
- f) ~~The Agency shall deny a license to any person if the Agency has evidence that the applicant has engaged in any of the acts listed in Section 422.120 unless the condition listed in Section 422.120 no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.120.~~
- g) ~~The Agency shall deny an original or renewal license to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission. However, the Agency may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistant Commission. [420 ILCS 44/45]~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- h) ~~The Agency shall refuse to issue or renew a license to any individual if the Agency has received evidence from the Department of Public Aid that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65(e).~~
- i) ~~The person applying for a license or renewal of a license shall specify, for Agency approval, a location where records required by this Part and other applicable Parts of Title 32 Ill. Adm. Code shall be maintained for inspection by the Agency. This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.60 Requirements for Issuance or Renewal of Licenses

- a) The Agency shall issue a Radon Measurement Professional license to any individual who fulfills the following requirements:
 - 1) Is at least 18 years of age.
 - 2) Provides evidence of relevant work experience and education that meets any one of the following criteria:
 - A) Documented work history approved by the Agency demonstrating completion of 50 radon measurements; or
 - B) No experience. A new license performance audit will be performed by the Agency.
 - 3) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.
 - 4) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.
 - 5) Submits a complete and accurate application form prescribed by the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Agency that includes, but is not limited to:

- A) Home address~~A description of all types of indoor radon measurements performed and any other related services offered;~~
- B) Home phone number~~A description of all measurement devices the applicant or licensee plans to use;~~
- C) Work address~~A worker protection program description acceptable to the Agency that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area; and~~
- D) Work phone number~~; A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:~~
 - i) ~~A policy statement committing to provide quality work;~~
 - ii) ~~A description of management and structure of the organization;~~
 - iii) ~~A listing of personnel, their qualifications and training;~~
 - iv) ~~Procedures for procurement of items and services;~~
 - v) ~~Procedures for maintaining documents and records;~~
 - vi) ~~A description of relevant computer hardware and software;~~
 - vii) ~~A planning process for radon and radon progeny services;~~
 - viii) ~~Procedures for calibration and testing of instruments;~~
 - ix) ~~A corrective action program; and~~
 - x) ~~Standard operating procedures.~~
- E) Email address:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- F) A description of all types of indoor radon measurements performed and any other related services offered;
 - G) A description of all measurement devices the applicant or licensee plans to use;
 - H) A worker protection program description acceptable to the Agency that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area; and
 - D) A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:
 - i) A policy statement committing to provide quality work;
 - ii) A description of management and structure of the organization;
 - iii) A listing of personnel, their qualifications and training;
 - iv) Procedures for procurement of items and services;
 - v) Procedures for maintaining documents and records;
 - vi) A description of relevant computer hardware and software;
 - vii) A planning process for radon and radon progeny services;
 - viii) Procedures for calibration and testing of instruments;
 - ix) A corrective action program; and
 - x) Standard operating procedures.
- 6) Submits standard operating procedures for the performance of radon or radon progeny measurements in each of the following categories for which they offer services: home, multi-family building, or school and commercial building measurements.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

AGENCY NOTE: The Agency recommends using the "ANSI/AARST Standard: Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings" in preparing multi-family building standard operating procedures.

- 7) ~~For an~~An individual requesting renewal ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.
- b) The Agency shall issue a Radon Measurement Technician license to any individual authorizing work under the general supervision of a Radon Measurement Professional licensee, if the applicant meets the following requirements:
- 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Agency.
 - 3) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Agency.
 - 4) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:
 - A) Home address;
 - B) Home phone number;
 - C) Work address;
 - D) Work phone number; and
 - E) Email address.
- 54) ~~For an~~An individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.
- c) The Agency shall issue a Radon Mitigation Professional license to any individual

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

who fulfills the following requirements:

- 1) Is at least 18 years of age.
- 2) Provides evidence of relevant work experience and education that meets any of the following criteria:
 - A) At least 4 years of design and construction of buildings, or associated heating, ventilation and air conditioning (HVAC), or closely related activities approved by the Agency;
 - B) Documented work history approved by the Agency demonstrating completion of 50 radon mitigation installations; or
 - C) No experience. A new license performance audit will be performed by the Agency.
- 3) Provides proof of successful completion of the USEPA Radon Mitigation Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.
- 4) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent mitigation examination approved by the Agency.
- 5) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:
 - A) Home address;
 - B) Home phone number;
 - C) Work address;
 - D) Work phone number;
 - E) Email address;
 - FA) A description of all diagnostic tests that may be performed to determine the mitigation strategy and any other radon related

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

services offered;

GB) A description of all mitigation system designs or strategies offered. Materials and design controls shall be included in the professional licensees' Quality Assurance Program description;

HC) A worker protection program description acceptable to the Agency, to be followed when performing mitigation installations, that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny concentrations in the work area;

ID) A Quality Assurance Program description acceptable to the Agency that includes, but is not limited to:

i) A policy statement committing to provide quality work;

ii) A description of management and structure of the organization;

iii) A listing of personnel, their qualifications and training;

iv) Procedures for procurement of items and services;

v) Procedures for maintaining documents and records;

vi) A description of relevant computer hardware and software;

vii) A planning process for radon and radon progeny services;

viii) Procedures for calibration and testing of instruments;

ix) A corrective action program; and

x) Standard operating procedures.

6) Provides proof of insurance as specified in Section 422.70(q).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 7) Submits standard operating procedures for the performance of mitigations in each of the following categories for which they offer services: home, multi-family building, or school and commercial building mitigations.
 - 8) ~~For an~~An individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.
- d) The Agency shall issue a Radon Mitigation Technician license to any individual authorizing work under the general supervision of a Radon Mitigation Professional licensee, if the applicant meets the following requirements:
- 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Mitigation Operators Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Agency.
 - 3) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent examination approved by the Agency.
 - 4) Submits a complete and accurate application form prescribed by the Agency that includes, but is not limited to:
 - A) Home address;
 - B) Home phone number;
 - C) Work address;
 - D) Work phone number; and
 - E) Email address.
- 54) ~~For an~~An individual requesting renewal, ~~shall submit~~ evidence of meeting the continuing education requirements in Section 422.80.
- e) The Agency shall issue a Laboratory Analysis license to any person who submits a complete and accurate application form prescribed by the Agency that includes:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) The name of one individual who is responsible for the laboratory radon analytical activities;
- 2) A description of all measurement devices used and services offered; and
- 3) Documentation of a Quality Assurance Program that meets one of the following:
 - A) A quality assurance program description consistent with ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories Compliance published December 15, 1999, exclusive of subsequent amendments or editions; or
 - B) Is successfully enrolled in an independent third party accreditation/certification program consistent with national laboratory accreditation and certification standards, or an equivalent program approved by the Agency, for the devices listed in subsection (e)(2) ~~of this Section~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.65 Terminating a License

- a) Any person licensed by the Agency may cease licensed activities and terminate his or her license at any time.
- b) The licensee ~~desiring to terminate his or her~~ license shall submit to the Agency, within 15 days after ceasing to provide licensed services, the following information:
 - 1) A request in writing stating the last date of any licensed activity.
 - 2) The original license document.
 - 3) The location where records will be maintained in compliance with Section 422.45.
- c) The licensee shall allow the Agency to perform an audit that was scheduled before the licensee submitted a request to terminate the license.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

AGENCY NOTE: Failure to pay the annual fee DOES NOT automatically terminate an Illinois radon license. The Agency must be notified in writing if a license is to be terminated.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 422.70 Conditions of Licenses

- a) Any person licensed by the Agency to perform radon measurement shall perform in accordance with the measurement protocol provided in Section 422.130 as applicable to the measurement type performed and the devices used.
- b) Any person licensed by the Agency to perform radon measurements shall use devices approved by USEPA, prior to the retirement of the USEPA Radon Proficiency Program, or the Agency to measure radon and radon progeny.
- c) No unlicensed individual shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual.
- d) Within 45 days after providing radon measurements, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the occupant, the owner of the building, his/her representatives or the client.
- e) Licensees shall comply with 32 Ill. Adm. Code 340. This means that the radiation exposure shall not exceed 30 pCi/L or 0.3 WL, based on continuous workplace exposure for 40 hr/week, 52 weeks per year and shall not exceed 4 working level months (WLM) over a 12 month period, using an equilibrium ratio of 50 percent to convert radon exposure to WLM.
- f) Records of radon measurements, mitigations, Quality Assurance Programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for a least 5 years or the length of time of any warranty or guarantees, whichever is longer.
- g) No person shall interfere with, or cause another to interfere with, the successful completion of a radon measurement or the installation or operation of a radon mitigation.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- h) The radon laboratory licensee shall notify the Agency in writing within 5 working days when it loses or replaces the individual named pursuant to Section 422.60(e)(1).
- i) A licensee shall return the original license document to the Agency within 15 days after ceasing to provide licensed services, unless the license has expired.
- j) Mitigators who are also licensed to perform measurements shall not perform radon measurements before or after the installation of a mitigation system at the same address as the mitigation installation, unless a measurement has been made by another independent person in accordance with this Part.
- k) Licensees shall inform the Agency of changes in biographical information, such as addresses and telephone numbers, within 10 days after the change is effective.
- l) Substantive changes to license application representations require an amendment to the license and Agency approval. Licensees shall request amendments to documents at least 30 days prior to the effective date of the desired revision.
- m) The licensee shall comply with all the applicable provisions of this Part.
- n) The licensee shall comply with the Agency-approved Quality Assurance Program.
- o) Professional licensees shall be located in Illinois or within 50 miles of the Illinois border. Professional licensees shall provide general supervision of technician licensees working under their Quality Assurance Program.
- p) [Radon contractors or residential building contractors](#)~~Contractors~~ installing research or innovative radon techniques or otherwise deviating from the standards in this Part shall notify the Agency in writing. Approval from the Agency in writing must be received prior to the commencement of work. When ~~thesueh~~ research is conducted, a performance standard shall be applied, for example, post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Agency shall include:
 - 1) Written acknowledgement signed by the client stating that the client understands the reasons the contractor plans to deviate from the standards of this Part;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) The technical bases for the measurement or mitigation technique and description of the functional accomplishments that will be achieved; and
 - 3) The identity of the client and the address of the building, including the zip code.
- q) A Radon Mitigation Professional engaged in the business of radon mitigation shall obtain and maintain in full force and effect during the operation of the business public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513]. The licensee or applicant for a license shall provide proof of this insurance to the Agency annually. Illinois Radon Mitigation System tags will not be issued without valid proof of insurance.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.90 Renewal ~~and Termination~~ of Licenses

- a) Licenses shall be renewed in accordance with Section 422.60 ~~of this Part.~~
- b) All applicants seeking renewal shall complete the continuing education requirements in Section 422.80, except, when the license has been expired or terminated, the person may take the appropriate qualification course and Radon License Exam as an alternative to the required CE.
- c) ~~Licenses shall notify the Agency when they wish the Agency to terminate the license. The request to terminate the license shall be signed by the licensee and shall include the following:~~
 - 1) ~~The license; and~~
 - 2) ~~The location where records will be maintained in compliance with Section 422.45.~~
- d) ~~The licensee shall allow the Agency to perform an audit that was scheduled before the licensee submitted a request to terminate the license.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.100 Fees

- a) The annual fee in all categories shall be as follows:
- | | |
|---|-------|
| Radon Measurement Professional license – Individual | \$500 |
| Radon Measurement Technician license – Individual | \$250 |
| Radon Mitigation Professional license – Individual | \$500 |
| Radon Mitigation Technician license – Individual | \$250 |
| Laboratory Analysis | \$500 |
- b) An individual license application fee of \$125 shall accompany a new application when filed with the Agency. A laboratory application fee of \$500 shall accompany a new application when filed with the Agency.
- c) All fees assessed in accordance with this Section are non-refundable.

~~AGENCY NOTE: A local government or school employee may, upon application for a Radon Measurement Professional license, have the fees waived if his/her practice is limited to his/her official duties and is not charging a fee for this service.~~

- d) The appropriate fees shall be paid within 60 days after the date on the statement issued by the Agency.
- e) ~~The Effective November 1, 2009, the~~ fee for an Illinois Mitigation System Tag shall be \$50. Only Radon Mitigation Professionals shall purchase Illinois Mitigation System Tags from the Agency. Illinois Mitigation System Tags shall be purchased in amounts not less than 5 per transaction.
- f) Effective July 1, 2013, an application fee of \$125 shall accompany an application for the State Radon License Exam.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.110 Reports to the Agency

- a) All individuals licensed to perform radon measurements and former licensees shall submit to the Agency the following information of all radon and radon progeny measurements individually on an annual basis by a method prescribed by

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

[the Agency](#). The file submitted to the Agency shall be an ASCII, comma delimited file.

- 1) Address, city, state, zip code.
 - 2) Start date and time the measurement began.
 - 3) End date and time the measurement was completed.
 - 4) Location where test was performed (i.e., basement, crawlspace, slab, other).
 - 5) Room use (i.e., living, family, bedroom).
 - 6) Whether a [PNC or ASD radon reduction mitigation](#) system is currently in use.
 - 7) Result of the measurements taken in pCi/L.
 - 8) The type of test performed (i.e., duplicate, simultaneous).
 - 9) Device used (i.e., AC, AT, CR, LS, ES, etc.).
 - 10) Serial number of the device used.
 - 11) The lab used or manufacturer of the device.
 - 12) The permanent vents at this location (i.e., crawlspace, fireplace, fresh air intake).
 - 13) Status of the permanent vents during the test (i.e., open, closed).
 - 14) An indication of whether the test was valid.
 - 15) Brief description of why the test was invalid.
- b) All individuals licensed to perform radon mitigations and former licensees shall submit to the Agency the following information of all radon and radon progeny mitigations individually on an annual basis [by a method prescribed by the](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

[Agency](#). The file submitted to the Agency shall be an ASCII, comma delimited file.

- 1) Address, city, state and zip code where mitigation was conducted.
 - 2) Date mitigation system was installed.
 - 3) Indication of whether an active soil depressurization system was installed.
 - 4) Indication of whether radon resistant new construction techniques were used.
 - 5) The Illinois Mitigation System Tag number issued by IEMA installed on the system.
- c) All individuals licensed to perform laboratory analysis who report results to home occupants, owners or their representative shall submit to the Agency the following information of all complete radon and radon progeny measurements on an annual basis [by a method prescribed by the Agency](#). The files submitted to the Agency shall be an ASCII, comma delimited file.
- 1) Address, city, state, zip code.
 - 2) Start date and time the measurement began.
 - 3) End date and time the measurement was completed.
 - 4) Result of the measurements taken in pCi/L.
 - 5) Device used (i.e., AC, AT, CR, LS, ES, etc.).
 - 6) Serial number of the device used.
 - 7) The lab used or manufacturer of the device.

AGENCY NOTE: In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- d) All licensees shall report apparent non-compliances with either the Radon Industry Licensing Act or this Part to the professional licensee upon discovery; then to the Agency in writing within 45 days upon discovery unless appropriate corrective action has been performed within 30 days after discovery.
- e) ~~All individuals licensed to perform radon mitigations shall submit annually to the Agency proof of public liability and property damage insurance that meets the requirements of the Home Repair and Remodeling Act [815 ILCS 513].~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.120 Disciplinary Action by the Agency

- a) The Agency may ~~refuse to issue or to renew, or may~~ refuse to issue or to renew, or may ~~take other disciplinary action as the Agency may deem proper, including fines not to exceed \$1,000 for each violation, with regard to any license may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license~~ take other disciplinary action as the Agency may deem proper, including fines not to exceed \$1,000 for each violation, with regard to any license may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license for any one or a combination of the following causes or those listed in Section 45 of the Radon Industry Licensing Act [420 ILCS 44/45]:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for a license, if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for a license pursuant to this Part, such as a misstatement or misrepresentation regarding training or experience;
 - 2) Willfully evading the statute or regulations pertaining to a license, or willfully aiding another person in evading the statute or regulations pertaining to a license;
 - 3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust;
 - 4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 5) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered; ~~and~~
 - 6) A person knowingly makes a false material statement to an Agency employee during the course of official Agency business; ~~;~~
 - 7) ~~Failure to Provide Access to Records.~~ Failure to make records available for audit or inspection at all reasonable times, such as during usual business hours; ~~;~~
 - 8) *Failing, within 60 days, to provide information in response to a written request made by the Agency that has been sent by mail to the licensee's last known address.* [420 ILCS 44/45(g)]; ~~;~~
 - 9) *Failure to file a return or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.* [420 ILCS 44/45(q)];
 - 10) Failing to repay an education loan guaranteed by the Illinois Student Assistance Commission as provided in Section 80 of the Nuclear Safety Law of 2004 [20 ILCS 3310/80]; or
 - 11) Failing to meet child support orders as required in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]. The action will be based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see IAPA Section 10-65(c)).
- b) If, based upon any of the grounds in subsection (a) of this Section or Section 45 of the Radon Industry Licensing Act, disciplinary action is initiated, the Agency shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200-~~60~~. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke a person's license.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

unless the Agency has evidence of imminent danger as provided in subsection (d) of this Section.

- c) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of licensure for up to one year. Suspension of a license shall be for up to 1 year in time. The term of suspension or denial may shall be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, and the Director concurs, if that the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one+ year or frequent child support arrearages, the Agency shall revoke the person's license or deny the application.
- d) The Director may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. *If the Director summarily suspends a license without a hearing, a hearing by the Agency shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.* [420 ILCS 44/50] The hearing shall be held in accordance with 32 Ill. Adm. Code 200.
- e) When a person's license is suspended or revoked, the person shall surrender the license to the Agency and cease licensed activities.
- f) A person whose license has been revoked may seek reinstatement of the license by filing with the Agency a petition for reinstatement. Petitions may be filed one year or more after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation or other just cause.
- g) A person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.130 Measurement Protocol

a) Measurement Location

- 1) Short-term or long-term measurements shall be made, at the same time, in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in each of the foundation types: the basement, a slab-on-grade room and a room over the crawlspace.
 - A) Measurements shall be made in rooms that can be regularly occupied by individuals, such as family rooms, living rooms, dens, playrooms and bedrooms.
 - B) Charcoal canisters of any type shall not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.
 - C) When the arealevel of the home being tested is over 2000 square feet, an additional test location is required for each 2000 square feet of the arealevel being tested.
 - D) Measurement devices shall be placed in the general breathing zone and shall be:
 - i) Undisturbed during the measurement period;
 - ii) At least 3 feet from exterior doors, windows to the outside, or ventilation ducts;
 - iii) Out of the direct flow of air from the ventilation duct;
 - iv) At least 1 foot from exterior walls;
 - v) 20 inches to 6 feet from the floor;
 - vi) At least 4 inches away from other objects horizontally or vertically above the detector;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- vii) At least 4 feet from heat, fireplaces and furnaces, out of direct sunlight, etc.;
 - viii) At least 7 feet from sump pits.
 - E) Measurement devices may be suspended in the general breathing zone and, if suspended, shall be 20 inches to 6 feet above the floor and at least 1 foot below the ceiling.
 - F) Measurements made in closets, cupboards, sumps, crawlspaces or nooks within the foundation shall not be used as a representative measurement and shall not be the basis for a decision to, or not to, mitigate the radon level within a building.
- b) Measurements
- 1) A short-term measurement shall range in duration from 48 hours to 90 days, depending upon the measurement device used. Unoccupied homes shall be tested with the HVAC system set and operating throughout the measurement interval in the normal range, such as 72 degrees F plus or minus 5 degrees F.
 - A) Short-term measurements shall be made under closed-building conditions. In measurements lasting more than seven days and less than 90 days, closed-house conditions shall be maintained as much as possible while the measurement is in progress.
 - B) Closed building conditions shall begin at least 12 hours prior to the beginning of the measurement period for measurements lasting less than 96 hours.
 - C) The following conditions shall be complied with during closed-building conditions:
 - i) Operation of permanently installed HVAC systems shall continue during closed-building conditions. Radon Measurement licensees shall inform the resident in writing that operation of dryers, range hoods, bathroom fans and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

other mechanical systems that draw air out of the building may adversely affect the measurement results.

- ii) In buildings having permanently installed radon mitigation systems, the mitigation system shall be functioning during the measurement interval.
- iii) Air conditioning systems that recycle interior air may be operated during closed-building conditions.
- iv) All windows shall be kept closed. Individuals licensed in accordance with the Home Inspector License Act [225 ILCS 441] may momentarily open and reclose windows when performing an inspection, after informing the measurement licensee of the inspection.
- v) All external doors shall be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of closed-building conditions. All exterior windows and doors shall be inspected by a Radon Measurement Professional licensee or Radon Measurement Technician at the placement and retrieval of the detectors and the result of the inspection documented for the measurement file.
- vi) Whole-house fans shall not be operated. Portable window fans shall be removed from the window or sealed in place. Window air conditioning units shall only be operated in a recirculating mode. If the building contains an air handling system, the air handling system shall not be set for continuous operation unless the air handling equipment is specifically used for radon control and is so labeled.
- vii) Fireplaces or combustion appliances, except water heaters and cooking appliances, shall not be operated unless they are the primary sources of heat for the building.
- viii) Ceiling fans, portable dehumidifiers, portable humidifiers,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

portable air filters and window air conditioners shall not be operated within 20 feet of the detector.

- D) Short-term measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or ¾-inch diameter hail and that may produce tornadoes – not necessarily in that order.

- E) The Radon Measurement licensee shall document that instructions describing closed-building conditions in subsection (b)(1) ~~of this Section~~ were provided for the person who controls the building in accordance with subsections (d)(1) and (2) ~~of this Section~~.
- 2) The Radon Measurement licensee shall advise the resident in accordance with Appendix A.
- 3) Follow-up measurements shall be conducted in the same location as the initial measurement, provided the initial measurement was performed in accordance with acceptable measurement placement protocol.
- 4) The results of both initial and follow-up measurements and the average of duplicate measurements shall be reported. The average shall be considered appropriate as the basis for determining the need for mitigation.
- c) Options for Real Estate Testing
- 1) Option 1: Simultaneous Testing
- A) Simultaneous testing shall be comprised of a minimum of 2 indoor radon measurements conducted simultaneously with similar measurement devices (see Appendix C).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Simultaneous tests shall be:
- i) Co-located and spaced 4 to 5 inches apart;
 - ii) Exposed for the same measurement period; and
 - iii) Produce results in the same units (pCi/L or WL).
- C) The results of both measurements and the average of the simultaneous measurements shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.
- D) Simultaneous measurement results that are both less than 4.0 pCi/L shall agree with a Relative Percent Difference (RPD) of less than 67 percent. RPD is the difference between the 2 results divided by the average of the 2 results times 100. If the RPD is greater than 67 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.
- E) When one of the measurements is equal to or greater than 4.0 pCi/L and one is less than 4.0 pCi/L, and the higher result is greater than twice the lower result, the client shall be informed of the large discrepancy and the simultaneous measurements repeated at no added cost to the client.
- F) Simultaneous measurement results that are both equal to or greater than 4.0 pCi/L shall agree with a RPD of less than 36 percent. If the RPD is greater than 36 percent, the Radon Measurement Professional licensee shall investigate, document and correct the sources of the error.
- G) The precision of simultaneous measurements shall be monitored and recorded in the quality assurance records. The analysis of data from simultaneous measurements shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved quality program.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) Option 2: Continuous Monitor Testing
 - A) This option requires an active continuous monitor that has the capability to integrate and record a new result at least hourly. Shorter integration periods and more frequent data logging afford greater ability to detect unusual variations in radon or radon progeny concentrations.
 - B) The minimum test measurement period shall be 48 hours. The first 4 hours of data from a continuous monitor may be discarded or incorporated into the result using system correction factors. There shall be at least 44 contiguous hours of usable data to produce a valid average.
 - i) The "backing out" of data (i.e., removal of portions imbedded in the 44 contiguous hours of monitoring) shall invalidate the measurement.
 - ii) The periodic results shall be averaged to produce a result that is reported to the client.
- 3) Additional Requirement for Real Estate Option Testing
 - A) Real Estate Option tests shall be conducted in accordance with subsections (a)(1) and (b)(1) ~~of this Section~~.
 - B) The measurement exposure time shall be a minimum of 48 hours.
 - C) Measurement licensees shall establish controls consistent with the devices used in their measurements to prevent interference and document those controls in accordance with subsection (l)(1) ~~of this Section~~.
- d) Non-Interference Agreement
 - 1) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a non-interference agreement indicating an understanding of the testing conditions, the penalties for interference

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

with an in-progress radon measurement, and that any test interference that is detected will be documented in the report and will invalidate the measurement results.

- 2) If such an agreement cannot be or will not be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the Radon Measurement licensee shall document on the agreement why the signature was not obtained. The agreement shall be retained for inspection by the Agency.
- e) Radon Measurement In Progress Notification. The licensee shall post at every building entry and in a conspicuous location a Radon Measurement In Progress Notification. The Notice shall be posted upon initiation of a radon measurement. A copy of a Radon Measurement In Progress Notice is provided in Appendix D.
- f) Multi-Family Building Measurements. Professional licensees shall submit standard operating procedures for the performance of multi-family building measurements.

AGENCY NOTE: This subsection does not apply to measurements in an individual condominium unit.

- 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in regularly occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, a berm, a room above a crawlspace or any combination.
 - A) Regularly occupied rooms include bedrooms, offices, dens, family rooms, work areas and play rooms.
 - B) A minimum of one detector shall be placed per every 2000 square feet of open floor area.
- 2) Regularly occupied rooms shall be tested simultaneously.
 - A) The licensee shall ensure that each occupant/resident is provided information regarding necessary test conditions.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.
- 3) Follow-up Measurements
- A) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater, unless measurements are during a real estate transaction. Refer to Appendix A.
 - B) If performing measurements in accordance with subsection (c), Options for Real Estate Testing, follow-up measurements are not required. Refer to Appendix B.
- 4) During both initial and follow-up measurements, the HVAC system shall be operated normally. An understanding of the design, operation and maintenance of a building's HVAC system and how it influences indoor air conditions is essential for understanding, managing and developing a measurement strategy in multi-family buildings. If the units of a building have a common HVAC system, the building shall be tested by a licensee licensed to perform measurements in commercial buildings.
- 5) The Radon Measurement Professional licensee shall recommend in writing to the multi-family building management, owners or representatives that a decision to mitigate be based on Appendix A or Appendix B, as applicable.
- 6) Multi-family building measurements shall be performed in accordance with subsections (a) through (e) and (h) through (n) ~~of this Section.~~
- A) A Device Placement Log and Floor Plan shall be finalized for each multi-family building in which radon or radon progeny measurements are made.
 - B) All measurements devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and by serial number.
- 7) Requirements for Specific Multi-Family Building Designs

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Slab-on-Grade Design. Measure a regularly-occupied room in each unit in contact with the ground.
 - B) Crawlspace Design. Measure a regularly-occupied room directly in each unit above an enclosed crawlspace.
 - C) Basement Design. In addition to measuring a regularly-occupied basement room in each unit, measure a regularly-occupied room in each unit above the basement that has at least one wall with substantial contact with the ground.
- g) School and Commercial Building Measurements. Professional licensees shall submit standard operating procedures for the performance of school and commercial building measurements.
- 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in all frequently occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, berm, a room above a crawlspace or any combination.
 - A) Frequently occupied rooms include classrooms, offices, conference rooms, gymnasiums, auditoriums, cafeterias and break rooms.
 - B) Testing need not be conducted in infrequently used areas such as storage rooms, stairwells, restrooms, utility closets, elevator shafts or hallways.
 - C) A minimum of one detector shall be placed per every 2000 square feet of open floor area.
 - D) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating as it does normally when the buildings are occupied, even if the testing occurs when school is not in session or during long holidays.
 - 2) All frequently occupied rooms shall be tested simultaneously.
 - A) The licensee shall ensure that the teacher or frequent adult user of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

the room being tested is aware of the detector.

B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.

C) The measurement professional shall review any School Screening Measurements available and may accept those measurements as valid in determining any additional appropriate testing strategies.

3) Follow-up measurements shall be performed in every room with a short-term, initial measurement result of 4.0 pCi/L or greater. Refer to Appendix A.

4) During both initial and follow-up measurements, the HVAC system shall be operated normally.

5) The Radon Measurement Professional licensee shall recommend in writing to the school or commercial building management, owners or representatives that a decision to mitigate not be based on initial measurement results.

6) School and commercial building measurements shall be performed in accordance with subsections (a) and (b) ~~of this Section~~.

A) School and commercial building measurements of less than 96 hours duration shall be performed under closed-building conditions as described in subsection (b)(1) ~~of this Section~~.

B) Duplicate measurements shall be performed and shall represent 10 percent of all the detectors deployed, or a maximum of 50 detectors, whichever is less, within the building.

C) Blank measurements shall be performed and shall represent 5 percent of all the detectors deployed, or a maximum of 25 detectors, whichever is less, within the building.

D) Licensees using passive measurement devices shall conduct spiked measurements at a rate of 3 per 100 measurements, with a minimum of 3 per year and a maximum of 6 per month.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~E)D)~~ A Device Placement Log and Floor Plan shall be finalized for each school or commercial building in which radon or radon progeny measurements are made. All measurement devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and Floor Plan by serial number.
- 7) Requirements for Specific School and Commercial Building Designs
- A) Slab-on-Grade Design. Measure all frequently-occupied rooms in contact with the ground.
 - B) Open-Plan or Pod Design. If sections of a pod have moveable walls that can physically separate them from other sections, measure each section separately. If moveable walls are absent or inoperable, measure the pod as one room placing detectors every 2000 square feet.
 - C) Crawlspace Design. Measure all rooms directly above an enclosed crawlspace.
 - D) Basement Design. In addition to measuring all frequently-occupied basement rooms, measure all frequently occupied rooms above the basement that have at least one wall with substantial contact with the ground.
- 8) The on-site presence of the Licensed Radon Measurement Professional providing supervision is required for all radon measurement activities at schools and commercial buildings.
- h) New Construction Testing Conditions
- 1) Newly constructed buildings shall not be tested for radon or radon progeny unless the installation of the following items is completed:
 - A) All insulation;
 - B) All exterior doors with associated hardware shall be installed prior to testing;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- C) All windows;
 - D) All fireplaces and fireplace dampers;
 - E) All heating, air conditioning, and plumbing appliances;
 - F) All ceiling covers;
 - G) All interior trim and coverings for the exterior walls;
 - H) All exterior siding, weatherproofing and caulking;
 - I) All interior and exterior structural components; and
 - J) Any interior or exterior work that may adversely affect the measurement validity.
- 2) Unoccupied homes shall be tested with the HVAC system set and operating in the normal range, such as 72 degrees F plus or minus 5 degrees F.
- i) Post-Mitigation Testing
 - 1) Post-mitigation measurements shall not be conducted if temporary radon reduction measures are in use.
 - 2) Post-mitigation measurements shall be conducted to determine a system's effectiveness after a permanent radon reduction system has been fully operational for at least 24 hours but not later than 30 days following completion and activation of a mitigation system. The mitigation system shall be operated normally and continuously during the entire measurement period.
 - 3) Post-mitigation measurements shall be conducted in accordance with subsections (a), (b) and (c) ~~of this Section.~~
 - j) Temporary Radon Reduction Measures

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Temporary radon reduction measures include:
 - A) The introduction of unconditioned air into the building; or
 - B) Closure of normally accessible areas of the building; or
 - C) Lowering the thermostat below its normal use range, such as 72 degrees F plus or minus 5 degrees F.
 - 2) Any of the conditions listed in subsection ~~(k)(1)~~ of this Section shall invalidate measurement results. The Radon Measurement licensee shall not conduct a measurement until the conditions have been corrected. The Radon Measurement licensee shall inform the client and other parties involved in a real estate transaction that these conditions invalidate the measurement results.
 - 3) Any improper radon reduction efforts that may affect the measurement results identified prior to, during, or after initial, follow-up, real estate option or post-mitigation measurements shall invalidate the measurement results. The Radon Measurement licensee shall not conduct a measurement until the improper conditions have been corrected.
 - 4) Post-mitigation measurements shall not be conducted if any improper radon reduction efforts that may affect the measurement results are identified.
- k) When Radon Measurements Shall Not Be Made
- 1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph, and/or 3/4-inch diameter hail and that may produce tornadoes – not necessarily in that order.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) Radon measurements of any duration shall not be made during renovation of a building, especially renovations involving structural changes, or during renovations of the HVAC systems or any change that disturbs the normal airflow of the building.

AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.

- l) Quality Assurance for Radon Measurements.

- 1) Radon Measurement licensees shall abide by the Quality Assurance Program described in Section 422.60(a)(5)(~~D~~).
- 2) Measurements not performed in accordance with subsections (a), (b) and (c) ~~of this Section~~ shall be considered inappropriate for the purpose of determining the need for mitigation or the effectiveness of a mitigation service.

- m) Measurement Documentation

- 1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent record to allow for future data comparisons, interpretations and reporting to clients.
- 2) Radon Measurement Professional licensees shall keep the following information in a measurement record that shall be maintained for inspection for a minimum of 5 years. Additional method-specific documentation is outlined in Section 422.140.
 - A) A complete copy of the measurement report.
 - B) A description of any non-interference controls used and copies of non-interference agreements completed in accordance with subsection (d) ~~of this Section~~; and
 - C) A record of any quality control measures associated with the test, such as the results of simultaneous measurements, diagnostic measurements, duplicate measurements, and calculations associated

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

with the measurement.

- n) Measurement Results
 - 1) Measurement results shall be reported in the units that the device measures.
 - 2) Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L.
 - 3) All valid individual measurement results shall be reported.
 - 4) When using continuous radon monitors, hourly readings shall be included.
 - 5) Measurements made in separate locations shall not be averaged.
 - 6) The average of collocated measurement devices shall be reported, as well as the individual results. Standard mathematical rules shall be followed; i.e., if the average of two measurements produces a result of 3.95 pCi/L, the result shall be reported as 4.0 pCi/L.
 - 7) Any quality control measurements shall be reported as such.
- o) Measurement Reports
 - 1) Radon Measurement Professional licensees shall return radon measurement results to the occupant, the owner of the building, his/her representatives or the client within 45 days after retrieving exposed devices. As a minimum, the measurement report shall contain:
 - A) Measurement results reported in accordance with subsection (n).
 - B) The exact start and stop dates and times of the measurement period.
 - C) The address of the building measured, including the zip code.
 - D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- E) The names and Illinois radon license numbers of the licensees placing and retrieving the devices.
- F) The name and Illinois license number of the laboratory analyzing the device, if applicable.
- G) A statement describing recommendations concerning retesting or mitigation provided to the occupant, the owner of the building, his/her representatives or the client in accordance with Appendix A or B, as appropriate.
- H) A statement of whether a mitigation system was observed in the building during placement or retrieval. The statement shall indicate, including whether the mitigation system was operating, whether the system is PNC or ASD. If the system is ASD, the statement shall indicate whether the mitigation system is operating and the mitigation tag number.
- I) A statement describing any observed tampering, interference or deviations from the required measurement conditions.
- J) A description of the condition of any permanent vents that allow outdoor air into the building, such as crawlspace vents or combustion air supply to combustive appliances.
- K) A description of any severe weather conditions.
- L) The exact locations of all measurement devices deployed and any information that would allow for future data comparisons and interpretations. Licensees shall provide the exact locations by one of the following methods:
- i) A scale diagram of the footprint of the building identifying the windows and doors, finished and unfinished areas, room use, furnaces, hot water heaters, dryers, combustion appliances, crawlspace vents, fireplaces, mitigation systems, floor drains and foundation types, indicating the front of the home and any other pertinent information that may affect the measurement.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ii) A copy of Appendix E for each foundation type measured.
- 2) Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. At a minimum, the measurement report shall contain:
- A) Measurement results reported in accordance with subsection (n).
 - B) The exact start and stop dates of the measurement period.
 - C) The address of the building measured, including the zip code.
 - D) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.
 - E) The name and Illinois license number of the laboratory analyzing the device.
- p) Devices Placed by Clients. Radon licensees shall provide the client with the following:
- 1) For licensees providing measurement devices to clients, sufficient detectors to ensure that testing is performed consistent with this Part.
 - 2) The Agency's address and telephone number.
 - 3) Devices that will be placed by the client shall be accompanied by instructions on how to use the device. These instructions shall be consistent with this Section and include specific information on the minimum and maximum length of time that the device shall be exposed.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.140 Device Protocol

- a) Quality Assurance

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Professional licensees providing measurement services using radon and radon product measurement devices shall establish and maintain a Quality Assurance Program (QAP). These programs shall include written procedures for attaining quality assurance objectives and a system for recording and monitoring the results of the quality assurance measurements for each device used. The QAP shall include the maintenance of control charts and related statistical data.
- 2) The objective of quality assurance is to ensure that data are scientifically sound and of known precision and accuracy. This subsection (a)(2) discusses the 6 general categories of quality control measurements. Specific guidance is provided for each method in the relevant protocol.
 - A) Calibration Measurements. Calibration measurements are samples collected or measurements made in a known radon environment, such as a radon chamber. Instruments providing immediate results, such as continuous working level and radon monitors, shall be operated in a radon chamber to establish individual instrument calibration factors.
 - i) Calibration measurements must be conducted to determine and verify the conversion factors used to derive the concentration results. These factors are determined normally for a range of concentrations and exposure times, and for a range of other exposure and/or analysis conditions pertinent to the particular device.
 - ii) Determination of these calibration factors is a necessary part of the laboratory analysis and is the responsibility of the laboratory. These calibration measurement procedures, including the frequency of tests and the number of devices to be tested, shall be specified in the QAP maintained by manufacturers and analysis laboratories.
 - iii) Licensees providing measurements with active devices are required to recalibrate their instruments at least once every 12 months.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Known Exposure Measurements (Spikes). Known exposure measurements or spiked samples consist of detectors that have been exposed to known concentrations in a radon chamber. These detectors, such as charcoal canisters, alpha track detectors and electret ion chambers, are labeled and submitted to the laboratory in the same manner as ordinary samples to preclude special processing.
- i) Suppliers and analysis laboratories shall provide for the blind introduction of spiked samples into their measurement processes and the monitoring of the results in their QAP.
 - ii) Licensees using passive measurement devices shall conduct spiked measurements at a rate of 3 per 100 measurements, with a minimum of 3 per year and a maximum required of 6 per month. Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L.
 - iii) Spikes shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded. Any significant deviation from the known concentration to which they were exposed shall be investigated and corrective action taken.
- C) Background Measurements. Background measurements are required both for continuous monitors and for passive detectors requiring laboratory analysis.
- i) Licensees using continuous monitors shall perform sufficient instrument background measurements to establish a reliable instrument background and to act as a check on instrument operation.

AGENCY NOTE: Calibration laboratories routinely perform background measurements of continuous monitors during the calibration of instruments.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ii) Passive detectors requiring laboratory analysis require one type of background measurement made in the laboratory and another in the field.
- iii) Laboratories shall measure the background of a statistically significant number of unexposed detectors from each batch or lot to establish the laboratory background for the batch and the entire measurement system. This laboratory blank value is subtracted (by the laboratory) from the field sample results reported to the user, and shall be made available to the users for quality assurance purposes.
- iv) Laboratories performing these measurements shall calculate the lower limit of detection (LLD) for their measurement systems. This LLD is based on the detector and analysis system's background and can restrict the ability of some measurement systems to measure low concentrations.
- v) Licensees using passive detectors shall employ field controls (called blanks) equal to approximately 5 percent of the detectors that are deployed, or 25 each month, whichever is smaller.
- vi) These controls shall be set aside from each detector shipment, kept sealed and in a low radon environment, labeled in the same manner as the field samples to preclude special processing, and returned to the analysis laboratory along with each shipment. These field blanks measure the background exposure that may accumulate during shipment and storage. The results shall be monitored and recorded.
- vii) The recommended action to be taken if the concentrations measured by one or more of the field blanks is significantly greater than the LLD is dependent upon the type of detector and is discussed in the protocol for each method.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- D) Duplicate Measurements. Duplicate measurements provide a check on the precision of the measurement result and allow the user to make an estimate of the relative precision. Large precision errors may be caused by detector manufacture or improper data transcription or handling by suppliers, laboratories, or technicians performing placements. Precision error can be an important component of the overall error; therefore, licensees performing measurements shall monitor precision.
- i) Duplicate measurements shall be side-by-side measurements made in at least 10 percent of the total number of measurement locations, or 50 each month, whichever is smaller. The locations selected for duplicate measurement shall be distributed systematically throughout the entire population of samples.
 - ii) The precision of duplicate measurements shall be monitored and recorded in the quality assurance records. The analysis of data from duplicates shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated.
 - iii) Detectors shall be treated identically in every respect. They shall be shipped, stored, opened, installed, removed and processed together, and not identified as duplicates to the processing laboratory.
- E) Routine Instrument Performance Checks. Proper functioning of analysis equipment and operator usage require that the equipment and measurement system be subject to routine checks. Regular monitoring of equipment and operators is vital to ensure consistently accurate results. Performance checks include the frequent use of an instrument check source. Components of the device (such as a pump, battery or electronics) shall be checked regularly and the results noted in a record. Each user shall develop methods for regularly monitoring (preferably daily with use) their measurement system and for recording and reviewing results.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- F) Cross-checks. Professional licensees using active monitors shall check their monitors for bias on a regular basis. Ideally, such measurements are made in a radon chamber. Exposure in a radon chamber is required during calibration. It can be difficult to expose active monitors more often than once every 12 months. It is important to more frequently assess the continued satisfactory operation of the instrument response and to ensure damage from shipping has not occurred prior to an instrument being placed into service after calibration. Cross-checks shall be performed prior to placing an instrument being returned to service after calibration and at 6 months (plus or minus a month) after calibration. The following conditions shall be met:
- i) Where feasible, a cross-check shall begin with an instrument background measurement.
 - ii) The cross-check measurement shall be made in an environment that has been chosen for its stability and radon concentration that is above the lower limit of detection.
 - iii) Cross-checks shall be side-by-side measurements.
 - iv) One of the instruments shall have been calibrated within the last 45 days.
 - v) A measurement of at least 48 hours duration shall be conducted.
 - vi) The bias of cross-check measurements shall be monitored and recorded in the quality assurance records. If the bias estimated by the user is not within the bias expected of the measurement, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved QAP.
- b) Protocol for using continuous radon monitors (CRs) to measure indoor radon concentrations
- 1) Refer to Section 422.130 for a list of general conditions that shall be met

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and standard information that shall be documented.

- 2) When performing a radon measurement, the CR shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required per the continuous monitor type and the radon level being measured.
 - 3) If the first 4 hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions in the test device, the remaining hours of data shall be averaged and shall be sufficient to represent a 2-day measurement.
 - 4) Every CR shall be calibrated in a radon chamber, approved by the Agency, before being placed into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations and background checks shall be performed at least once every 12 months. Each scintillation cell requires an individual calibration factor.
 - 5) Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CRs and whenever any type of CR is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instruction.
 - 6) Licensees providing measurement services with CR devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.
 - 7) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction.
 - 8) Licensees providing measurement services with CR devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) ~~of this Section~~.
- c) Protocol for using alpha track (AT) detectors to measure indoor radon concentrations

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.
- 2) The laboratory background level for each batch of ATs shall be established by each laboratory licensed by the Agency. Laboratories shall measure the background of a statistically significant number of unexposed ATs that have been processed according to the licensee's Quality Assurance Program implementing/operating procedures.
- 3) Every AT laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of a calibration factor requires exposures of ATs to a known radon concentration in a radon chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration.
 - A) ATs shall be exposed in a radon chamber at a minimum of 3 different radon concentrations such as approximately 4.0, 10-30 and 30-100 pCi/L or exposure levels similar to those found in the tested buildings.
 - B) Expose a minimum of 10 detectors at each radon concentration of the chamber.
 - C) A calibration factor shall be determined for each batch or sheet of detector material received from the supplier. Alternatively, calibration factors may be established for several sheets, and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).
 - D) Analysis instruments shall be checked at least daily for operability prior to operation. Analysis instruments do not need to be checked on days not used.
- 4) Licensees providing measurement services with AT devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section~~.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 5) Licensees providing measurement services with AT devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.
 - 6) Licensees providing measurement services with AT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.
 - A) The results shall be monitored and recorded. If one or a few field blanks have concentrations significantly greater than the LLD established by the supplier, it may indicate defective packaging or handling and the licensee shall investigate the cause. If the average value from the field control devices (field blanks) is significantly greater than the LLD established by the supplier, this average value shall be subtracted from the individual values reported for the other devices in the exposure group.
 - B) It may be advisable to use 3 sets of detectors (pre-exposure, field and post-exposure background) in order to allow the most thorough and complete evaluation of radon levels. For example, one group of detectors (pre-exposure detectors) may be earmarked for background measurement and returned for processing immediately after the other detectors are deployed. The results from these detectors determine if the number of tracks acquired before deployment is significant and should be subtracted from the gross result. The second set of background detectors (post-exposure background detectors) are obtained just before the field monitors are to be collected and are opened and kept in the same location as the returning field monitors for the same duration, and returned with them. Finally, this "post-exposure background" is subtracted from the field results, if found to be significant. In general, a value of 1 pCi/L or greater for any blank AT indicates a significant level that should be investigated and potentially subtracted from the field AT results.
- d) Protocol for using electret ion chamber radon (ES or EL) detectors to measure indoor radon concentration.
- 1) Refer to Section 422.130 for a list of general conditions that shall be met

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and standard information that shall be documented.

- 2) Every short-term and long-term electret system and the electret reader(s) shall be calibrated in a radon chamber, approved by the Agency. Initial calibration for the system is provided by the manufacturer. Subsequent recalibrations shall be performed at least once every 12 months. Determination of calibration factors for short-term or long-term detectors requires exposure of detectors to known concentrations of radon-222 in a radon exposure chamber. Since short-term and long-term electret detector systems are also sensitive to gamma radiation, a gamma exposure rate measurement in the test chamber is also required annually.
- 3) The following is provided to manufacturers and suppliers of ES or EL services as minimum requirements in determining the calibration factor:
 - A) Detectors shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L, or exposure levels similar to those found in the tested buildings.
 - B) Expose a minimum of 10 detectors at each radon concentration of the chamber.
 - C) Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the radon chamber atmosphere.
- 4) Licensees providing measurement services with ES or EL devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) [of this Section](#).
- 5) Licensees providing measurement services with ES or EL devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) [of this Section](#).
- 6) Licensees providing measurement services with short-term or long-term electrets shall set aside a minimum of 5 percent of the electrets or 10, whichever number is smaller, from each shipment and evaluate them for

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

voltage drift. The electrets shall be kept covered with protective caps in a low radon environment and analyzed for voltage drift over a time period similar to the time period used for those deployed in measurements. Any voltage loss found in the control electrets of more than one volt per week over a 3-week test period for short-term electrets, or one volt per month over a 3-month period for long-term electrets, shall be investigated.

- 7) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing a reference electret. These checks shall be conducted at least once a week while the voltmeter is in use.

8) All Laboratory Analysis licensees providing recharging services of short-term or long-term electrets shall only provide those services for devices they manufacture or for devices for which they have written authorization from the manufacturer.

- e) Protocol for using activated charcoal adsorption (AC) devices to measure indoor radon concentrations
 - 1) Refer to Section 422.130 for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) Every activated charcoal adsorption system shall be calibrated in a radon chamber at least once every 12 months. Determination of calibration factors for ACs requires exposure of the detectors to known concentrations of radon-222 in a radon chamber. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the charcoal container during exposure. Calibration factors shall be determined for each AC measurement system (container type, amount of charcoal, gamma detector type, etc.).
 - 3) Licensees providing measurement services with AC devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section.~~
 - 4) Licensees providing measurement services with AC devices shall perform duplicate measurements. The performance and analysis of duplicates shall

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.

- 5) Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, that are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.
- 6) Licensees providing measurement services with AC devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.
 - A) One or a few of the field blanks have concentrations significantly greater than LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.
 - B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- f) Protocol for using charcoal liquid scintillation (LS) devices to measure indoor radon concentrations
 - 1) Refer to Section 422.130 for a list of general conditions that shall be met

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and standard information that shall be documented.

- 2) Every LS laboratory system shall be calibrated in a radon chamber at least once every 12 months. Determination of calibration factors for LS devices requires exposure of calibration devices to known concentrations of radon-222 in a radon chamber at carefully measured radon concentrations. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the device during exposure. Calibration factors shall be determined for a range of different exposure times and, as appropriate, humidities.
- 3) Licensees providing measurement services with LS devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) ~~of this Section~~.
- 4) Licensees providing measurements services with LS devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section~~.
- 5) Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, that are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.
- 6) Licensees providing measurement services with LS devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) ~~of this Section~~.
 - A) One or a few of the field blanks have concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- g) Protocol for using continuous working level (CW) monitors to measure indoor radon progeny concentrations
- 1) Radon Decay Product measurements may be appropriate under certain conditions in large buildings, but are not currently routinely performed by licensees or recommended by the American Association of Radon Scientists and Technologists. The Agency does not recommend their use for home environment or residential real estate measurements. Licensees interested in using CWs for measurement purposes shall submit Standard Operating Procedures, consistent with this Part, specific to the model and design of the CW instrument to the Agency for approval.
 - 2) Conditions and information in Section 422.130 shall be met.
 - 3) Any measurement result based on radon progeny shall be reported to no more than 3 decimal places, e.g., 0.033 working level (WL).
 - 4) The integrated average WL over the measurement period shall be reported as the measurement result.
 - 5) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The longer the operating time, the smaller the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

uncertainty associated with using the measurement result to estimate a longer-term average concentration.

- 6) Working level values shall be converted to pCi/L and both shall be reported to the client. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client. A statement shall be included in the measurement report that this approximate conversion is based on a 40 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical, but that any indoor environment may have a different and varying relationship between radon and radon progeny.
- 7) Every continuous WL monitor shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months.
- 8) Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate may be monitored more frequently by operating the CW in a low radon concentration.
- 9) Measurement licensees providing measurement services with CW devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) ~~of this Section.~~
- 10) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.
- 11) Licensees providing measurement services with CW devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) ~~of this Section.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.150 Mitigation Standard for Existing Housing

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- a) The Mitigation Standard (MS) includes requirements for installation of radon remediation systems and provides a basis for evaluating the quality of such installations. It provides the basis against which in-progress or completed inspections will be evaluated.
- b) Radon Mitigation Professional licensees shall be responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of this Mitigation Standard.
- c) Limitations
 - 1) Where discrepancies exist between provisions of the MS and municipal codes, the municipal codes shall take precedence, except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element.
 - 2) Compliance with the MS does not guarantee reduction of indoor radon concentrations to any specific level.
 - 3) When altering a mitigation system, it shall be upgraded to the requirements of this Section. Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When maintenance is performed by a licensee on a mitigation system that does not comply with this Part, the client shall be notified in writing that the mitigation system does not comply with the mitigation standards of this Part. In addition, the professional licensee shall provide a written estimate of the upgrades needed and the cost to bring the system into compliance.
- d) Quality Assurance. Radon Mitigation licensees shall follow the procedures specified in the Quality Assurance Program as required by Section 422.60(c)(5)(D).
- e) General Practices. The following general practices are required for all contacts between Radon Mitigation licensees and clients.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) In the initial contact with a client, the licensee shall review any available results from previous radon measurements to assist in developing an appropriate mitigation strategy. If the radon measurement was not performed in accordance with this Part, the client shall be advised that a retest is recommended.
 - 2) The licensee shall inform the client of or provide to the client, Illinois specific documents, approved by the Agency, that discuss interpretation of indoor radon test results and the health risk associated with the radon level found in the building. These documents are available from the Agency and are on the Agency web site.
 - 3) The licensee shall inform the client in writing, at the time a proposal for the installation of a radon reduction system is offered, of any sealants, caulks, or bonding chemicals containing volatile solvents and of the need to ventilate work areas during and after the use of such materials. The licensee shall provide ventilation as recommended by the manufacturer of the material used if existing ventilation does not meet the recommendations of the manufacturer of the material used.
- f) Building Investigation
- 1) The licensee shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. The results of the inspection shall be recorded in detail on a drawing of the floor plan. The licensee shall identify and describe any specific building characteristics and configurations, such as large cracks in slabs, exposed earth in crawlspaces, open stairways to basements, and operational conditions, such as continuously running HVAC systems or operation windows, that may affect the design, installation, and effectiveness of radon mitigation systems.
 - A) As part of this inspection, the licensee shall request from the client any available information on the building, such as construction specifications, pictures, drawings, etc., that might be valuable in determining the radon mitigation strategy.
 - B) A floor-plan drawing shall be finalized from preliminary inspection sketches and shall include illustration of the building

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.

- C) The finalized drawing shall be an auditable part of the mitigation file and shall be available to the occupant, the owner of the building, his/her representatives or the client, upon request.
- 2) The licensee shall conduct diagnostic tests to assist in identifying and verifying radon entry points and shall document the results of these tests in writing. Such tests may include radon grab sampling, continuous radon monitoring, and the use of smoke sticks.
 - 3) If a contractor has concerns about backdrafting potential at a particular site, the contractor shall recommend that a qualified person inspect the natural draft combustion appliances and venting systems for compliance with local codes and regulations. The contractor shall recommend that the building owner bring into compliance any combustion appliance or venting system found to be non-complying.
 - 4) Licensees shall not install a fan-powered radon reduction system in any building wherein confirmed spillage from any natural combustion appliance occurs, until the licensee has confirmed that the problem has been corrected by the client.
 - 5) Licensees shall conduct a communication test prior to completing a proposal for the installation of a radon reduction system in any building where the characteristics of the sub-slab material are unknown to the licensee. The results of the communication test shall be documented in writing or on a drawing of the building floor plan.
- g) Systems Design
 - 1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection (e)(3) ~~of this Section~~.
 - 2) All radon mitigation systems shall be designed to avoid the creation of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

other health, safety, or environmental hazards to building occupants, such as backdrafting of natural draft combustion appliances.

- 3) The main run of vent pipe, from primary suction point to exhaust, shall be a minimum 3 inches in diameter to avoid excessive flow noise inside the pipe and noise when the exhaust jet is released.
 - 4) All radon mitigation systems and their components shall be designed to comply with the laws, ordinances, codes, and regulations of relevant jurisdictional authorities, including applicable mechanical, electrical, building, plumbing, energy and fire prevention codes.
 - 5) All radon mitigation systems shall be designed to reduce a radon concentration in each area within the footprint of the building as low as reasonably achievable (ALARA).
 - 6) As installed, the mitigation system shall operate at a reasonable noise level.
- h) Systems Installation
- 1) General Requirements
 - A) All components of radon mitigation systems shall also be in compliance with the applicable mechanical, electrical, building, plumbing, energy and fire prevention codes, standards, and regulations of local jurisdiction.
 - B) Where portions of structural framing material must be removed to accommodate radon vent pipes, material removed shall be no greater than that permitted for plumbing installations by applicable building or plumbing codes.
 - C) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.

AGENCY NOTE: An example of a protected penetration would

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

be the installation of a fire collar on a vent pipe penetrating a ceiling.

- D) Sump pits shall not be used as the primary suction point for mitigation systems, unless in accordance with subsection (h)(7) ~~of this Section.~~
- 2) Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician.
- 3) Radon Vent Pipe Installation
- A) All joints and connections in radon mitigation systems using plastic vent pipes shall be permanently sealed with adhesives as specified by the manufacturer of the pipe material used, with 2 exceptions:
- i) If secondary suction points are installed in sump pits, the system shall be designed with removable or flexible couplings to facilitate removal of the sump pit cover and for sump pump maintenance; and
 - ii) To facilitate maintenance and future replacement, radon vent fans shall be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.
- B) All joints and connections in radon mitigation systems using a 3-inch by 4-inch metal downspout on the exterior of a building shall be permanently sealed with appropriate sealants.
- C) Vent stack discharge points shall be directed vertically with no obstruction in the discharge except for a rodent screen of wire mesh no smaller than one-fourth inch. Rain caps shall not be installed on the discharge.
- D) Radon vent pipes shall be fastened to the structure of the building

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

with hangers, strapping, or other supports that will permanently secure the vent material. Existing plumbing pipes, ducts, or mechanical equipment shall not be used to support or secure a radon vent pipe.

- E) Radon vent pipes shall be supported as follows:
 - i) Supports for radon vent pipes shall be installed at least every 6 feet on non-vertical runs.
 - ii) Vertical runs shall be secured either above or below the points of penetration through floors, ceilings and roofs.
 - iii) Vertical runs shall be secured at least every 8 feet on runs that do not penetrate floors, ceilings or roofs.
- F) To prevent blockage of air flow into the bottom of radon vent pipes, these pipes shall be supported or secured in a permanent manner that prevents their downward movement to the bottom of suction pits or sump pits, or into the soil beneath an aggregate layer under a slab.
- G) Radon vent pipes shall be installed in a configuration that ensures that any rain water or condensation within the pipes drains downward into the ground beneath the slab or soil gas retarder membrane.
- H) Radon vent pipes shall not block access to any areas requiring maintenance or inspection. Radon vents shall not be installed in front of or interfere with any light, opening, door, window or equipment access area required by code.
- I) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 4) Vent Stack Discharge Point. The discharge from vent stack pipes of active soil depressurization systems shall prevent re-entrainment of radon, prevent vent stack blockage due to heavy snowfall and prevent the direct exposure of individuals outside of buildings to high levels of radon by meeting all the following requirements:
- A) Above the highest eave of the roof and as close to the roof ridge line as possible, unless an attached garage may be used for vent stack pipe discharge and all the following additional conditions are met:
 - i) The vent stack point penetrates the highest point on the roof that maximizes distance from people using the house, yard, patio, deck, etc.;
 - ii) There are no windows in the direct line of sight from the vent stack point;
 - iii) The vent stack point penetrates the farthest point on the roof that maximizes distance from the nearest opening (such as windows, doors, etc.) into the house and garage that is less than 2 feet below the exhaust point; and
 - iv) The reason for routing through an attached garage shall be documented and maintained for inspection by the Agency;
 - B) 10 feet or more above ground level;
 - C) 10 feet or more from any window, door or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point. The 10 feet may be measured either directly between the 2 points or be the sum of measurements made around intervening obstacles;
 - D) 10 feet or more from any opening into an adjacent building;
 - E) For vent stack pipes that penetrate the roof, at least 12 inches above the surface of the roof; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- F) For vent stack pipes attached to or penetrating the sides of buildings, vertical and at least 12 inches above the edge of the roof and in a position to prevent blockage from snow or other materials and from being filled with water from the roof or an overflowing gutter.
- 5) Radon Vent Fan Installation
- A) Vent fans used in radon mitigation systems shall be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing.
 - B) Radon vent fans used in active soil depressurization systems shall be installed in attics, in garages that are not beneath conditioned spaces, or on the exterior of the building. Radon vent fans shall not be installed below ground nor in the conditioned (heated/cooled) space of a building, nor in any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building.
 - C) Radon vent fans shall be installed in a configuration that avoids condensation buildup in the fan housing. Fans shall be installed in vertical runs of the vent pipe.
 - D) Radon vent fans shall be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building.
 - E) Radon vent fans shall be to mounted to the vent pipe with removable couplings or flexible connections to facilitate fan removal for repair or replacement.
 - F) The intakes of fans used in crawlspace pressurization, or in pressurizing the building itself, shall be screened or filtered to prevent ingestion of debris or personal injury. Screens or filters shall be removable to permit cleaning or replacement and the building occupant and owner shall be informed of the need to periodically replace or clean such screens and filters. This information shall be included in documentation provided to the client.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- G) Vent fans shall originate from a manufacturer that lists radon mitigation as one of the fan's intended uses.
- 6) Suction Pit Requirement for Sub-Slab Depressurization (SSD) Systems. Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.
- 7) Sump Pit Requirements
- A) Sump pits shall not be used as the primary suction point for mitigation systems.
 - B) Sump pits that require a sump pump shall have a submersible sump pump installed, except in areas where the water table is near the surface causing flooding of the basement or interfering with the effectiveness of the mitigation system. (See subsection (h)(7)(D).)
 - C) When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.
 - D) In areas where the water table is near the surface, causing flooding of the basement or interfering with the effectiveness of the mitigation system, pedestal pumps with a higher pumping capacity may be installed in accordance with all the following conditions:
 - i) The pump is installed in accordance with the manufacturer's instructions.
 - ii) The sump lid can be sealed air tight with the exception of the tiny opening necessary to permit free operation of the pedestal pump's float.
 - iii) The design does not create noise, through the float opening, that is objectionable to the client.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- E) Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a mitigation system shall be covered and sealed to prevent such entry.
- F) The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water.
- ~~G) Sump pit covers shall incorporate a clear view port to permit observations of conditions in the sump pit.~~
- ~~G)H) Sump pit covers shall be made of durable plastic or clear polycarbonate and be designed to permit air-tight sealing.~~
- ~~H)H) Sump pit covers shall be designed to support the weight of a 155-pound individual standing on the cover.~~
- ~~I)H) To permit easy removal for sump pump servicing, the sump pit cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.~~
- ~~J) When the basement of the home being mitigated has radiant heat lines installed in or below the floor, the sump pit may be used as the primary suction point.~~

8) Sealing Requirements

- A) Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants.
- B) Openings around other utility penetrations of the slab, walls or soil gas retarder shall also be sealed. Cracks in slabs and other small openings around penetrations of the slab and foundation walls shall be cleaned, prepared and sealed in a permanent air-tight manner using caulks or other sealants designed for such application.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- C) Where a Block Wall Depressurization (BWD) system is used to mitigate radon, openings in the tops of the block walls and all accessible openings or cracks in the interior surfaces of the block walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application.
 - D) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam, or other sealants designed for such application shall be used.
 - E) Openings or cracks that are determined to be inaccessible or beyond the ability of the licensee to seal shall be disclosed to the client and included in the documentation.
 - F) Openings, perimeter channel drains or cracks that exist where the slab meets the foundation wall (floor-wall joint), shall be sealed with urethane caulk or other sealants designed for such application. When the opening or channel is greater than ½ inch in width, a foam backer rod shall be inserted in the channel before application of the sealant. This sealing technique shall be done in a manner that retains the channel feature as a water control system. Other openings or cracks in slabs or at expansion or control joints should also be sealed.
 - G) When installing baseboard type suction systems, all seams and joints in the baseboard material shall be joined and sealed using materials recommended by the manufacturer of the baseboard system. Baseboards shall be secured to walls and floors with adhesives designed and recommended for such installations. If a baseboard system is installed on a block wall foundation, the tops of the block walls shall be closed and sealed.
- 9) Soil Gas Retarder Requirements
- A) A soil gas retarder membrane shall be installed in basement or crawlspace areas without a concrete floor.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Plastic sheeting installed in crawlspaces or basements as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting shall be used when crawlspaces or basements are used for storage, or frequent entry is required for maintenance of utilities.
- C) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant or in accordance with specific procedures approved by the Agency.
- D) Access doors required by local building codes shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas are being mitigated with active SSD and SMD systems, sealing of the openings between those areas is not required.
- E) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building, shall be identified, closed and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.
- F) Drain tile depressurization in a crawlspace shall only be installed under the following conditions:
- i) In conjunction with a sub-membrane depressurization system; or
 - ii) Suction can be obtained beneath the soil gas retarder.
- 10) Electrical Requirements
- A) All electrical components of radon mitigation systems shall

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

conform to provisions of the National Electrical Code and any additional local regulations.

- B) Wiring shall not be located in or chased through the radon vent piping or any heating or cooling ductwork.
 - C) Any plugged cord used to supply power to a radon vent fan shall be no longer than 6 feet in length.
 - D) No plugged cord shall penetrate a wall or be concealed within a wall.
 - E) Radon mitigation fans installed on the exterior of buildings shall be hard-wired into an electrical circuit. Electrical disconnects shall be installed within line of sight and within 4 feet of the fan. Exteriorly, plugged fans shall be used only inside of weather-proofed fan housings or weather-proofed chases.
 - F) If the rated electricity requirements of a radon mitigation system fan exceeds 50 percent of the circuit capacity into which it will be connected, or if the total connected load on the circuit (including the radon vent fan) exceeds 80 percent of the circuit's rated capacity, a separate, dedicated circuit shall be installed to power the fan.
 - G) An electrical disconnect switch or circuit breaker shall be installed in radon mitigation system fan circuits to permit deactivation of the fan for maintenance or repair. Disconnect switches are not required with plugged fans.
- 11) Drain Installation Requirements
- A) If drains discharge directly into soil beneath the slab or through solid pipe to a soakaway, the licensee shall install a drain that meets local building codes.
 - B) If condensate drains from air conditioning units terminate beneath the floor slab, the licensee shall install a trap in the drain that provides a minimum 6-inch standing water seal depth, reroute the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

drain directly into a trapped floor drain, or reconnect the drain to a condensate pump.

- C) Perimeter (channel or French) drains shall be sealed with backer rods and urethane or comparable sealants in a manner that will retain the channel feature as a water control system.
- D) When a sump pit is the only system in a basement for protection or relief from excess surface water and a cover is installed on the sump for radon control, the cover shall be recessed and fitted with a trapped drain meeting the requirements of subsection (h)(7) ~~of this Section.~~

12) HVAC Installation Requirements

- A) Modifications to an existing HVAC system that are proposed to mitigate elevated levels of radon should be reviewed and approved by the original designer of the installed HVAC system or by a licensed mechanical contractor.
- B) Foundation vents, installed specifically to reduce indoor radon levels by increasing the natural ventilation of a crawlspace, shall be non-closeable. In areas subject to sub-freezing conditions, the existing location of water supply and distribution pipes in the crawlspace, and the need to insulate or apply heat tape to those pipes, shall be considered when selecting locations for installing foundation vents.
- C) Heat Recovery Ventilation (HRV) systems shall not be installed in rooms that contain friable asbestos.
- D) In HRV installations, supply and exhaust ports in the interior shall be located a minimum of 12 feet apart. The exterior supply and exhaust ports shall be positioned to avoid blockage by snow or leaves and be a minimum of 10 feet apart.
- E) Contractors installing HRV systems shall verify that the incoming and outgoing airflow is balanced to ensure that the system does not create a negative pressure within the building. Contractors shall

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

inform their client, the occupant and the owner that periodic filter replacement and inlet grill cleaning are necessary to maintain a balanced airflow. Information on filter replacement and inlet grill cleaning shall be provided to their client, the occupant and the owner and shall be included in the documentation.

- F) Both internal and external intake and exhaust vents in HRV systems shall be covered with wire mesh or screening to prevent entry of animals or debris or injury to occupants.

13) Materials

- A) As a minimum, all plastic vent pipes in mitigation systems shall be smooth-walled Schedule 40 PVC.
- B) Piping routed exteriorly shall be rated against deterioration from ultra-violet radiation from the sun.
- C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout shall be used as the vent pipe.
- D) Vent pipe fittings in a mitigation system shall be of the same material as the vent pipes except as noted in subsection (h)(3)(A) [of this Section](#).
- E) Cleaning solvents and adhesives used to join plastic pipes and fittings shall be as recommended by manufacturers for use with the type of pipe material used in the mitigation system.
- F) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam or other sealants designed for such application shall be used.
- G) Penetrations of sump covers to accommodate electrical wiring, water ejection pipes, or radon vent pipes shall be designed to permit air-tight sealing around penetrations, using caulk or grommets.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- H) Plastic sheeting installed in crawlspaces or basements as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting ~~shall~~should be used when crawlspaces or basements are used for storage, or frequent entry is required for maintenance of utilities.
- I) Any wood that comes into direct contact with the soil or concrete and is used in attaching soil gas retarder membranes to crawlspace walls or piers shall be pressure treated or naturally resistant to decay and termites.
- J) When transitioning from one material or shape to another, an adapter specifically designed for the transition shall be used.
- K) Drain tile or perforated pipe shall be installed under soil gas retarders for the purpose of depressurization and to allow condensation to drain back to the soil.

14) Monitors and Labeling

- A) All active soil depressurization systems shall include a mitigation system monitor to indicate fan operation system performance or warn of fan failure.
- B) Electrical radon mitigation system monitors (whether visual or audible) shall be installed on non-switched circuits and be designed to reset automatically when power is restored after service or power supply failure. Battery operated monitoring devices shall not be used unless they are equipped with a low-power warning feature.
- C) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, shall be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated.
- D) ~~An Effective October 1, 2009, an~~ Illinois Mitigation System Tag shall be placed on the vent pipe next to the mitigation system

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

monitor. This label shall be purchased from the Agency and include the following information: "Radon Reduction System"; the installer's name, phone number and the Illinois license number; the date of installation; and an advisory that the building should be tested for radon at least every 2 years.

- E) All exposed and visible interior radon mitigation system vent pipe sections shall be identified with at least one label on each floor level that reads "Radon Reduction System".
 - F) Fans mounted outdoors and exterior vent pipe shall be identified with a label that reads "Radon Reduction System" in a weatherproof manner.
 - G) Sump pits that are depressurized by the mitigation system or covered to minimize radon entry shall be identified with a label that reads "Radon Reduction System – Removal of this cover may result in failure of the Radon Reduction System. Consult (installer's name and phone number) before removing this cover and for instructions on the correct procedure for replacing it."
 - H) Circuit breakers controlling the circuits on which the radon vent fan and system failure warning devices operate shall be labeled "Radon Reduction System".
- 15) Post Installation Checklist
- A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a mitigation licensee and shall become auditable evidence.
 - i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.
 - ii) Verify suction or flows in the system piping or ducting to assure that the system is operating as designed.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- iii) Advise the client that retesting the building at least every 2 years or if the building undergoes significant alteration is recommended.
 - iv) Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement licensee.
 - B) Radon Mitigation licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent Radon Measurement licensee or by the resident of the dwelling.
- 16) Post-Mitigation Testing
 - A) Evaluate the effectiveness of the mitigation system using an approved measurement device to assure the system is performing as designed.
 - B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130.
- 17) Contracts and Documentation
 - A) No mitigation activity shall be undertaken before a proposal for the work is accepted by the client, as evidenced by the client's signature and date on the proposal. A proposal for the installation of any radon mitigation system shall include as a minimum:
 - i) The Radon Mitigation Professional licensee's Illinois license number;
 - ii) A statement describing the planned scope of the work and an estimated completion date;
 - iii) A statement describing any known hazards associated with chemicals used in or as part of the installation;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- iv) A statement indicating compliance with and implementation of the mitigation standards described in this Section;
- v) A description of any system maintenance that the client, the occupant, or the building owner would be required to perform;
- vi) A firm price of the installation cost and an estimate of the annual operating costs of the system; and

AGENCY NOTE: The firm price may include stepped approaches.

- vii) A statement that the system is guaranteed to reduce and maintain the average radon concentration to less than 4.0 pCi/L and the conditions thereof; or a statement explaining that there is no guarantee and the reasons why there is no guarantee.
- B) Licensees shall maintain the following records for 5 years or for the period of any warranty or guarantees, whichever is longer, and shall make the following records available to the homeowner upon request and documentation of home ownership:
- i) Copies of the building investigation summary and floor plan sketch;
 - ii) The finalized drawing that includes illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices;
 - iii) Pre- and post-mitigation radon test data;
 - iv) Copies of contracts and warranties;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- v) A description of the mitigation system installed and its basic operating principles;
 - vi) A description of any deviations from the MS and applicable regulations of this Part;
 - vii) A description of the proper operating procedures of any mechanical or electrical systems installed, including manufacturer's operation and maintenance instructions and warranties;
 - viii) The proposal, contract, and warranties or guarantees made to the client, and any other documentation important to the mitigation system installed; and
 - ix) The address of the building mitigated, including the zip code, the mitigation system type, the mitigation date, whether radon resistant new construction techniques were used, and the Illinois Mitigation System Tag number.
- C) Licensees shall, upon completion of the mitigation project, provide clients with an information package that includes:
- i) A list of appropriate actions for clients to take if the system failure warning device indicates system degradation or failure; and
 - ii) The name, telephone number, and license number of the professional licensee and the phone number of the Agency's Radon Program.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 422.160 Mitigation Standard for New Residential Construction

- a) General Practices. This Section contains the requirements for new construction in Illinois in accordance with the Radon Resistant Construction Act [420 ILCS 52]. The following required construction methods are intended to resist radon entry

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and prepare the building for post-construction radon mitigation, if necessary. These techniques are required in all areas of Illinois.

- b) Subfloor Preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the buildings, to facilitate future installation of a sub-slab depressurization system, if needed. The gas permeable layer shall consist of one of the following:
- 1) A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2 inch (51 mm) sieve and be retained by a ¼ inch (6.4 mm) sieve;
 - 2) A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick, overlain by a layer or strips of geo-textile drainage matting designed to allow the lateral flow of soil gases; or
 - 3) Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor area.
- c) Soil Gas Retarder. A minimum 6-mil (0.15 mm) (or 3-mil (0.075 mm) cross-laminate) polyethylene or equivalent flexible sheeting material shall be placed on top of the gas permeable layer prior to casting the slab or placing the floor assembly to serve as a soil gas retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting.
- d) Entry Routes. Potential radon entry routes shall be closed in accordance with the following:
- 1) Floor openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) All concrete control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.
- 3) Condensate drains shall be trapped or routed through non-perforated pipe to daylight.
- 4) Sump pits open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sump pits shall not be used as a primary suction point in a subslab depressurization system. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.
- 5) Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.
- 6) The exterior surfaces of concrete and masonry block walls below the ground surface shall be damp-proofed in accordance with Section R406 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).
- 7) Air-handling units in crawlspaces shall be sealed to prevent air from being drawn into the unit. Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage are exempted from this requirement.
- 8) Ductwork passing through or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- pressure within the ducting. Joints in the ductwork shall be sealed to prevent air leakage. Ductwork located in crawlspaces shall have all seams and joints sealed by closure systems in accordance with Section M1601.4.1 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).
- 9) Openings around all penetrations through floors above crawlspaces shall be caulked or otherwise filled to prevent air leakage.
- 10) Access doors and other openings or penetrations between basements and adjoining crawlspaces shall be closed, gasketed or otherwise filled to prevent air leakage.
- e) Passive Sub-membrane Depressurization (SMD) System. In buildings with crawlspace foundations, the following components of a passive SMD system shall be installed during construction.
- 1) Crawlspaces shall be provided with vents to the exterior of the building. The minimum net area of ventilation openings shall comply with Section R408 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).
- 2) The soil in crawlspaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil gas retarder. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawlspace area.
- 3) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and compatible glues.
- 4) A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

- f) Passive Sub-slab Depressurization (SSD) System. In basement or slab-on-grade buildings, the following components of a passive SSD system shall be installed during construction.
- 1) A minimum 3-inch diameter (76 mm) Schedule 40 PVC shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cased. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the sub-slab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.
 - 2) In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.
- g) All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil gas retarder.
- h) Radon vent pipes shall be accessible for fan installation through an attic or other area outside and above the habitable space. The radon vent pipe need not be accessible in an attic space when an approved roof-top electrical supply is provided for future use.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- i) All exposed and visible interior radon vent pipes shall be conspicuously identified with at least one label on each floor and in accessible attics. The label shall read "Radon Reduction System".
- j) Combination basement/crawlspace or slab-on-grade/crawlspace foundations shall have separate radon vent pipes installed in each type of foundation area or be connected with a continuous drain tile loop. Vent pipes shall connect to a single vent that shall terminate at least 12 inches (305 mm) above the highest roof in a location at least 2 feet (609.6 mm) above any window or other opening into the conditioned spaces of the building and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.
- k) Joints in air ducts and plenums in unconditioned spaces shall meet the requirements of Section M1601 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference pursuant to Section 422.15). Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference pursuant to Section 422.15). Firestopping shall be in conformance with the most recent general building code enacted by the city or meet the requirements contained in Section R302.11 of the 2012 International Residential Code for One- and Two-Family Dwellings (copyrighted 2011 by the International Code Council, Inc.; incorporated by reference in accordance with Section 422.15).
- l) To provide for future installation of an active SMD or SSD system, an electrical circuit terminated to a single outlet in an approved box shall be installed during construction in the attic in the anticipated location of vent pipe fans.

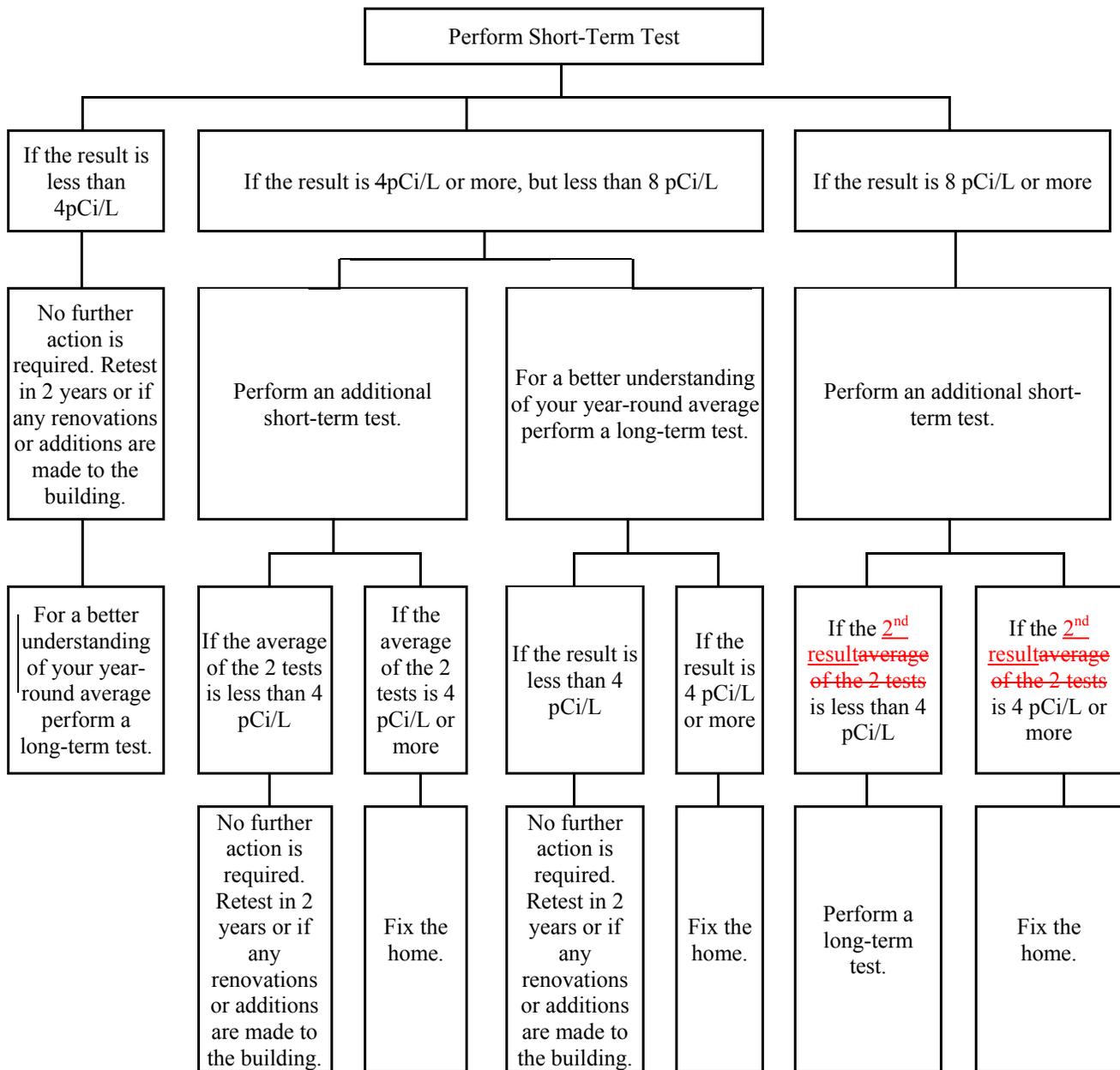
(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (Buildings Not Involved in a Real Estate Transaction)

The first step is to perform a short-term measurement* in the lowest structural areas**.



ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- * Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, liquid scintillation vials, electret chambers and continuous monitors. Examples of long-term detectors used in home environment testing include: alpha track detectors and electret chambers.
- ** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement licensees are required to test in each of the foundation types.

(Source: Amended at 37 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: 140.55 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 93-0318
- 5) Complete Description of the Subjects and Issues Involved: A new Electronic Data Interchange (EDI) process replaces the existing Recipient Eligibility Verification (REV) system and will offer a HIPAA compliant means for trading partners to verify recipient eligibility (real time and batch mode), submit medical claims (batch mode only), and check medical claim status (real time and batch mode). The existing REV system is constrained to a limited number of entity participation due to the original procurement process established for this process. The new EDI process will provide Medical Providers more choices of vendors in the electronic data exchange marketplace.
- 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? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.491	Amendment	36 Ill. Reg. 15425; December 28, 2012
140.2	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.3	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.5	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.11	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.12	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.13	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.14	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.15	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.16	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.18	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.19	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.20	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.30	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.32	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.44	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.45	New	37 Ill. Reg. 1390; February 8, 2013
140.80	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.405	New	37 Ill. Reg. 1390; February 8, 2013
140.413	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.414	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.417	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.420	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.425	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.428	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.440	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.441	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.442	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.443	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.445	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.449	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.457	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.458	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.469	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.470	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.471	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.472	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.473	Amendment	37 Ill. Reg. 1390; February 8, 2013

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.474	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.477	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.498	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.523	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table D	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table F	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.402	Amendment	37 Ill. Reg. 4429; April 12, 2013
140.481	Amendment	37 Ill. Reg. 5243; April 26, 2013

- 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, 3rd Floor
Springfield IL 62763-0002

217/782-1233
HFS.Rules@illinois.gov

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 providers and trading partners
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- C) Types of Professional skills necessary for Compliance: None
- 14) Regulatory Agenda on which this Rulemaking was summarized: January 2013

The full text of the Proposed Amendment is 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 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 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 ~~Electronic Data Interchange Service 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.96	General Requirements (Recodified)
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)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART E: GROUP CARE

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

- 140.850 Reimbursement of Administrative Expenditures
140.855 Administrative Claim Review and Reconsideration Procedure
140.860 County Owned or Operated Nursing Facilities
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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

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

Section

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

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.990	Primary Care Case Management Program
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

SUBPART K: MANDATORY MCO ENROLLMENT

140.1010	Mandatory Enrollment in MCOs
----------	------------------------------

SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
140.1300	Definitions
140.1310	Recovery of Money
140.1320	Penalties
140.1330	Enforcement
140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 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,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 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.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; 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;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; 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. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

| **Section 140.55 Electronic Data Interchange Service ~~Recipient Eligibility Verification (REV)~~**

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

System

- a) Definitions
As used in this Section, unless the context requires otherwise:
- 1) "Batch Mode" is any request other than a "real time mode" request. The Department will respond to a "batch mode" request within 24 processing hours.
 - 2) "Medical Provider" is a provider of medical services who is enrolled with the Department to render services under any healthcare program administered by the Department.
 - 3) "Real Time Mode" is a request for eligibility verification for a single individual, or a request for claims status for a specific claim from a trading partner, to which the Department will respond as immediately as possible.
 - 4) "Recipient" is an individual eligible to receive services through any healthcare program administered by the Department.
 - 5) "Subscriber" is a medical provider or the agent of a medical provider who executes a contract with a trading partner to participate in the EDI service.
 - 6) "Trading Partner" is an entity that has successfully completed the EDI trading partner application process and executed an agreement with the Department to utilize the Department's EDI service.

REV System Description

~~The REV system was created under Public Act 88-554 and offers on-line Medicaid eligibility information and claims history information to subscribers. This information is provided to subscribers through contractors who have entered into a contract with the Department. The contractors are responsible for marketing the system to providers. Services will be made available through leased lines between the contractors and the State. Upon availability of REV contractors in a geographic area, only contractors and subscribers participating in the REV system are authorized to access information provided through the REV system.~~

- b) Electronic Data Interchange (EDI) Service
A new Electronic Data Interchange process will offer a HIPAA compliant means for trading partners to verify recipient eligibility (real time and batch mode),

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

submit medical claims (batch mode only) and check medical claim status (real time and batch mode). This information will be made available to medical providers through Department approved trading partners. Trading partners are responsible for marketing the EDI service to medical providers. Direct access to the EDI service will be made available through Department prescribed methods. Only Department approved trading partners and their subscribing medical providers are authorized to access information provided through the EDI service, except as may be approved through subsection (e)(4).

Definitions

~~As used in this Section, unless the context requires otherwise:~~

- ~~1) Contractors are those entities having successfully completed the Request for Proposal (RFP) process and executed a contract with the Department to provide services under the REV system.~~
- ~~2) Providers are providers of medical services who are enrolled with the Department to render services under the Medicaid program.~~
- ~~3) Subscribers are medical providers who are enrolled in the Medicaid program or are the provider's agent and who execute a contract with a contractor to participate in the REV system.~~

c) Recipient Eligibility Verification (REV) System Contract Termination
The REV system (see Section 5-1.2 of the Public Aid Code) offered on-line Medicaid eligibility information and claims history information to subscribers through REV contractors. All REV vendor contracts that have not been terminated are terminated effective June 30, 2013. Any REV vendor who had a contract with the Department that has terminated must apply to become a trading partner under subsection (d).

d)e) Eligibility Requirements for Trading Partners~~Eligible Contractors~~
In order to be qualified to participate in the servicesystem, a trading partner~~the contractor~~ must:

- 1) Submit a Department prescribed application~~proposal acceptable~~ to the Department and execute an agreement~~a contract~~ with the Department. The agreement will establish the amount of reimbursement the trading partner will pay to the Department for real time mode and batch mode requests. The agreement will also provide that the provider or trading partner

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

~~will~~ Under this contract, the contractor must agree to execute a written contract with each subscriber prior to any exchange of data with that subscriber ~~and only after the contractor has received prior approval from the State of the model subscriber contract language;~~

- 2) ~~By the end of the first 12 months of the contract, handle a minimum number of subscribers or transactions per month as determined by the Department;~~
- 2)3) Agree to access data through one or more high speed data transmission circuits ~~as~~ determined by the Department to be compatible with current technology and operating needs. Current compatible high speed data transmission circuits shall be identified as part of the information provided to applicants who request the application from the Department. Updates to technology, operating needs or transmission circuits will be provided to existing trading partners via electronic communication at least 30 days before usage is required;
- 3)4) Treat all information, including information relating to recipients and ~~medical providers~~ providers obtained ~~by the contractor through performance while~~ under the ~~agreement~~ contract with the Department, as confidential information pursuant to the Public Aid Code [305 ILCS 5] and federal regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) (42 CFR 160, 162 and 164);
- 4)5) Provide data to subscribers through a system designed to be flexible to meet each subscriber's needs as well as meeting the following specific requirements:
 - A) Support various means of telecommunication that are commonly available for use by the subscriber; and
 - B) Be compatible with the State of Illinois Department of Central Management Services' current telecommunications operating environment;
- 5)6) Certify that it is neither an individual nor an organization that:
 - A) Furnishes statements or bills and receives payment in the name of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

~~medical~~ the providers; or

- B) Advances money to a medical provider for accounts receivable that the medical provider has assigned, sold or transferred to the individual or organization for an added fee or a deduction of the portion of the accounts receivable.

~~e)4)~~ Subscriber Contracts

The ~~trading partnere~~~~contractor~~ must agree that all contracts with subscribers provide that:

- 1) Access to the system shall be restricted to the sole purpose of verification of medical assistance eligibility, submission of medical claims, and providing claims history information ~~when~~~~where~~ a subscriber is requesting payment information for medical services rendered to a recipient;
- 2) The subscriber indemnifies and holds harmless the State, its agents and employees from any and all claims by ~~the~~~~such~~ subscriber or any recipient who is aggrieved by the actions of any party under the contract;
- 3) The subscriber is an enrolled medical ~~Medicaid~~ provider or the medical provider's agent;
- ~~4) The fees charged to subscribers must be reasonable;~~
- ~~4)5)~~ ~~A~~~~Any other~~ third party who is not qualified as a subscriber may be granted access to the EDI service through a trading partners~~system~~ only with prior approval of the Department~~State~~;
- ~~5)6)~~ All information, including information relating to recipients and providers obtained by the subscriber, through performance under contract with the contractor, is treated as confidential information pursuant to the Public Aid Code [305 ILCS 5] and federal regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) (42 CFR 160, 162 and 164); and
- ~~6)7)~~ The subscriber will certify~~certifies~~ that neither it, nor any employees, partners, officers or shareholders of the subscriber, are currently barred, suspended or terminated from participation in the Medicaid or Medicare

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

~~program~~programs, nor are any of the above currently under sanction for, or serving a sentence for, conviction of any Medicaid or Medicare program offenses.

~~f)e)~~ Charges for ~~EDI~~System Services

- 1) ~~Reimbursement rates for real time mode and batch mode requests from a trading partner~~Charges to contractors will be established in the ~~agreement~~contract between the ~~trading partner~~contractor and the Department.
- 2) Charges to the subscribers are made in accordance with the fee schedule and provisions specified in the ~~contract between the trading partner and subscriber~~contractor's and subscriber's contract.

~~f)~~ Required Subscriber Information

~~The following recipient information must be made available to the subscriber:~~

- 1) ~~Medicaid eligibility status for service date(s);~~
- 2) ~~Date of birth;~~
- 3) ~~Medicare eligibility;~~
- 4) ~~HMO enrollment data;~~
- 5) ~~Recipient restriction status;~~
- 6) ~~Spend-down status;~~
- 7) ~~Recipient claims history information; and~~
- 8) ~~Third Party Liability (TPL) information, including:~~
 - A) ~~Carrier name and address;~~
 - B) ~~Coverage types;~~
 - C) ~~Policyholder name and address;~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- D) ~~Policy number;~~
- E) ~~Group number;~~
- F) ~~Coverage date; and~~
- G) ~~Coverage termination date.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Protection of Privacy of Public Aid Applicants and Recipients
- 2) Code Citation: 77 Ill. Adm. Code 4000
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
4000.100	New Section
- 4) Statutory Authority: Implementing Section 11-10 of the Illinois Public Aid Code [3-5 ILCS 5/11-10] and authorized by Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2, 20.3]
- 5) A Complete Description of the Subjects and Issues Involved: Under the Intergovernmental Agreement between the Office of Health Information Technology (OHIT) and the Department of Healthcare and Family Services (HFS), providing OHIT with receipt of HFS data in connection with implementation of the Illinois Health Information Exchange (ILHIE), the OHIT Authority is obligated under the Illinois Public Aid Code [3-5 ILCS 5] to adopt regulations to protect against prohibited disclosures of public aid applicants and recipient information.
- 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? None
- 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 proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Health Exchange Authority will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should be addressed to:

HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF PROPOSED RULES

Mark Chudzinski
ILHIE Authority Secretary
100 W Randolph, suite 2-201
Chicago, IL 60601

312/814-1600

- 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 2 most recent agendas because the rule was not anticipated at the time the Regulatory Agendas were published.

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

HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER XVII: HEALTH INFORMATION EXCHANGE AUTHORITYPART 4000
PROTECTION OF PRIVACY OF PUBLIC AID APPLICANTS AND RECIPIENTS

Section

4000.100 Protection of Privacy of Public Aid Applicants and Recipients

AUTHORITY: Implementing Section 11-10 of the Illinois Public Aid Code [305 ILCS 5/11-10] and authorized by Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2 and 20.3].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 4000.100 Protection of Privacy of Public Aid Applicants and Recipients

Under the Intergovernmental Agreement between the Office of Health Information Technology (OHIT) and the Department of Health and Family Services (HFS), providing OHIT with receipt of HFS data in connection with the implementation of the Illinois Health Information Exchange (ILHIE), the Illinois Health Information Exchange Authority (Authority) is obligated under the Illinois Public Aid Code [305 ILCS 5/11-9 through 11-12] to adopt regulations to protect against prohibited disclosures of public aid applicant and recipient information.

- a) The release of information regarding public aid applicants and recipients shall be governed by Sections 11-9, 11-10 and 11-12 of the Illinois Public Aid Code. For the protection of applicants and recipients, the following classes of individuals and entities are prohibited from disclosing any information about a recipient or public aid record, except for purposes directly related to the administration of the assistance programs:
 - 1) OHIT's employees;
 - 2) OHIT's corporate affiliates and their employees; and
 - 3) OHIT's subcontractors and their employees.
- b) The following shall be considered as included in the administration of the programs:

HEALTH INFORMATION EXCHANGE AUTHORITY

NOTICE OF PROPOSED RULES

- 1) The establishment of an individual's initial or continuing eligibility for public assistance;
 - 2) The establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and
 - 3) The establishment of procedures assuring the health and safety of the applicant or recipient consistent with and in furtherance of the duties and powers of the Authority under Section 30 of the Illinois Health Information Exchange and Policy Act [20 ILCS 3860/30] (Participation in health information systems maintained by State agencies).
- c) Use of information for commercial, personal or political purposes is specifically prohibited.

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Inventories, Registers, and Records
- 2) Code Citation: 17 Ill. Adm. Code 4020
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4020.110	New Section
4020.120	New Section
4020.130	New Section
4020.140	New Section
4020.210	New Section
4020.220	New Section
4020.230	New Section
4020.240	New Section
4020.250	New Section
4020.260	New Section
4020.270	New Section
4020.310	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 6 and 7 of the Illinois Natural Areas Preservation Act [525 ILCS 30/6 and 7]
- 5) A Complete Description of the Subjects and Issues Involved: This rule implements the revised statutory language that directs the Nature Preserves Commission to develop and set fees to be charged persons, corporations and agencies for the use of data from Commission maintained databases that cover the actual cost of collecting, compiling, maintaining and distributing these data. Fees collected under this proposed rule would be deposited into the Natural Areas Acquisition Fund to support the aforementioned database.
- 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

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: This rulemaking affects units of local government and private entities/individuals who request and receive data from the Natural Heritage Database including those that participate in consultation pursuant to the Illinois Natural Areas Preservation Act and the Illinois Endangered Species Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/558-1224
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking affects all entities that request and receive data from the Natural Heritage Database including those that participate in consultation pursuant to the Illinois Natural Areas Preservation Act and the Illinois Endangered Species Act.
 - 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 2 most recent regulatory agendas because the need for the amendment was not anticipated when the most recent Regulatory Agendas were published.

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

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER V: NATURE PRESERVES COMMISSION

PART 4020
INVENTORIES, REGISTERS AND RECORDS

SUBPART A: GENERAL PROVISIONS

Section	
4020.110	Purpose
4020.120	Applicability
4020.130	Definitions
4020.140	Penalties

SUBPART B: DATA REQUESTS AND FEES

Section	
4020.210	General
4020.220	Submitting Data Requests
4020.230	Request Denial
4020.240	Fees
4020.250	Data Updates
4020.260	Exceptions: Discounts and Waivers
4020.270	Collection of Fees

SUBPART C: DATA USE AND LIMITATIONS

Section	
4020.310	Data Use and Limitations

AUTHORITY: Implementing and authorized by Sections 6 and 7 of the Illinois Natural Areas Preservation Act [525 ILCS 30/6 and 7].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 4020.110 Purpose

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

The purpose of this Part is:

- a) To clarify the type of data included in inventories, registers and records compiled and maintained on behalf of the Commission.
- b) To establish and describe fees to recover the actual cost of collecting, storing, managing, compiling and providing access to natural heritage data, including inventories, registers and records required by Section 6.01 of the Act.
- c) To describe the limits on how accessed natural heritage data may be used.

Section 4020.120 Applicability

This Part applies to all natural heritage data compiled and maintained on behalf of the Commission as required by Section 6.01 of the Act.

Section 4020.130 Definitions

As used in this Part, the following terms have the meanings indicated, except where context requires otherwise:

"Act" means the Illinois Natural Area Preservation Act [525 ILCS 30].

"Board" means the Illinois Endangered Species Protection Board created by Section 6 of the Illinois Endangered Species Protect Act [520 ILCS 10/6].

"Commission" means the Illinois Nature Preserves Commission created by Section 4 of the Act.

"Department" means the Illinois Department of Natural Resources.

"Element Occurrence" means an area of land and/or water in which a species is, or was, reported to be present or means a local population.

"Licensee" means any person licensed to use natural heritage data subject to the terms of a Data Licensing Agreement.

"Natural Areas Acquisition Fund" means the Illinois Natural Areas Acquisition Fund established in Section 14 of the Open Space Lands Acquisition and

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

Development Act [525 ILCS 35/14]. The fund is used by the Department for the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands, and other areas with unique or unusual natural heritage qualities.

"Natural Heritage Data", "Natural Heritage Database" or "Data" means recorded information on the biology, existence and locations of threatened and endangered species and other species; protective status of these species; inventories of natural features, including, but not limited to, the Illinois Natural Areas Inventory sites and the resources that allow a site to qualify; and means data collected pursuant to 17 Ill. Adm. Code 4010 (Register of Land and Water Reserves). Natural heritage data is owned by the State of Illinois and compiled and maintained by the Department's Natural Heritage Database Program as a service to assist, and in cooperation with, the Commission and the Board. Access to natural heritage data shall be in the form of spatial data, reports or custom data formats subject to Natural Heritage Database Program approval.

"Natural Heritage Database Program" or "NHD Program" means the program within the Department responsible for maintaining the natural heritage data.

"Quadrangle" means one of 1,071 U.S. Geological Survey 1:24,000-scale topographic maps covering the State of Illinois, also known as 7.5-minute quadrangles.

"Person" means any individual, corporation, partnership, firm, organization, association, government entity or agency, or body politic.

"T&E Species" or "Threatened and Endangered Species" means any species or subspecies listed by the Board pursuant to Section 7 of the Illinois Endangered Species Protection Act.

Section 4020.140 Penalties

Any person who violates this Part, falsifies or makes any misrepresentation in the data licensing agreement, required records, or any other information required to be given to the Department shall be subject to the penalties set forth in Section 22 of the Act.

SUBPART B: DATA REQUESTS AND FEES

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

Section 4020.210 General

- a) A fee will be charged (see Section 4020.240) for compiling and providing natural heritage data for any persons requesting that information for research, educational, environmental, land management, land development and similar purposes. All fees are non-refundable.
- b) The Commission shall, at a regular public meeting held pursuant to 2 Ill. Adm. Code 2150.210 through 2150.280, review natural heritage data fees at least every 5 years to assess whether those fees are meeting NHD Program costs. The Commission shall promulgate any necessary fee changes by modifying this Part in consultation with the Department.
- c) The Commission and Department shall enter into a Data Licensing Agreement with licensees to provide natural heritage data and collect fees pursuant to this Part.
- d) Revenues generated specifically under the natural heritage data fee shall be deposited into the Natural Areas Acquisition Fund and appropriated to the Department for the purpose of collecting, storing, managing, compiling and providing access to support, maintain and update the NHD and its data. Department costs with respect to the NHD include, but are not limited to, personnel, information technology and data collection costs. All fees shall be tracked with a unique identifying code.
- e) Distribution of data to third parties is prohibited.

Section 4020.220 Submitting Data Requests

- a) Requests for natural heritage data shall be submitted via the online system or in writing via mail, electronic mail or fax. Requests should be directed to the Natural Heritage Database Program, Office of Resource Conservation, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702.
- b) Persons requesting and receiving natural heritage data via written request shall provide the following:

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- 1) Contact information (name, company/organization, address, telephone number, and electronic mail address);
 - 2) Desired data and format;
 - 3) Geographic extent of desired data;
 - 4) Explanation of how the data will be used and who will have access to the data; and
 - 5) Payment of fees in full unless alternate arrangements are made.
- c) All persons requesting and receiving natural heritage data via written request shall first be required to sign a one-year Data Licensing Agreement that dictates the conditions for use of the data. Licensing agreements may be renewed on a yearly basis.

Section 4020.230 Request Denial

- a) Requests contrary to the purposes of the Act, or for purposes in violation of the Wildlife Code [520 ILCS 5], the Fish and Aquatic Life Code [515 ILCS 5], or the Illinois Endangered Species Protection Act shall be denied.
- b) If it is determined that a licensee has violated the terms of the Data Licensing Agreement or is in violation of Section 4020.310, all rights to use the data shall be immediately revoked and any future requests for natural heritage data shall be denied.
- c) Natural heritage data are exempt from disclosure as valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss, as allowed by Section 7(i) of the Freedom of Information Act [5 ILCS 140/7(i)].

Section 4020.240 Fees

- a) Base Fee. There will be a base fee for each request in addition to spatial data and report fees. The base fee is \$75 per request.

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- b) Spatial Data Fees. Spatial natural heritage data layers will be provided in Geographic Information System (GIS) format.
 - 1) Quadrangle Rate. Fees for spatial natural heritage data will be assessed a fee for each topographic quadrangle. Project sites will be buffered 5 miles and requesters will be charged for each quadrangle intersected. The quadrangle rate fee is \$50 per quadrangle.
 - 2) Subscriber Rate. Natural heritage data for the entire State can be provided at a rate that is discounted from the per quadrangle fee. The subscriber rate fee is \$20,000 per year.
- c) Report Fees. Report data will be provided in PDF or Excel format.
 - 1) Quadrangle Reports. The fee for reports detailing information about the natural heritage data that occurs within a topographic quadrangle is \$50 per quadrangle.
 - 2) Species Reports. The fee for reports detailing information about T&E species is \$25 per element occurrence.
- d) Custom Data Requests. Fees for custom data requests will be assessed by the NHD Program manager at the time of the request.
- e) Users of natural heritage data accessed through the Department's EcoCAT system (including users accessing the EcoCAT system pursuant to 17 Ill. Adm. Code 1075.90) shall be assessed a fee of \$25 and the base fee shall be waived.

Section 4020.250 Data Updates

Natural heritage data is updated on a daily to quarterly basis, depending on the dataset. Therefore, licensees are encouraged to get updated data as appropriate based on their project parameters. Spatial data updates are free during the one-year Data Licensing Agreement period. The update must be for data within the same portion of the State covered in the Data Licensing Agreement.

- a) Quadrangle Rate. Licensees who receive data at the quadrangle rate are allowed up to 3 data updates in a calendar year and must request their own data updates.

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- b) Subscriber Rate. Licensees subscribing to statewide data will automatically receive data updates at the beginning of every calendar year quarter.

Section 4020.260 Exceptions: Discounts and Waivers

- a) No fees shall be charged to the Department, Commission or Board for requests that fulfill the day-to-day operational needs of the Department, Commission or Board, including land management planning, status assessment and land owner contact.
- b) Fees may be waived or reduced in writing under select circumstances, including:
 - 1) Written agreements with the Department, Commission or Board in which Department, Commission or Board costs are reimbursed or offset and/or in which the request furthers Department, Commission or Board missions.
 - 2) Requests for college students actively working on a thesis or dissertation research project determined by Department, Commission or Board to further Department, Commission or Board missions.
- c) Requesters shall be assessed the base fee even when a discount or waiver is given.
- d) No waiver or reduction of fees shall, in any way, impair the State of Illinois' ownership or licensing rights to the natural heritage data provided.

Section 4020.270 Collection of Fees

- a) Fee payment is expected at the time of the request unless alternate arrangements are made.
- b) Fees may be paid online, when available, or by certified or cashier's check payable to the Illinois Natural Heritage Database Program, to the Natural Heritage Database Program – Office of Resource Conservation, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702. No cash payments will be accepted.
 - 1) Payment shall not include any other fees or payments due to the Department for any purpose other than the fee due under this Part.

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

- 2) Payment of fees shall be deposited in the Natural Areas Acquisition Fund and tracked separately.
- 3) No fee remitted to the Department under this Part shall be refunded in whole or in part at any time for any reason.

SUBPART C: DATA USE AND LIMITATIONS

Section 4020.310 Data Use and Limitations

- a) Natural heritage data is non-transferable and cannot be provided to third parties. Any and all requests for data access from third parties shall be directed to the NHD Program.
- b) The accuracy of this data is time-limited as the NHD is updated on a daily to quarterly basis. Licensees are encouraged to get data updates.
- c) If the licensee is a governmental or private entity, the licensee shall ensure that access to the data is limited to those individuals within the entity who require access to the data for the stated project and purpose of the Data Licensing Agreement. The licensee is responsible for ensuring that all such individuals understand and adhere to the terms of the Data Licensing Agreement. Subcontractors of a licensee who require access to the data must enter into their own Data Licensing Agreement.
- d) Release of precise species locations may threaten natural heritage resources. Licensees shall take reasonable precautions to ensure the confidentiality of T&E species locations. Licensees shall not display precise species locations in publically-accessible documents or websites. Instead, species locations should be generalized or displayed without species' names. The degree of generalization will be stated in the Data Licensing Agreement.
- e) Licensees must provide the NHD Program with any T&E species information that is collected during the term of the Data Licensing Agreement so as to keep the natural heritage database current. This information includes species location, date observed, names of observers, and number observed.
- f) Licensees shall identify the "Illinois Department of Natural Resources, Illinois Nature Preserves Commission, Illinois Endangered Species Protection Board, and

NATURE PRESERVES COMMISSION

NOTICE OF PROPOSED RULES

Natural Heritage Database" as the data source on any map or publication and shall include the release date of the data.

- g) Natural heritage data is provided for planning and assessment purposes only. Receipt of the data does not constitute Department, Commission or Board review or authorization of any proposed project and does not exempt the licensee from securing necessary permits and approvals from the Department, Commission, Board or other regulatory agency.
- h) Data maintained by the NHD Program is gained from the best and most recent information available and undergoes quality control and quality assurance. Because environmental conditions change daily, the NHD Program cannot provide a conclusive statement on the presence, absence or condition of significant natural features identified in the NHD and can only summarize the information known at the time of each agreement. An executed Data Licensing Agreement shall not constitute Department, Commission or Board validation of the Licensee's interpretation of the data.
- i) The natural heritage data being provided constitutes a representation of the more extensive information available in manual and electronic files.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Selection of Architects/Engineers (A/E)
- 2) Code Citation: 44 Ill. Adm. Code 1000
- 3) Section Number: 1000.140 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20]
- 5) Effective Date of Amendment: May 9, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 36 Ill. Reg. 17192; December 14, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment provides that the Capital Development Board will consider minority and female enterprise participation in

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

selecting architects and engineers. It also describes the criteria CDB will use in deciding whether to place goals for minority and female participation for architects and engineers on Capital Development Board projects. Finally, the amended describes the criteria the Capital Development Board will consider in determining whether architects and engineers have made a good faith effort to meet such goals.

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

Thomas Klein
General Counsel
Capital Development Board
401 S. Spring Street
3rd Floor Stratton Building
Springfield, Illinois 62706

Telephone: 217/782-0700
E-Mail: Thomas.klein@illinois.gov
Facsimile: 217/524-0565

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARDPART 1000
SELECTION OF ARCHITECTS/ENGINEERS (A/E)

Section

1000.100	Definitions
1000.110	Purpose
1000.120	Selection Procedures
1000.130	Selection Committee
1000.140	Evaluation Procedures
1000.150	Preliminary Evaluations
1000.160	Interviews
1000.170	Delegation of Evaluations
1000.180	Public Notice
1000.190	Submittal Requirements
1000.200	Small Projects
1000.210	Emergency Projects

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed and new Part adopted at 22 Ill. Reg. 1176, effective January 1, 1998; amended at 24 Ill. Reg. 11618, effective July 24, 2000; amended at 25 Ill. Reg. 11774, effective August 10, 2001; amended at 26 Ill. Reg. 2610, effective February 8, 2002; amended at 37 Ill. Reg. 7122, effective May 9, 2013.

Section 1000.140 Evaluation Procedures

- a) In making its recommendations, the selection committee may consider, among

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

others:

- 1) The A/E's qualifications.
- 2) The ability of professional personnel submitted by the A/E.
- 3) The A/E's past record and experience.
- 4) The prior performance of the A/E on CDB professional services agreements.
- 5) The willingness of the firm to meet time requirements.
- 6) The location of the project relative to the firm's place of business.
- 7) The results of preliminary evaluations performed by CDB staff.
- 8) The current work load of the A/Es and their prior selections by CDB.
- 9) References.
- 10) Interviews conducted with the A/Es.

11) [Minority and/or female ownership of the A/E and the consultants.](#)

- b) For each project with an estimated basic services fee of \$75,000 or more, the CDB Fair Employment Practices department will set goals for minority and female owned business enterprises. The goals for each project will be described in the CDB Professional Services Bulletin. The goals will be based on the availability of minority and female owned business enterprises in the area capable of doing the work. CDB may waive goals for a particular project if it determines that no minority and female owned business enterprises would be available to perform the type of work involved in the area of the project or if the work involved does not lend itself to the use of consultants. No A/E that fails to meet the goal shall be considered unless it provides sufficient evidence to CDB within 7 days after submitting its proposal that, after making a good faith effort, it was unable to find sufficient minority or female owned business enterprises willing and able to perform the work.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- c) An A/E attempting to demonstrate that it made a good faith effort to meet minority and female business enterprise goals shall submit:
- 1) All information indicating why the specified goal cannot be met;
 - 2) A list of all minority and female business enterprises that were contacted;
 - 3) Copies of all solicitation letters to minority and female business enterprises. Letters shall contain, at a minimum:
 - A) Project title and location;
 - B) Classification of work items for which consultants are sought;
 - C) Date, time and place responses are due;
 - D) Returnable acknowledgement of the solicitation;
 - 4) Evidence, such as a log, of telephone contact, including time and date of call, telephone number, and name of person spoken to;
 - 5) Any other evidence of good faith effort or other relevant information in support of the request.
- d) In determining if a firm has submitted sufficient evidence that it made a good faith effort to find sufficient minority or female owned business enterprises willing and able to perform the work, CDB shall consider:
- 1) The number of minority and female owned business enterprises contacted (including any log of communications provided to CDB);
 - 2) Whether the work to be allocated to minority and female owned business enterprises was selected in order to increase the likelihood of achieving the specified goal;
 - 3) Whether the firm negotiated in good faith with minority and female owned business enterprises without imposing conditions that are not imposed on other business enterprises or denying benefits that are offered to other business enterprises;

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

4) [Whether the firm engaged CDB's Fair Employment Practices Division to provide referrals.](#)

[eb](#)) In no case shall the committee, prior to selecting an A/E for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

(Source: Amended at 37 Ill. Reg. 7122, effective May 9, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
515.100	Amend
515.180	New
515.315	Amend
515.330	Amend
515.470	Amend
515.530	Amend
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rulemaking: May 13, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: January 4, 2013; 37 Ill. Reg. 21
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

The following changes were made in response to comments and suggestions of JCAR:

1. In Section 515.180(b), "(77 Ill. Adm. Code 100)" was added after "Hearings".
2. In Section 515.315(b), "online at www.idphnet.illinois.gov" was added after "System".
3. In Section 515.315(b), "at (217) 557-3481" was added after "Office".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

4. In Subpart E of the table of contents, "515.715 Provisional Licensure for First Responders and Emergency Medical Responders" was added under "515.710 Emergency Medical Dispatcher".

5. At the end of the main source note, "amended at 37 Ill. Reg. _____, effective _____" was added.

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? Yes

<u>Sections:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
515.720	Repeal	37 Ill. Reg. 1850; February 15, 2013
515.725	Amend	37 Ill. Reg. 1850; February 15, 2013

15) Summary and Purpose of Rulemaking: Section 515.100 will clarify that a Registered Nurse, Nurse Practitioner and Physician Assistant must carry an unencumbered license in the state in which he or she practices. Several out-of-State hospitals have Illinois recognitions, such as Trauma Centers and Emergency Medical Services for Children Facility Recognition (Emergency Department Approved for Pediatrics). To avoid having to grant waivers to these professionals, the Department clarified that the professional must have an unencumbered license in the state in which he or she practices.

Section 515.180, Administrative Hearings, is a new Section that will give the Director or an individual designated by the Director the right to conduct a hearing and issue a final order specifying his or her findings of fact and conclusions of law.

Section 515.315 changes the hospital bypass reporting to the internet "Illinois Hospital Bypass/State Disaster Reporting System". Hospital bypass status in the past was reported by fax. Hospitals will still have to fax hospital bypass information if the internet is not functioning.

Section 515.330 is being amended to outline the requirements for a Veterans' Administration (VA) facility that wants to participate in an EMS system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 515.470 is being amended to require VA facilities to maintain operational two-way radio communication pursuant to Section 515.400 and as required by the EMS

System in which they participate. This Section also requires VA facilities to commit to accepting patients during a disaster, overload or bypass situations.

Section 515.530 is being amended to clarify that an EMT candidate needs to retake a refresher course if he or she has failed the exam two times instead of having to retake the training program.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.170	Employer Responsibility
<u>515.180</u>	<u>Administrative Hearings</u>

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.715	Provisional Licensure for First Responders and Emergency Medical Responders
515.720	First Responder

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements
515.835	Stretcher Van Provider Licensing Requirements
515.840	Stretcher Van Requirements
515.845	Operation of Stretcher Vans
515.850	Reserve Ambulances
515.860	Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section	
515.900	Licensure of SEMSV Programs – General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

515.3000	EMS Assistance Fund Administration
----------	------------------------------------

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

515.3090	Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020	Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation
515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N	Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O	Pediatric Critical Care Center Plan
515.APPENDIX P	Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013.

SUBPART A: GENERAL

Section 515.100 Definitions*For the purposes of this Part:*

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Advanced Life Support Services or ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMS MD – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

~~APLS – the American College of Emergency Physicians American Academy of Pediatrics (ACEP-AAP) Advanced Pediatric Life Support course, unless the context clearly indicates otherwise.~~

Applicant – an individual or entity applying for a Department-issued license or certification.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It shall have a functioning Intensive Care Unit or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the EMT-~~Paramedic (EMT-P)~~ or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, Intermediate Life Support (ILS) or Basic Life Support (BLS) System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Basic Life Support Services or BLS Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation; who has passed the certifying exam given by the National Council on Certification; and who, by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Channel, Half-Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3].

Child Life Specialist – A person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

~~CME—continuing medical education.~~

Comprehensive Emergency Department – a classification of a hospital emergency

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; ancillary services, including laboratory and x-ray, are staffed at all times; and the pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport – A Specialty Care Transport (SCT) level of inter-facility or 911 service that uses paramedic, [pre-hospital registered nurse \(PHRN\)](#) and, on occasion, specialized nursing staff to perform skills and interventions at levels above the usual and customary scope of paramedic practice within the State of Illinois. Advanced education, continuing education and special certifications are required. All Critical Care Transport Programs shall be under the direction of a Department-approved ALS EMS System.

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power or ERP – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram or EKG – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the Nurse Practice Act [225 ILCS 65], who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80 of the Act) ~~These individuals were formerly called MICNs.~~

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatcher – a person who has successfully completed a training course in emergency medical dispatching meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services System or EMS System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

~~ENPC – the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course.~~

First Responder – a person who is at least 18 years of age, who has successfully completed a course of instruction in emergency medical responder~~first response~~ as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency medical responder~~first response~~ course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours, four days a week.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital – *has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85]. (Section 3.5 of the Act)*

Hospitalist – a physician who primarily provides unit-based/in-hospital services.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or IMC – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support Services or ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Licensee – an individual or entity to which the Department has issued a license.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma ~~and/or~~ treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Nurse Practitioner – a person who is licensed as a nurse practitioner under the Nurse Practice Act [225 ILCS 65]. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

~~PALS – American Heart Association American Academy of Pediatrics (AHA-AAP) Pediatric Advanced Life Support course, unless the context clearly indicates otherwise.~~

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric Patient – patient from birth through 15 years of age.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Physician Assistant – a person who is licensed under the Physician Assistant Practice Act [225 ILCS 95]. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN or PHRN – a registered professional nurse, licensed under the Nurse Practice Act, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act)
~~This individual was formerly called a Field RN.~~

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an emergency department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each Trauma Center within the Region, one EMT

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nurse Practice Act [225 ILCS 65]. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)

"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times, and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department, pursuant to Section 515.4010 of this Part, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the Act and this Part, utilizing stretcher vans. (Section 3.86 of the Act)

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment – a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator or TNSCC – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV). (Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 37 Ill. Reg. 7128, effective May 13, 2013)

Section 515.180 Administrative Hearings

- a) *Administrative hearings shall be conducted by the Director or by an individual designated by the Director as Administrative Law Judge to conduct the hearing. On the basis of any such hearing, or upon default of the Respondent, the Director shall issue a Final Order specifying his or her findings of fact and conclusions of law and decision. A copy of the Final Order shall be sent to the Respondent or his or her attorney of record by certified mail or served personally upon the Respondent. (Section 3.135(a) of the Act)*
- b) *The procedure governing hearings authorized by the Act shall be in accordance with Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (Section 3.135(b) of the Act).*

(Source: Added at 37 Ill. Reg. 7128, effective May 13, 2013)

SUBPART C: EMS SYSTEMS

Section 515.315 Bypass Status Review

- a) *The Department shall investigate the circumstances that caused a hospital in an*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. (Section 3.20(c) of the Act)

- b) The hospital shall notify the Illinois Department of Public Health, Division of Emergency Medical Services, of any bypass or resource limitation decision, at both the time of its initiation and the time of its termination, through status change updates entered into the Illinois Hospital Bypass/State Disaster Reporting System online at www.idphnet.illinois.gov. The hospital shall document any inability to access the System by immediately contacting the State of Illinois Customer Service Center. If a hospital is unable to update the Hospital Bypass System due to internet outage, the hospital shall notify the Department via fax to the Division's Central Office at (217)557-3481 during the next business day following any bypass or resource limitation decision. This notification can be faxed.
- c) In determining whether a hospital's decision to go on bypass status was reasonable, the Department shall consider the following:
- 1) The number of critical or monitored beds available in the hospital at the time that the decision to go on bypass status was made;
 - 2) Whether an internal disaster, including, but not limited to, a power failure, had occurred in the hospital at the time that the decision to go on bypass status was made;
 - 3) The number of staff after attempts have been made to call in additional staff, in accordance with facility policy; and
 - 4) The approved Regional Protocols for bypass and diversion at the time that the decision to go on bypass status was made, provided that the Protocols include subsections (c)(1), (2) and (3) ~~above~~.
- d) For Trauma Centers only, the following situations constitute a reasonable decision to go on bypass status:
- 1) All staffed operating suites are in use or fully implemented with on-call teams, and at least one or more of the procedures is an operative trauma case;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) The CAT scan is not working; or
- 3) The general bypass criteria in subsection (c) ~~of this Section~~.
- e) *The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act. (Section 3.20(c) of the Act)*
- f) Each EMS System shall develop a policy addressing response to a system-wide crisis.

(Source: Amended at 37 Ill. Reg. 7128, effective May 13, 2013)

Section 515.330 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name, address and fax number of the Resource Hospital;
- b) The names and resumes of the following persons:
 - 1) The EMS MD,
 - 2) The Alternate EMS MD,
 - 3) The EMS Administrative Director,
 - 4) The EMS System Coordinator;
- c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i) ~~of this Section~~);
- d) The name and address of each ambulance provider participating within the EMS System;
- e) A map of the EMS System's service area indicating the location of all hospitals and ambulance providers participating in the System;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- f) Current letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes, such as emergency department staffing and educational requirements:
- 1) The Chief Executive Officer of the hospital,
 - 2) The Chief of the Medical Staff, and
 - 3) The Director of the Nursing Services;
- g) A letter of commitment from the EMS MD that describes the EMS MD's agreement to:
- 1) Be responsible for the ongoing education of all System personnel, including coordinating didactic and clinical experience;
 - 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the EMS MD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
 - 3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
 - 4) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
 - 5) Ensure that the Department has access to all records, equipment and vehicles under the authority of the EMS MD during any Department inspection, investigation or site survey;
 - 6) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 7) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 8) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-B, EMT-I or EMT-P within the System who has not been recommended for re-licensure by the EMS MD; and
 - 9) Be responsible for compliance with the provisions of Sections 515.400 and 515.410 of this Part;
- h) A description of the method of providing EMS services, which includes:
- 1) Single vehicle response and transport;
 - 2) Dual vehicle response;
 - 3) Level of first response vehicle;
 - 4) Level of transport vehicle;
 - 5) Use of mutual aid agreements; and
 - 6) Informing the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;
- i) A letter of commitment from each Associate ~~Hospital~~ Participating Hospital or Veterans Health Administration facility within the System, which includes the following:
- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
 - 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;
 - 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS system whose ambulances transport to them;
 - 5) An agreement to use the standard treatment orders as established by the Resource Hospital;
 - 6) An agreement to follow the operational policies and protocols of the System;
 - 7) A description of the level of participation in the training and continuing education of pre-hospital personnel;
 - 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;
 - 10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
 - 11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and
 - 12) The names and resumes of the Associate Hospital EMS MD and Associate Hospital EMS Coordinator;
- j) A letter of commitment from each ambulance provider participating within the System, which indicates compliance with Section 515.810 of this Part;
 - k) Descriptions and documentation of each communications requirement provided in

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 515.400 of this Part;

- l) The Program Plan shall consist of the EMS System Manual, which shall be provided to all System participants and shall include the following Sections:
 - 1) Education and Training
 - A) Content and curricula of training programs for EMT, Emergency Medical Dispatcher, First Responder, Pre-Hospital RN, ECRN and Lead Instructor candidates, including:
 - i) Entrance and completion requirements;
 - ii) Program schedules;
 - iii) Goals and objectives;
 - iv) Subject areas;
 - v) Didactic requirements, including skills laboratories;
 - vi) Clinical requirements; and
 - vii) Testing formats.
 - B) Training program for Pre-arrival Medical Instructions, if applicable, including:
 - i) Entrance and completion requirements;
 - ii) Description of course materials; and
 - iii) Testing formats.
 - C) Continuing education for EMTs, Pre-Hospital RNs, and ECRNs, including:
 - i) System requirements (hours, types of programs, etc.);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ii) System program for System participants: types of activities covered (e.g., telemetry review, and morbidity and mortality conferences) and protocols for enrollment and completion;
 - iii) Requirements for approval of academic course work;
 - iv) Didactic programs offered by the System;
 - v) Clinical opportunities available within the System; and
 - vi) Record-keeping requirements for participants, which must be maintained at the Resource Hospital.
- D) Renewal Protocols
- i) System examination requirements for EMTs, Pre-Hospital RNs, ECRNs;
 - ii) Procedures for renewal of Pre-Hospital RN and ECRN approvals;
 - iii) Requirements for submission of transaction cards for EMTs meeting renewal requirements; and
 - iv) Department renewal application forms for EMTs who have not met renewal requirements according to System records.
- E) System participant education and information, including:
- i) Distribution of System Manual amendments;
 - ii) In-services for policy and protocol changes;
 - iii) Methods for communicating updates on System and Regional activities, and other matters of medical, legal and/or professional interest; and
 - iv) Locations of library/resource materials, forms, schedules,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

etc.

- F) A plan that describes how Emergency Medical dispatch agencies and First Responders participate within the EMS System Program Plan (see Sections 515.710 and 515.720 of this Part).
 - G) A System may require that up to one-half of the continuing education hours that are required toward re-licensure, as determined by the Department, be earned through attendance at system-taught courses.
 - H) A didactic continuing education course that has received a State site code shall be accepted by the System, subject only to the requirements of subsection (l)(1)(C) ~~of this Section~~.
- 2) Drugs and Equipment
- A) A list of all drugs and equipment required for each type of System vehicle; and
 - B) Procedures for obtaining replacements at System hospitals.
- 3) Personnel Requirements for EMTs
- A) Minimum staffing for each type and level of vehicle; and
 - B) Guidelines for EMT patient interaction.
- 4) In-Field Protocols, including medical-legal policies, but not limited to:
- A) The Regional Standing Medical Orders;
 - B) System Standing Medical Orders as listed in Section 515. Appendix D, to include Department-approved protocols for medical treatment, including, but not limited to, burns, hypothermia, respiratory distress, shock, trauma, cardiac arrest and toxic exposure (e.g., Department-approved BLS medical treatment protocol, EMSC medical treatment protocol) at a minimum;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) Appropriate interaction with law enforcement on the scene;
 - D) When and how to notify a coroner or medical examiner;
 - E) Appropriate interaction with an independent physician/nurse on the scene;
 - F) The use of restraints;
 - G) Consent for treatment of minors;
 - H) Patient choice and refusal regarding treatment, transport, ~~and/or~~ destination;
 - I) The duty to perform all services without unlawful discrimination;
 - J) Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse;
 - K) Patient abandonment;
 - L) Emotionally disturbed patients;
 - M) Patient confidentiality and release of information;
 - N) Durable power of attorney for health care;
 - O) Do Not Resuscitate (DNR) orders (see Section 515.380 ~~of this Part~~); and
 - P) A policy concerning the use of latex-free supplies.
- 5) Communications standards and protocols, including:
- A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (g) ~~of this Part~~;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital;
 - C) Protocols ensuring that the voice orders via radio and using telemetry shall be given by or under the direction of the EMS MD or the EMS MD's designee, who shall be either an ECRN, or physician; and
 - D) Protocols defining when an ECRN should contact a physician.
- 6) Quality improvement measures for both adult and pediatric patient care shall be performed on a quarterly basis and be available upon Department request; ambulance operation and System training activities, including, but not limited to, monitoring training activities to ensure that the instructions and materials are consistent with United States Department of Transportation training standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review.
- 7) Data collection and evaluation methods that include:
- A) The process that will facilitate problem identification, evaluation and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;
 - B) A copy of the pre-hospital reporting form; and
 - C) A sample of the information and data to be reported to the Department summarizing System activity (see Section 515.350 ~~of this Part~~).
- 8) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including:
- A) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- B) Infectious disease and disinfection procedures, including the policy on significant exposure;
 - C) Reporting and documentation of problems; and
 - D) Protocols for ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or ALS personnel is therefore appropriate. The protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that the activities of the System personnel be under the immediate direction of the EMS MD or designee.
- 9) Any procedures regarding disciplinary or suspension decisions and the review of those decisions that the System has elected to follow in addition to those required by the Act.
- 10) Any System policies regarding abuse of controlled substances or conviction of a felony crime by System personnel whether on or off duty.
- 11) The responsibilities of the EMS Coordinator, as designated by the EMS MD, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required.
- 12) The responsibilities of the EMS MD;
- m) *Written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center, which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal. (Section 3.20(c)(5) of the Act) The bypass status policy shall include criteria to address how the hospital will manage pre-hospital patients with life threatening conditions within the hospital's then-current capabilities while the hospital is on bypass status.~~should include a statement that for any life-threatening condition a patient~~*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~may be transported to the closest facility, whether or not that facility is on bypass status.~~ In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:

- 1) There are no critical or monitored beds available in the hospital; or
- 2) An internal disaster occurs in the hospital;
- n) Bypass status may not be honored if three or more hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility exceeds 15 minutes;
- o) Each hospital shall have a policy addressing peak census procedures, such as the model policy developed by the Department.

(Source: Amended at 37 Ill. Reg. 7128, effective May 13, 2013)

Section 515.470 Participation by Veterans Health Administration Facilities

- a) *Subject to patient preference, Illinois EMS vehicle service providers may transport patients to Veterans Health Administration facilities that voluntarily participate in an EMS System.* (Section 3.20(c)(11) of the Act)
- b) *Any Veterans Health Administration facility seeking limited participation in an EMS System shall agree to comply with the emergency department requirements set forth in the Hospital Licensing Requirements and with the requirements of this Section.* (Section 3.20(c)(11) of the Act)
- c) *The types of Veterans Health Administration facilities that may participate in an EMS System* (Section 3.20(c)(11) of the Act): A Veterans Health Administration (VA) facility that meets the minimum standards for a basic or comprehensive emergency department as established by the Hospital Licensing Requirements (77 Ill. Adm. Code 250) that has the ability to promptly evaluate, treat, stabilize, admit or transfer patients to an appropriate hospital capable of providing the appropriate level of care based upon individual patient needs.
- d) A VA Veterans Health Administration facility seeking to participate in an EMS System shall apply in writing to the EMS MD of the System for approval. The facility shall indicate the level at which it seeks to participate (i.e., participating,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

associate or resource hospital), in accordance with Section 515.320-~~of this Part~~ and, in the case of a resource hospital, Section 515.300-~~of this Part~~. Approval shall be based on the facility's demonstration that it can provide care at the level of participation being sought, in accordance with the requirements of the Act and this Part.

- e) The EMS MD shall notify the facility and the Department of the approval and the type of patients for which care is approved. If the EMS MD denies the approval, the denial shall be issued in writing and shall include the reasons for denial.
- f) The EMS System shall submit a revised System Program Plan to the Department providing for participation of the facility at the level approved by the EMS MD.
- g) Participating facilities shall agree to comply with the requirements of the EMS System Plan as set forth in Section 515.330 of this Part, System protocols established by the System, and any other applicable requirements of this Part, unless waived by the Department in accordance with Section 3.185 of the Act and Section 515.150 of this Part.
- h) VA facilities participating in an EMS System shall maintain operational two-way radio communication equipment pursuant to Section 515.400 (General Communications) and any additional communications equipment required by the EMS System in which they participate.
- i) VA facilities participating in an EMS System shall accept all patients within the facility's capability in a disaster, overload or bypass situation.
- j) If at any time *the Director or his or her designee has determined that an immediate and serious danger to the public health, safety and welfare exists*, the Department will issue an emergency order in accordance with Section 3.85(b)(7) of the Act to prevent licensed vehicle providers from transporting patients to the facility's emergency department. (Section 3.85(b)(7) of the Act)

(Source: Amended at 37 Ill. Reg. 7128, effective May 13, 2013)

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.530 EMT Testing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) All EMT-B candidates shall hold a high school diploma or high school equivalency certificate and be 18 years of age or older to be tested for licensure.
- b) After completion of an approved training program, candidates shall take a written examination. EMT-B and EMT-P candidates shall have the choice of taking either the National Registry of Emergency Medical Technicians examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.
- c) The Department or its designee ~~will~~shall administer the State written examination for EMT-B and EMT-P licensure and for EMT-I licensure when the State examination is available. Candidates who elect to take the National Registry of Emergency Medical Technicians examination in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.
- d) A failure rate per class of 25 percent or greater on the licensure examination shall require that the particular training program be reevaluated by the Department at least 60 days before the start of the next class.
- e) The candidate shall take a refresher course in alignment with the National Registry of Emergency Medical Technicians examination retest policy~~retake the training program~~ if he/she fails to achieve a passing grade on two successive examinations within 12 months after sitting for the examination for the first time.
- f) When a candidate elects to take the State examination or the National Registry's examination, the candidate shall pass that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.
- g) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.

(Source: Amended at 37 Ill. Reg. 7128, effective May 13, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
775.10	Amended
775.20	Amended
775.30	Amended
775.50	Amended
775.60	Amended
775.70	Amended
775.80	Amended
775.90	Amended
775.110	Amended
775.130	Amended
775.140	Repealed
- 4) Statutory Authority: Authorized by the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
- 5) Effective Date of Amendments: May 13, 2013
- 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: 37 Ill. Reg. 98; January 4, 2013
- 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.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products Part. Documents that are being updated include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories all published by the FDA.

Key changes to the 2011 revision of the PMO include updating tests required for nonfat dry milk and dry dairy products, requiring reading of airspace thermometer to be recorded on batch pasteurizer only at the start of the holding time, clarifying requirements for use of magnetic flow meter based timing, eliminating the sampling and testing requirement for bulk shipped heat treated milk products, making corrections to the chemical and bacteriological tests and accepting flunixin for Appendix N screening.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICSPART 775
GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1	Minimum Regulations (Renumbered)
775.10	Definitions
775.20	Incorporated and Referenced Materials
775.30	Minimum Requirements
775.40	Local Government Implementation
775.50	Permits
775.60	Suspension of Permits
775.70	Inspections and Investigations
775.80	Approval of Construction Plans
775.90	Administrative Hearings
775.100	Milk Hauler-Samplers Examination
775.110	Milk Tank Trucks
775.120	Cleaning and Sanitizing Procedures
775.130	Action Levels for Added Water in Milk
775.140	Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)
775.150	Drug Residue Control Program

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013.

Section 775.10 Definitions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In addition to the definitions contained in Section 1 of the Grade A Pasteurized Milk Ordinance ([PMO](#)), the following definitions shall apply:

"Act" means the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

"Bulk milk pickup tank" means the tank, and those appurtenances necessary for its use, used by a milk hauler-sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station. (Section 3(b)(16) of the Act)

"Clarification" means an operational procedure that removes sediment from milk.

"Cleaning and sanitizing facility" means any place, premise or establishment where milk tank trucks are cleaned and sanitized. (Section 3(b)(15) of the Act)

"Cultured dairy products" means milk and milk products that have been soured after pasteurization using harmless lactic-acid-producing bacteria, food grade phosphoric acid, lactic acid, citric acid or hydrochloric acid, with or without rennet and/or other safe, suitable milk-clotting enzymes.

"Dairy farm" means any place or premise where one or more cows ~~or~~ goats ~~or~~ sheep are kept, and from which a part or all of the milk or milk products are provided, sold or offered for sale to a milk plant, transfer station, or receiving station. (Section 3(b)(1) of the Act)

"Department" means the Illinois Department of Public Health. (Section 3(b)(7) of the Act)

"Director" means the Director of the Illinois Department of Public Health. (Section 3(b)(8) of the Act)

"Downstream " means [located](#) after the automatic milk flow safety device [in a high temperature short time \(HTST\) flow-diversion device](#).

"Embargo or hold for investigation" means a detention or seizure designed to deny the use of milk or milk products which may be unwholesome or to prohibit the use of equipment which may result in contaminated or unwholesome milk or dairy products. (Section 3(b)(9) of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Enforcing agency" means the Illinois Department of Public Health or a unit of local government electing to administer and enforce the Act as provided for in the Act. (Section 3(b)(12) of the Act)

"Field representative" means a person qualified and trained in the sanitary methods of production and handling of milk as set forth in this Part, and generally employed by a processing or manufacturing plant for the purpose of doing quality control work.

"Grade A" means that milk and milk products are produced and processed in accordance with the current Grade A Pasteurized Milk Ordinance as adopted by the National Conference on Interstate Milk Shipments and the latest United States Public Health Service – Food and Drug Administration-Grade A Pasteurized Milk Ordinance as may be amended. The term Grade A is applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product", "receiving station", "transfer station", "bulk milk pickup tank", and "certified pasteurizer sealer" whenever used in the Act. (Section 3(a) of the Act)

"High temperature short time flow-diversion device" or "HTST flow-diversion device"-H.T.S.T." means an automatic milk-flow safety device that controls the flow of milk in relation to the temperature of the milk or heating medium and/or pressure, vacuum, or other auxiliary equipment.

"Imminent hazard to the public health" means any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation that should be corrected immediately to prevent injury and that should not be permitted to continue while a hearing or other formal proceeding is being held. (Section 3(b)(10) of the Act)

"Milk" means the milk of cows; or goats or sheep and includes skim milk and cream. (Section 3(b)(2) of the Act)

"Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21 CFR 131.110-(2009). (See Section 775.20.)

"Milk hauler-sampler" means a person who is qualified and trained for the grading and sampling of raw milk in accordance with federal and State quality

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

standards and procedures (Section 3(b)(14) of the Act) and *transports bulk raw milk for pasteurization from a dairy farm to a receiving station, transfer station, or milk plant.* (Section 3(b)(16)(A) of the Act)

"Milk product" means any product including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk or nonfat (skim) milk, cottage cheese (including dry curd, reduced fat, lowfat, and nonfat), yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, or nonfat (skim) milk, low-sodium milk, low-sodium reduced fat lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk and milk products, and milk, reduced fat, lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined in this Section. (Section 3(b)(4) of the Act)

"Milk tank truck" is the term used to describe both a bulk or milk pickup tanker and a milk transport tank.

"Milk transport tank" means a vehicle, including the truck and tank used to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

~~"PMO" means the Grade A Pasteurized Milk Ordinance incorporated by reference. (See Section 775.20.)~~

"Permit" means a document awarded to a person for compliance with the provisions of and under conditions set forth in the Act and this Part. (Section 3(b)(13) of the Act)

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or any political subdivision or Department thereof, or any other

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

entity. (Section 3(b)(11) of the Act)

"Quality assurance program" means the Milk and Dairy Beef Quality Assurance Program, Boeckman, Steve and Carlson, Keith R., Agri-Education Inc., Stratford, Iowa 50249 or equivalent program as determined by the Department.

"Receiving station" means any place, premise, or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting. (Section 3(b)(5) of the Act)

"Separation" means an operational procedure that removes butterfat from milk.

"Transfer station" means any place, premise, or establishment where milk or milk products are transferred directly from one milk tank truck to another. (Section 3(b)(6) of the Act)

"Violative drug residue" means a drug residue at or above the tolerance and/or safe levels as set forth in 21 CFR 556 (~~2009~~) and Appendix N of the PMO.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.20 Incorporated and Referenced Materials

- a) The following regulations, guidelines ~~and~~, standards, ~~rules, and statutes~~ are incorporated ~~or referenced~~ in this Part:
 - 1) Federal government guidelines:
 - A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, ~~2011~~2009 Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835. In addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

775.30(a.)

- B) Evaluation of Milk Laboratories (~~2011~~2005 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
 - C) Methods of Making Sanitation Ratings of Milk Supplies (~~2011~~2009 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
 - D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (~~2011~~2009 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
- 2) Private and professional standards:
- A) ~~The~~ Standard Methods for the Examination of Dairy Products (17th Edition, 2004, American Public Health Association, 1015 – 18th Street, N.W., Washington, D.C. 20036). (See Section 775.70(b).)
 - B) Official Methods of Analysis of the Association of Official Analytical Chemists (18th Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044). (See Section 775.70(b).)
- 3) Federal regulations:
- A) 21 CFR 131.110, Milk (~~2011~~2009). (See Section 775.10, the definition of "milkfat and nonfat solid content standards".)
 - B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (~~2011~~2009). (See Section 775.10, the definition of "violative drug residue".)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (~~20112009~~). (See Section 775.140(a)(1).)

b) The following rules and statutes are referenced in this Part:

~~4)~~ ~~State of Illinois rules and statutes:~~

1)A) Illinois Plumbing Code ~~—(77 Ill. Adm. Code 890)~~, Illinois Department of Public Health. (See Section 775.30(c)(4).)

2)B) ~~Rules of Practice and Procedure in Administrative Hearings —(77 Ill. Adm. Code 100)~~, Illinois Department of Public Health. (See Section 775.90.)

3)C) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

4) Illinois Administrative Procedure Act [5 ILCS 100].

c)b) All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.

d)e) All citations to federal regulations in this Part concern the specified regulation in the ~~20112009~~ Code of Federal Regulations, unless another date is specified.

e)d) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.30 Minimum Requirements

a) The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products; the inspection of dairy herds, dairy farms and milk plants, receiving and transferring stations, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

cleaning and sanitizing facilities; the suspension of permits to milk producers and haulers, shall be regulated in accordance with the provisions of the ~~Grade A Pasteurized Milk Ordinance~~ (PMO) and Appendices A through R (with the exception of Sections 16 and 17) of the PMO. (See Section 775.20.)

- b) The production, manufacture, packaging, labeling and sale of all Grade A condensed milk, Grade A dry milk products, Grade A condensed whey and Grade A dry whey, for use in the commercial preparation of Grade A pasteurized milk products; the inspection of condensing plants and/or drying plants; and the suspension of permits to condensing plants and/or drying plants, shall be regulated in accordance with the provisions of the ~~Grade A Pasteurized Milk Ordinance~~ (PMO) and Appendices A through R (with the exception of Sections 16 and 17 of the PMO). (See Section 775.20.)
- c) In addition to ~~subsections Section 775.30~~(a) and (b), the following provisions shall apply:
- 1) In addition to Section 7, item 15p of the PMO:
 - A) All raw milk piping and equipment ~~shall~~must be completely separated from pasteurized milk and milk product piping and equipment during processing. No raw milk piping or fittings shall be interchanged with pasteurized milk piping and fittings unless they have been ~~cleaned~~washed and sanitized before use.
 - B) Heat-treated and pasteurized milk or milk products that are not produced at the packaging plant, but that are to be used within a plant for processing pasteurized milk or milk products, shall be ~~re-pasteurized~~repasteurized.
 - ~~C)~~ ~~No separation or clarification may occur downstream from any high temperature short time (H.T.S.T.) flow diversion device.~~
 - ~~C)D)~~ Blending of pasteurized milk or milk products may occur downstream from the ~~HTST~~high temperature short time (H.T.S.T.) flow-diversion device only when approved by the Department in accordance with the following specific requirements:
 - i) All pasteurized milk product lines, raw product lines and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

cleaning lines within the milk plant shall be labeled so that the lines can be differentiated by visual inspection. The specific configuration of the lines must be verified by a Department on-site inspection prior to the issuance or renewal of a permit. In addition, any segments of lines that are or can be removed for cleaning ~~shall~~ **must** be individually labeled.

~~ii) All products subject to blending downstream of the high temperature short time flow diversion device shall be required to undergo daily testing for standard plate count, coliform, phosphatase and salmonella. These analyses shall be conducted by a state certified laboratory, and the results shall be maintained for one year.~~

~~ii)iii)~~ Cultured dairy products are exempt from this requirement.

2) In addition to complying with Section 6 of the PMO, each approved milk plant shall retain from each processing day at least one time and date stamped sample from each continuous processing of a specific pasteurized fluid milk product as defined in the ~~PMO~~ **Grade A Pasteurized Milk Ordinance** (see Section 1 of the PMO). These samples shall be of the pasteurized milk product itself and not of each type of container in which the milk product is packaged. In addition, the samples shall be retained until two days after the guaranteed sale date in accordance with the ~~cooling~~ **refrigeration** requirements of the PMO (see Section 7, Table 1 of the PMO).

3) In addition to ~~the provisions of~~ Section 7, items 8r and 7p, of the PMO, the Illinois Plumbing Code (~~77 Ill. Adm. Code 890~~) shall apply.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.50 Permits

*It shall be unlawful for any ~~no~~ person ~~to may~~ establish, maintain, conduct, or ~~operate~~ **operated** a dairy farm, milk plant, receiving station, ~~or~~ transfer station **processing milk or milk products, to establish and operate a, ~~or~~ cleaning and sanitizing facility or milk tank truck, to haul or sample milk, or to act as a certified pasteurizer sealer within this State, ~~to process or haul milk or milk~~***

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~products or to bring in and distribute from out-of-state pasteurized milk and/or milk products from another state without first obtaining a permit from the Department.~~ (Section 5 of the Act)

- a) ~~The Department will grant and renew a~~ permit ~~shall be granted to and renewed~~ for persons, who maintain, conduct, or ~~operate~~ operated a milk plant, receiving station, transfer station, ~~and~~ cleaning and sanitizing facilities, within the State of Illinois ~~by the Department~~ upon completion of an inspection ~~that~~ which establishes compliance with the Act and this Part and upon payment of the fee required by Section 5.1 of the Act. Milk plants ~~that~~ which maintain cleaning and sanitizing facilities on the same site as the plant do not have to obtain a separate permit for ~~those~~ such facilities.
- b) ~~The Department will grant and renew a~~ permit ~~shall be granted to and renewed~~ for persons who bring into and distribute pasteurized milk or milk products from another state ~~that~~ which has ~~administrative~~ rules, ~~regulations~~ or requirements that provide for clean, sanitary and safe handling and processing of pasteurized milk and milk products to ensure protection equivalent to that provided by this Part upon receipt of an inspection report ~~that~~ which establishes compliance with ~~that state's administrative rules or requirements~~ the State's Rules, Regulations or Requirements and upon payment of the fee required by Section 5.1 of the Act.
- c) ~~An original~~ permit ~~will~~ shall be granted to a milk hauler-sampler when the following conditions are met:
- 1) An inspection establishes that the milk hauler-sampler's equipment is in compliance with the provisions of the Act and this Part;~~;~~
 - 2) The milk hauler-sampler has successfully completed and examination administered by the Department;~~;~~ and
 - 3) The milk hauler-sampler has paid the fee required by Section 5.1 of the Act.
- d) A renewal permit ~~will~~ shall be granted to a milk hauler-sampler when an inspection establishes that the milk hauler-sampler's equipment and sampling procedures are in compliance with the provisions of the Act and this Part and upon payment of the fee required by Section 5.1 of the Act.
- e) Dairy Farm Permits

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~An original~~ dairy farm permit is necessary when a farm does not presently hold a permit, ~~when~~ a change of ownership occurs and only the farm owner's name was on the permit, ~~or~~ when a change of tenant occurs and only the former tenant's name was on the permit.
- 2) ~~An original~~ dairy farm permit ~~will~~ be granted to a dairy farm upon the completion of an inspection ~~that establishes which established~~ compliance with the Act and this Part. The inspection includes procedures for the establishment of a quality record. The quality record is established by the results of four samples taken at a rate of not more than two per week and on separate days within a three-week period.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.60 Suspension of Permits

The Department ~~will~~ suspend permits in accordance with the provisions of Sections 3, 5 and 6 of the PMO and the following:

- a) All suspensions, except summary suspensions, ~~will~~ be ~~preceded~~ proceeded by the notice and opportunity for a hearing in accordance with Section 775.90 ~~of this Part~~.
- b) All summary suspensions ~~will~~ be based upon violations of the Act, the PMO or this Part ~~that which~~ constitute a finding that the public interest, safety or welfare imperatively requires ~~the~~ such action in accordance with Section 10-65(d) of the Illinois Administrative Procedure Act ~~[5 ILCS 100/10-65]~~. ~~In addition, all~~ All summary suspensions ~~will~~ be followed by notice and an opportunity for a hearing in accordance with 775.90 of this Part.
- c) If a dairy farm, milk hauler-sampler, receiving and transferring station, cleaning and sanitizing facility or milk plant receives two suspensions in ~~12~~ six months, an informal conference will be held to discuss corrective measures. If the violations resulting in the most recent suspension are not corrected after this conference, administrative hearing ~~proceedings~~ proceeding will be initiated pursuant to Section 775.90 of this Part.
- d) When successive inspections pursuant to Section 5 of the PMO disclose violations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of the same requirement that directly reflect on the health of the public, such as unclean equipment and improper temperature requirements, the suspension policy in Section 5 shall be enforced.

- e) The suspension policies in the PMO may be waived as determined by the inspector's professional judgment, dependent upon the amount of time required for the permit holder to make the necessary corrections, the reasonableness of requiring corrections prior to the next inspection, and the potential for a health hazard created by the violation.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.70 Inspections and Investigations

- a) The Department will inspect and investigate complaints concerning *dairy farms, milk plants, cleaning and sanitizing facilities, receiving stations, transfer stations, milk hauler-samplers, or milk tank trucks used to transport milk and milk products under its jurisdiction, for the purpose of determining compliance with the Act and this Part.* (Section 10 of the Act)
- b) When conducting inspections pursuant to Section 5 of the PMO, the Department will use the Standard Methods for the Examination of Dairy Products and Official Methods of Analysis of the Association of Official Analytical Chemists. (See Section 775.20.)
- c) *Written notice of all violations shall be given to the dairy farm, milk plant, cleaning and sanitizing facility, receiving or transfer station, milk hauler-sampler or milk tank truck owner/operator after any inspection or investigation.* (Section 10 of the Act)

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.80 Approval of Construction Plans

All plans for ~~the~~ construction ~~or~~, reconstruction, or ~~for~~ alterations other than those to repair or perform maintenance on existing facilities of a dairy farm's milking facilities, transfer stations, receiving stations, cleaning and sanitizing facilities, and milk plants, shall be submitted to the Department for approval before work is begun. The Department will approve plans that meet the requirements of the Act and this Part within 30 days after submission.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.90 Administrative Hearings

All administrative hearings held pursuant to the Act or ~~rules of~~ this Part shall be conducted in accordance with the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings. ~~(77 Ill. Adm. Code 100). (See 775.20).~~

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.110 Milk Tank Trucks

a) A milk tank truck may ~~only~~ be used only to transport the following products ~~that~~which are intended for and suitable for human consumption:

- 1) Milk
- 2) Raw Milk
- 3) Milk Products
- 4) Whey and Whey Products
- 5) Potable Water
- 6) Liquid Sweeteners
- 7) Fruit Juices and Drinks
- 8) Liquified Chocolate and ~~Cocoa~~Cocoa Products
- 9) Liquid Pasteurized Eggs and Egg Products
- 10) Vinegar
- 11) Food Colorings
- 12) Vegetable Oils

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) A milk tank truck ~~shall~~must be *cleaned and sanitized prior to the introduction of the milk* or milk products, according to Section 7, items 1p, 2p (climatic and operating conditions), 3p (climatic and operating conditions) 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, 22p and Appendix F of the PMO. (Section 14.1(b) of the Act.)
- c) The owner of each~~Each~~ milk tank truck used to haul milk and other substances shall maintain a log~~must have a log maintained by the owner of~~ the truck. This log ~~shall~~must consist of the following:
- 1) *The date or dates of each trip taken by the milk tank truck;*
 - 2) *The name of the substance hauled by the milk tank truck;*
 - 3) *The date the milk tank truck was cleaned and sanitized;*
 - 4) *The location where the milk tank truck was cleaned and sanitized;*
 - 5) *Such other information deemed necessary by the Department to enforce ~~the~~this Act.*
- ~~d)6)~~ The log for a milk tank ~~milk~~-truck shall be available upon request. (Section 14.1(e) of ~~the~~this Act.)

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

Section 775.130 Action Levels for Added Water in Milk

The presence of added water in raw or pasteurized milk constitutes adulteration. The violative level for added water in either raw or pasteurized milk is equal to or higher than 3% when converted from a milk cryoscope reading on the Hortvet or Centigrade scale when tested in accordance with the ~~17th edition of the~~ Standard Methods for the Examination of Dairy Products. After two occurrences of adulterated milk within a six-month period, the plant or producer shall show cause and reason for the addition of water. After a third occurrence, the Department will institute administrative proceedings to revoke the plant or producer's permit.

(Source: Amended at 37 Ill. Reg. 7166, effective May 13, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 775.140 Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)

- a) ~~The following describes the Department's Pesticide, Herbicide and Mycotoxin residue control program for Grade A raw milk under Section 6, of the PMO.~~
- ~~1) If the analysis of a sample from a milk tank truck shows a level of any of the pesticides, herbicide or mycotoxin above the action levels contained in subsection (b) of this Section or of action levels published in federal regulations at 40 CFR 180 for other pesticides, herbicides, or mycotoxins, then an individual sample is collected from each producer's milk that was in the milk tank truck to determine which producer or producers have created or contributed to the problem.~~
 - ~~2) When the individual resampling is complete and the test indicates high pesticide, herbicide or mycotoxin residue levels equal to or above action level another sample will be taken within 15 days to determine whether this adulteration is continual or has been a one time situation.~~
 - ~~3) If the second sample under subsection (a)(2) of this Section shows an action level equal to or greater than those contained in subsection (b) of this Section, then all of the producer's milk will be removed from the market and not offered for sale for human consumption until an official sample test shows the residue falls below the action level.~~
 - ~~4) The milk supply will then be provisionally reinstated for human use and samples will be taken on a monthly basis. Should the next sample be above action level, the milk will again be removed from the market and not offered for sale for human consumption.~~
 - ~~5) When two consecutive monthly samples are below the action level, the producer's supply shall be fully reinstated.~~
- b) ~~The following Action levels have been established for the Pesticide, Herbicide or Mycotoxin Residue Control Program (PPM=parts per million; PPB=parts per billion):~~
- ~~1) Aldrin—0.3 PPM~~
 - ~~2) Dieldrin—0.3 PPM~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) ~~Endrin—0.3 PPM~~
- 4) ~~Lindane—0.3 PPM~~
- 5) ~~Heptachlor or Heptachlor Epoxide—the action level for either Heptachlor Epoxide or both combined is 0.1 PPM~~
- 6) ~~PCB—1.5 PPM~~
- 7) ~~Aflatoxin—0.5 PPB~~
- 8) ~~D.D.T.—1.25 PPM~~

(Source: Repealed at 37 Ill. Reg. 7166, effective May 13, 2013)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED 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>Adopted Action</u> :
130.20	New Section
130.20	New Section
130.30	New Section
130.40	New Section
130.50	New Section
- 4) Statutory Authority: Implementing Section 6z-83 of the State Finance Act [30 ILCS 105]
- 5) Effective Date of Rules: May 8, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of proposal published in the *Illinois Register*: 36 Ill. Reg. 8241; June 1, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version:

In Section 130.30(c), after "notice" added "from the Veteran".

In Section 130.40(c), changed "has not been certified with the department" to "the Department has not received notice from the veteran of the Department has otherwise been unable to issue certification".

In Section 130.50(b), after "veterans" added "or widows/widowers of those eligible disabled veterans" and after "veteran" added "or the widow/widower of the eligible disabled veteran".

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED RULES

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the implementation of Disabled Veterans Property Tax Relief Fund which allows the Department of Veterans Affairs to establish standards and make disbursements out of the Disabled Veterans Property Tax Relief Fund to qualifying veterans.
- 16) Information and questions regarding these adopted rules shall be directed to:
- Jaime E. Martinez
General Counsel
Department of Veterans Affairs
833 S. Spring Street
P.O. Box 19432
Springfield, Illinois 62794-9432
- 312/814-5391
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED 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 37 Ill. Reg. 7184, effective May 8, 2013.

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED RULES

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.

"Widow/widower" means the surviving spouse of a qualified disabled veteran who was in receipt of a Special Adapted Housing Grant.

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 from the Veteran 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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED RULES

- 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
- c) the Department has not received notice from the veteran or the Department has otherwise been unable to issue certification 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 or widows/widowers of those eligible disabled veterans on the Tax Exempt Disabled Veteran List and disburse to each eligible disabled veteran or the widow/widower of the eligible disabled veteran the appropriate portion of the Fund, rounded down to the nearest cent.

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 7, 2013 through May 13, 2013. The rulemakings are scheduled for review at the Committee's June 11, 2013 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>
6/23/13	<u>Department of Children and Family Services</u> , Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (83 Ill. Adm. Code 431)	12/14/12 36 Ill. Reg. 17289	6/11/13
6/23/13	<u>Illinois Commerce Commission</u> , Utility Service of Military Personnel in Military Service (83 Ill. Adm. Code 281)	2/15/13 37 Ill. Reg. 1835	6/11/13
6/26/13	<u>Illinois Commerce Commission</u> , Telephone Assistance Programs (83 Ill. Adm. Code 757)	9/7/12 36 Ill. Reg. 13749	6/11/13

PROCLAMATIONS

2013-193**Electoral Proclamation – Second Congressional District**

WHEREAS, On the 9th day of April, 2013, a special election was held in the State of Illinois for the election of the following officer, to-wit:

One (1) Representative in Congress for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 7th day of May, 2013, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

**REPRESENTATIVE TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 113th CONGRESS OF THE UNITED STATES
SECOND CONGRESSIONAL DISTRICT
(For an unexpired term)
Robin Kelly**

NOW, THEREFORE, I, PAT QUINN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued by the Governor: May 7, 2013

Filed by the Secretary of State: May 7, 2013

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 21 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 401	.....	6927
89 - 406	.....	6939
89 - 408	.....	6962
32 - 422	.....	6987
89 - 140	.....	7078
77 - 4000	.....	7107
17 - 4020	.....	7111

ADOPTED RULES

44 - 1000	5/9/2013	7122
77 - 515	5/13/2013	7128
77 - 775	5/13/2013	7166
95 - 130	5/8/2013	7184

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

13 - 193	5/7/2013	7190
----------	----------------	------

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com