

TABLE OF CONTENTS

October 11, 2013 Volume 37, Issue 41

PROPOSED RULES

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Water Supply Operator Certification (Repealer) 35 Ill. Adm. Code 680.....	15771
Water Supply Operator Certification 35 Ill. Adm. Code 681.....	15799

STATE POLICE, DEPARTMENT OF

Firearm Owner's Identification Card Act 20 Ill. Adm. Code 1230.....	15841
Firearm Concealed Carry Act Procedures 20 Ill. Adm. Code 1231.....	15859

ADOPTED RULES

CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION

Chief Procurement Officer for the Department of Transportation – Contract Procurement 44 Ill. Adm. Code 6.....	15878
--	-------

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

Clinical Social Work and Social Work Practice Act 68 Ill. Adm. Code 1470.....	15904
--	-------

STATE BOARD OF EDUCATION, ILLINOIS

New Teacher Induction and Mentoring 23 Ill. Adm. Code 65.....	15925
Agricultural Education Program 23 Ill. Adm. Code 75.....	15932
Calculation of Excess Cost under Section 18-3 of the School Code 23 Ill. Adm. Code 140.....	15948
Illinois Hope and Opportunity Pathways through Education Program 23 Ill. Adm. Code 210.....	15953

EMERGENCY RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Application Process 89 Ill. Adm. Code 110.....	15968
Medical Assistance Programs 89 Ill. Adm. Code 120.....	15976
Covering All Kids Health Insurance Program 89 Ill. Adm. Code 123.....	15993
Children's Health Insurance Program 89 Ill. Adm. Code 125.....	15997
Hospital Reimbursement Changes 89 Ill. Adm. Code 152.....	16003

PEREMPTORY RULES

HUMAN SERVICES, DEPARTMENT OF
Supplemental Nutrition Assistance Program (SNAP)
89 Ill. Adm. Code 121.....16016

NOTICE OF EXPEDITED CORRECTION

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Practice In Administrative Hearings
89 Ill. Adm. Code 104.....16034

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....16046

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

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Hospital Reimbursement Changes
89 Ill. Adm. Code 152.....16047

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 October 15, 2013 to January 2, 2014.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Water Supply Operator Certification

2) Code Citation: 35 Ill. Adm. Code 680

3) Section Numbers: Proposed Action:

680.101	Repeal
680.102	Repeal
680.103	Repeal
680.104	Repeal
680.105	Repeal
680.106	Repeal
680.107	Repeal
680.108	Repeal
680.109	Repeal
680.110	Repeal
680.111	Repeal
680.201	Repeal
680.202	Repeal
680.203	Repeal
680.301	Repeal
680.302	Repeal
680.303	Repeal
680.304	Repeal
680.305	Repeal
680.306	Repeal
680.401	Repeal
680.402	Repeal
680.403	Repeal
680.501	Repeal
680.502	Repeal
680.503	Repeal
680.601	Repeal
680.602	Repeal
680.603	Repeal
680.604	Repeal
680.605	Repeal
680.701	Repeal
680.702	Repeal
680.703	Repeal

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

680.704	Repeal
680.705	Repeal
680.801	Repeal
680.802	Repeal
680.803	Repeal
680.804	Repeal
680.805	Repeal
680.806	Repeal
680.807	Repeal
680.808	Repeal
680.809	Repeal
680.810	Repeal
680.811	Repeal
680.812	Repeal
680.813	Repeal
680.901	Repeal
680.1000	Repeal
680.1005	Repeal
680.1010	Repeal
680.1015	Repeal
680.1020	Repeal
680.1025	Repeal
680.1030	Repeal
680.1035	Repeal
680.1040	Repeal

- 4) Statutory Authority: Implementing and authorized by Section 10 of the Public Water Supply Operations Act [415 ILCS 45]
- 5) A complete description of the subjects and issues involved: The Illinois EPA proposes to adopt new rules pursuant to the Public Water Supply Operations Act in Part 681, and therefore seeks to repeal the existing Part 680.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

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Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
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Springfield, Illinois 62794-9276

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any community water supply that is a small business, small municipalities or not for profit corporation could be affected by this rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 680

WATER SUPPLY OPERATOR CERTIFICATION (REPEALED)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	
680.101	Purpose
680.102	Advisory Board
680.103	Examination
680.104	Hands-on or Necessary Skills, Knowledge, Ability, and Judgment
680.105	Law
680.106	Responsible Charge
680.107	Equivalent to a High School Education
680.108	Continuing Education Unit
680.109	Quarter Hours and Semester Hours
680.110	Grandparenting
680.111	Other Definitions

SUBPART B: EXAMINATION FREQUENCY AND LOCATION

Section	
680.201	Examination Frequency
680.202	Examination Location
680.203	Examination on Request

SUBPART C: EXAMINATION ELIGIBILITY

Section	
680.301	Eligibility
680.302	Applications
680.303	Eligibility Determination
680.304	Review of Determination
680.305	Examination Admission
680.306	Letters of Admission

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

SUBPART D: WRITTEN EXAMINATION

- Section
- 680.401 Examination Classification
- 680.402 Standards for Examination and Grading
- 680.403 Award of Certificate of Competency

SUBPART E: REEXAMINATION

- Section
- 680.501 Reexamination at Same Classification
- 680.502 Alternate Classification (Repealed)
- 680.503 Reexamination Fee

SUBPART F: RECIPROCITY

- Section
- 680.601 Application for Reciprocal Certification
- 680.602 Authority to Obtain Information
- 680.603 Personal Interview (Repealed)
- 680.604 Reciprocity Determination
- 680.605 Change in Classification

SUBPART G: SANCTIONS

- Section
- 680.701 Causes
- 680.702 Procedures
- 680.703 Hearing and Decision
- 680.704 Sanctions
- 680.705 Appeal

SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

- Section
- 680.801 Certificate Expiration
- 680.802 Certificate Renewal
- 680.803 Renewal Application Filing Deadlines
- 680.804 Renewal Training Requirements

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

680.805	Restoration of Expired Certificates
680.806	Training Criteria
680.807	Proof of Training Records, Record Keeping, Audits
680.808	Training Exclusions
680.809	Meetings and Conferences of Professional Operator Organizations
680.810	Submission of Training Hours
680.811	Waiver of Required Training
680.812	Issuance of Renewed and Restored Certificates
680.813	Contested Renewal, Restoration, and Training Determinations

SUBPART I: GRANDPARENTING

Section	
680.901	Grandparenting

SUBPART J: CONTRACTUAL OPERATION

Section	
680.1000	Contract Operator
680.1005	Certified Operator Requirement
680.1010	Required Contract Provisions
680.1015	Documentation of Contract Provisions
680.1020	Request for Contract Approval
680.1025	Agency Review of the Contract
680.1030	Withdrawal of Approval of the Contract
680.1035	Contract Modifications and Extensions
680.1040	Termination of Contract

AUTHORITY: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].

SOURCE: Filed April 1, 1974; Part repealed, new Part adopted at 6 Ill. Reg. 10942, effective September 1, 1982; amended at 12 Ill. Reg. 8442, May 2, 1988; amended at 24 Ill. Reg. 7263, effective April 24, 2000; amended at 36 Ill. Reg. 12080, effective August 1, 2012; repealed at 37 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 680.101 Purpose

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

The purpose of this Part is to set forward procedures for the following:

- a) testing for and granting of water supply operator certification;
- b) revoking water supply operator certification; and
- c) approving a contract between a community water supply and a contract operator.

Section 680.102 Advisory Board

"Advisory Board" means the Water Supply Operator Advisory Board provided for under Section 11 of the Law.

Section 680.103 Examination

"Examination" means a test, written in English, required to be taken by the applicant for certification.

Section 680.104 Hands-on or Necessary Skills, Knowledge, Ability, and Judgment

"Hands-on" or necessary skills, knowledge, ability, and judgment means the knowledge acquired from daily operating experience rather than from text book study or supervisory observation. It means the applicant has actually operated a water plant or water supply or worked on the distribution system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages and subsequent adjustment of chemical feeders, or backwashed filters.

Section 680.105 Law

"Law" means the Public Water Supply Operations Act [415 ILCS 45].

Section 680.106 Responsible Charge

"Responsible Charge" means active, on-site charge or performance of operation of the treatment plant or distribution system of a public water supply or comparable water supply.

Section 680.107 Equivalent to a High School Education

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

"The Equivalent" to a high school education means a General Education Development (GED) test.

Section 680.108 Continuing Education Unit

The Continuing Education Unit (CEU) is a nationally recognized unit defined as 10 training contact hours. One training contact hour is a 60 minute classroom session of instruction or its equivalent (0.1 CEU). One contact hour or 0.1 CEU will count as 1 hour towards meeting the certificate renewal training requirement. Training in which CEUs are not assigned will be credited based on actual hours spent in training.

Section 680.109 Quarter Hours and Semester Hours

Quarter hours or semester hours are usually assigned for courses offered by colleges and universities. For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:

1 Semester Hour = 15 hours of training credit

1 Quarter Hour = 10 hours of training credit.

Section 680.110 Grandparenting

Grandparenting means the exemption for the registered persons in responsible charge of a previously-exempt community water supply, as of July 9, 1999, from meeting the initial education and examination requirements for the class of certification the community water supply has been assigned.

Section 680.111 Other Definitions

The definitions found in 35 Ill. Adm. Code 601 and 611 shall apply to this Part.

SUBPART B: EXAMINATION FREQUENCY AND LOCATION

Section 680.201 Examination Frequency

Examinations will be held each month at times and locations throughout the State as determined by the Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 680.202 Examination Location

An examination schedule listing locations with telephone numbers will be sent to each applicant who receives a Letter of Admission. An applicant who has received a Letter of Admission for examination or reexamination must contact the examination center at least seven days prior to the examination date.

Section 680.203 Examination on Request

Examinations on request may be given whenever ten or more students/operators who have received a Letter of Admission wish to take the examination. Requests must be made in writing to the Agency at least six weeks in advance of the requested examination date.

SUBPART C: EXAMINATION ELIGIBILITY

Section 680.301 Eligibility

- a) Only those applicants who meet the eligibility and fee requirements outlined in Sections 4, 13, 14 and 22 of the Law shall be eligible to take the examination and shall receive a Letter of Admission to the classifications outlined in Section 13 of the Law, in accordance with the criteria mandated by the Law. Admission shall be based upon the evaluation of a completed application form and payment of the appropriate fee. Application forms shall be provided by the Agency.
- b) Applicants who have had or have been exposed to typhoid fever or amoebic dysentery will be required to submit fecal samples to the Department of Public Health to determine whether the applicant is a carrier of the disease before examination admission is granted. Instructions and sample containers will be sent to the applicant, should exposure be indicated. If the applicant is a carrier, that applicant will not be admitted to the certification process.
- c) Those applicants who fail to meet the eligibility requirements outlined in Sections 4, 13, 14 and 22 of the Law may request, not later than one year from the date the Agency received the application, a reevaluation without paying an additional fee.

Section 680.302 Applications

- a) Applications for a Certificate of Competency must be submitted to the Agency at least 45 days prior to the examination date. Applications must be complete before

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

any decision regarding eligibility will be issued; applications must be accompanied by the non-refundable application review fee specified by Section 22 of the Law before review will be initiated.

- b) The Agency shall notify applicants in writing of their eligibility for examination.

Section 680.303 Eligibility Determination

The Agency shall review all applications for certification and shall determine the applicant's creditable experience on the basis of the information contained therein. Applications shall contain information as mandated by Sections 4, 14 and 16 of the Law.

Section 680.304 Review of Determination

Each applicant who does not agree with the Agency determination of the applicant's experience qualifications may write to the Agency requesting that the application be presented to the Advisory Board for its review and recommendation. The Advisory Board shall review each application in accordance with the requirements set out in Sections 4, 14 and 16 of the Law, and shall make a recommendation to the Agency for reconsideration, or confirmation of the Agency determination.

Section 680.305 Examination Admission

- a) Each applicant will be admitted to one examination for which the applicant is eligible. The applicant shall be sent a Letter of Admission stating all classifications for which the applicant is eligible. Each applicant must designate one of the eligible classifications at the time of examination.
- b) Each applicant must present the Letter of Admission and one photo identification to the examination proctor to take the examination.
- c) An applicant seeking to obtain a Letter of Admission for an additional examination for which the Agency has determined the applicant eligible must submit the appropriate fee to the Agency, and the Agency will issue a Letter of Admission.

Section 680.306 Letters of Admission

- a) Letters of Admission shall be valid for one examination and for up to one year

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

from the date of issuance.

- b) In the event of expiration of the Letter of Admission, an applicant must submit the appropriate fee to the Agency and the Agency will issue a new Letter of Admission.

SUBPART D: WRITTEN EXAMINATION

Section 680.401 Examination Classification

Examinations shall be administered based upon separate classifications. As outlined in Section 13 of the Law, there shall be four classifications: Class A, Class B, Class C, and Class D.

Section 680.402 Standards for Examination and Grading

- a) Examinations shall be valid and reliable in accordance with professional standards outlined by the American Psychological Association Standards for Educational and Psychological Tests and the Equal Employment Opportunity Commission Guidelines.
- b) The passing score for each examination shall be 70 percent of the points available.

Section 680.403 Award of Certificate of Competency

The Agency shall award a Certificate of Competency to each individual who has obtained a passing score on the examination.

SUBPART E: REEXAMINATION

Section 680.501 Reexamination

An individual who fails a written examination may take any subsequent examination for which the individual is eligible upon payment of the appropriate fee.

Section 680.502 Alternate Classification (Repealed)**Section 680.503 Reexamination Fee**

An individual who is required by Section 22 of the Law to submit a reexamination fee must

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

submit that fee at least 21 days prior to the examination date in order to receive a Letter of Admission.

SUBPART F: RECIPROCITY

Section 680.601 Application for Reciprocal Certification

All applicants for reciprocity must complete the Illinois application requirements, must meet all eligibility and fee requirements outlined in Sections 4, 13, 14 and 22 of the Law and must indicate the classification of Illinois certification for which application is being made.

Section 680.602 Authority to Obtain Information

All applications for reciprocal certification must include a letter of authorization from the applicant, authorizing the State of Illinois to contact the certifying authority which issued the applicant's certificate to enable Illinois:

- a) to determine the qualifications which the applicant was required to meet to become certified;
- b) to determine whether or not the certificate is in good standing, and
- c) to obtain a representative copy of the regulations and examination of the certifying authority for comparison with Illinois' regulations and examinations.

Section 680.603 Personal Interview (Repealed)**Section 680.604 Reciprocity Determination**

- a) An applicant for a Class A, Class B, Class C, or Class D Certificate of Competency who possesses a valid certificate issued under the laws of another state will be issued a Certificate of Competency, without examination, provided:
 - 1) The Agency may determine by reviewing the other state's requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in Sections 4, 13, 14 and 22 of the Law, respectively, prior to receiving the certificate from the other state;
 - 2) The state that issued the certificate to the applicant accepts, by reciprocity,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

certificates issued by the Agency; and

- 3) The applicant resides in Illinois or is employed at a public water supply in Illinois.
- b) An applicant satisfying subsections (a)(1) and (a)(2) above, but failing to meet the residency requirements of subsection (a)(3) above, shall be issued a notice of intent to grant reciprocity. Should that applicant fail to meet the requirements outlined in subsection (a)(3) above within 90 days after issuance of the notice, the notice shall become void.
- c) Applications for reciprocity described in Section 680.601 shall be reviewed by the Agency as follows:
- 1) The Agency shall review each applicant's education and experience to determine the levels of certification examination for which the applicant is eligible pursuant to Subpart C of this Part;
 - 2) An applicant for reciprocity shall be notified of, and given the option to take, the certification examinations for which the applicant qualifies;
 - 3) The Agency shall contact the certifying officials from the other state to determine the level of certification of each applicant for reciprocity and whether the certificates are currently valid;
 - 4) The Agency shall compare the applicant's qualifications and the other state's eligibility requirements for certification with those described in Subpart C of this Part to determine if the requirements of subsection (a) above are fulfilled; if so, reciprocity shall be granted at the appropriate level;
 - 5) If it is determined that reciprocity should be granted, the Agency shall issue the appropriate level Certificate of Competency to the applicant and shall notify the certifying official from the other state; and
 - 6) If it is determined that reciprocity should not be granted, the Agency shall notify the applicant and the certifying official from the other state, and provide reasons for the decision.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- d) If a Certificate of Competency that has been issued through reciprocity is suspended or revoked pursuant to Subpart G of this Part, the Agency shall notify the certifying official from the other state.
- e) An applicant who is denied reciprocity or who is given a lower level of eligibility than the one requested shall have an opportunity for a hearing with the Advisory Board. The applicant for reciprocity may seek review of the Agency determination by the Advisory Board. The Advisory Board shall review the determination and provide a recommendation to the Agency.

Section 680.605 Change in Classification

An applicant for reciprocity whose accrued experience entitles admission to a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will be admitted to examination at the higher level(s) upon payment of the subsequent examination fee, pursuant to Section 22 of the Law. The applicant will receive reciprocal certification at the lower level at the same time as examination admission to the higher level(s) of certification is granted.

SUBPART G: SANCTIONS

Section 680.701 Causes

Certificates of Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. Such sanctions shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include but are not limited to:

- a) having obtained, renewed or restored, or attempted to obtain, renew or restore, a Certificate of Competency by fraud or deceit;
- b) any gross negligence, misconduct, or incompetency in the operation of a public water supply;
- c) falsification of reports required to be submitted to the Agency;
- d) willful violation of the Environmental Protection Act or any rules thereunder; or
- e) a final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in subsections (a) through (d) above.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 680.702 Procedures

- a) Any person may initiate the procedure for sanction by filing a written complaint with the Agency. The complaint shall state the name and address of the complainant, the name of the operator and all information that supports the complaint. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint, but shall take no further action.
- b) If the Agency determines that a sanction procedure is warranted, either on the basis of a valid complaint or on its own motion, it shall notify the operator by certified mail.
- c) Such notice shall specify the cause for which sanction is sought and shall meet the requirements of the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168.

Section 680.703 Hearing and Decision

- a) Should a hearing be requested, the Director shall appoint one or more persons to act as hearing officers. The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168.
- b) The Advisory Board shall be notified of the hearing. A copy of the hearing transcript shall be sent to the operator and to the Advisory Board. The Agency shall pay the cost of providing transcripts.
- c) The Advisory Board shall recommend on the basis of the hearing transcript whether sanction is appropriate. If the Advisory Board determines that a certificate should be revoked or suspended, it may, at its option, recommend a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. This recommendation shall be submitted in writing to the operator and the Director within 30 days after receipt of transcripts and shall include a statement of reasons for the Advisory Board's actions. If the recommendation is not sent to the Director within 30 days, the Director shall proceed pursuant to subsection (d) below.
- d) The Director shall make a decision on the basis of the contested case record. If

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

the Director determines sanction is appropriate, a decision shall be issued suspending or revoking the certificate. This decision shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

- e) If a hearing is not requested, or if the operator does not respond to the notice prepared pursuant to Section 680.702, the Director shall assume all facts contained in the notice are true and shall base the decision on this notice. This decision shall be made within 30 days after the deadline stated in this notice and shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

Section 680.704 Sanctions

- a) The decision between revocation and suspension shall be based on the following:
- 1) The severity of the violations that led to the sanction including:
 - A) The frequency or duration of the violations; and
 - B) The impact on the public water supply's ability to provide water that is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption;
 - 2) The recalcitrance of the operator in preventing the recurrence of the violations; and
 - 3) Any other mitigating or aggravating factors.
- b) If a Certificate of Competency is suspended, it shall be considered void for a period of time not to exceed a year and a half. This period shall be set according to the factors listed in subsection (a). Experience obtained during this period shall not be credited towards meeting the requirements described in Subpart C and Section 14 of the Act. At the end of this period the suspended certificate shall be considered valid.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- c) If a Certificate of Competency is revoked, the operator may not reapply for any certificate for a period of not less than one and a half years but not more than four years. This period shall be set according to the factors listed in subsection (a).
- d) After a Certificate of Competency is revoked, an operator may not apply for a certificate until after the period set pursuant to subsection (c) above has elapsed. In order to obtain a certificate the operator must successfully complete a written examination for the class certificate sought and meet the requirements of Sections 4, 13, 14, 16, and 22 of the Act. Education and experience gained prior to revocation shall be credited towards meeting the requirements described in Subpart C. However, any experience obtained during the period set pursuant to subsection (c) above will not be credited towards certification.

Section 680.705 Appeal

Within 35 days after receipt of a notice of sanction from the Agency, the operator may appeal the sanction to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

Section 680.801 Certificate Expiration

Drinking water operator certificates are issued with the expiration date being 3 years from July 1 of the calendar year in which the certificate was issued.

Section 680.802 Certificate Renewal

By May 31 of the year a certificate is due to expire, the Illinois EPA shall mail a Renewal Application Form to the operator at the most recent address the Agency has on file for the operator. The Renewal Application Form shall specify the certificate expiration date, fees due, training requirements for certificate renewal, and an itemization of the completed training on file with the Agency. The operator is responsible for itemizing any additional accumulated training hours (completed training not previously submitted to the Agency) on the renewal application by documenting the following information for each completed training activity:

Training provider name;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Name of course or training event;

Training description or course content summary;

Drinking water related competencies developed or maintained;

Location of training;

Dates of training (beginning and ending); and

Training hours completed.

After completing the required information, the operator is responsible for signing the Renewal Application Form and returning it along with the appropriate fees to the Agency on or before June 30. A grace period for submitting the completed Renewal Application Form shall be granted until August 1 before the restoration fee is assessed.

The completed Renewal Application Form shall contain a certification statement to be signed by the operator to certify that all information provided in the Renewal Application Form is true and complete. The Agency shall not process Renewal Application Forms that are not signed by the operators seeking renewal. Falsification of a Renewal Application Form shall result in denial of certificate renewal and/or certificate revocation. Failure to receive the renewal application does not exempt a certified water supply operator from meeting the renewal deadline.

Section 680.803 Renewal Application Filing Deadlines

- a) A certified water supply operator shall complete the renewal application with the required information and submit the application with appropriate fees to the Agency on or before June 30 of the year in which the certificate expires. A grace period for renewal will be granted until August 1 of that year before the restoration fee is assessed. No renewal shall be issued by the Agency after August 1.
- b) Expired certificates shall have no validity.

Section 680.804 Renewal Training Requirements

Certified drinking water operators are required to obtain a specified amount of training in order to qualify for certificate renewal. Class A and Class B operators are required to obtain 30 hours of training and Class C and Class D operators are required to obtain 15 hours of training during

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

the 3 year certificate period before the certificate expiration date. Training hours are required for renewal or restoration of certificates that expire after July 1, 2002.

Section 680.805 Restoration of Expired Certificates

An individual whose certificate has been expired for less than 2 years may have the certificate restored only upon payment of the required restoration fee and upon a demonstration that the required training has been completed, as required by Section 680.804 of this Subpart. A restored certificate expires on the original certificate expiration date. An individual whose certificate has been expired for 2 or more years must reapply and obtain a passing score on an examination in order to be certified as a water supply operator.

Section 680.806 Training Criteria

Specific training sessions, courses, meetings, etc. must meet all of the following criteria to be accepted for certificate renewal:

- a) The training must directly relate to water distribution, water treatment, or the professional responsibilities of the operator. Allowable training topics include but are not limited to:

Coagulation and Flocculation

Corrosion Control

Demineralization

Disinfection

Distribution System Facilities

Distribution System

Operation and Maintenance

Drinking Water Related Computer Courses

Drinking Water Permits, Laws, Rules, and Regulations

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Electrical Maintenance

Emergency Planning and Preparation

Filtration

Fluoridation

Ground Water Protection

Ground Water Treatment

Instrumentation

Iron and Manganese Control

Laboratory Procedures

Membrane Technology

Process Waste Handling and Disposal

Pumps and Hydraulics

Reservoir Management and Intake Structures

Reverse Osmosis

Safety

Sampling and Operating Reports

Sedimentation

Surface Water Treatment

Surface Water Protection

Taste and Odor Control

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Trihalomethanes

Utility Administration Management

Water Quality

Water Softening

Water Sources & Treatment

Water Storage Facilities

Water Supply Math and Chemistry

Water Supply Operation and Maintenance

Wells

- b) Training may be provided by any of the variety of organizations equipped to provide such training, such as colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers. Training that meets the criteria, regardless of the location of the training or training provider, is allowed for renewal training credit. For example, drinking water related training from another state will be allowed for credit provided the criteria is met. In-house training programs provided at drinking water supplies are also allowed for training credit provided all training criteria are met and proof of training documentation is provided to the trainees.
- c) Acceptable training formats include classroom courses, teleconferences, courses offered via the Internet, workshops, seminars, correspondence courses, in-house training programs, and drinking water related training sessions at conferences/meetings of professional operator organizations. Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a drinking water related presentation is made.
- d) Training providers, or training sponsors, must provide proof of training documentation to trainees in order for the training to be accepted for certificate

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

renewal. Training providers, or training sponsors, may request pre-approval of training by submitting a Training Provider Application for Course/Training Event Approval Form to the Agency.

Section 680.807 Proof of Training Records, Record Keeping, Audits

Certified water supply operators are required to maintain their own proof of training records for a period of 4 years. The Agency may audit proof of training records by random selection or when additional information is required. Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, or certificate revocation. Proof of training records must include:

- a) Records showing the name of the course or training activity, name of the training provider, the instructor's or speaker's name, the location of training, the dates of training, and the total training hours completed (specified actual hours, Continuing Education Units, or Quarter Hours/Semester Hours);
- b) A program/course outline, conference/meeting agenda, or narrative summary of training;
- c) Attendance verification records, such as completion certificates, diplomas, grade slips, registration payment receipts, or other documents to verify attendance for training where official documents are provided, or name, address, and telephone number of training provider where official documents are not provided.

Section 680.808 Training Exclusions

Types of training activities that shall be excluded from renewal training credit are those that do not directly relate to water distribution, water treatment, or the professional responsibilities of the operator. The following are not considered training for the purpose of meeting the certificate renewal training requirements:

Entertainment or recreational activities;

On the job work or apprenticeships;

Personal self-improvement courses;

Plant tours (unless drinking water related training is integrated into the tour);

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Portions of meetings and conferences when drinking water related training is not provided (i.e., business session, lunch, breaks, etc.);

Time spent viewing conference/meeting exhibits; and

Travel time to and from training activities.

Section 680.809 Meetings and Conferences of Professional Operator Organizations

Operators may receive training credit for certificate renewal by attending training sessions presented at meetings and conferences of professional operator organizations. In order to receive training credit, each training session attended during a meeting or conference must be identified and included on an Operator Training Submission Form provided by the Agency.

Section 680.810 Submission of Training Hours

Operators may submit completed training for renewal credit to the Agency using Operator Training Submission Forms provided by the Agency. Submission of training hours must occur prior to certificate renewal. The operator is responsible for documenting accumulated training hours on the Operator Training Submission Forms by providing the same documentation as described in Section 680.802 of this Subpart.

Section 680.811 Waiver of Required Training

In an extreme hardship case, and upon recommendation of the Advisory Board, the Agency may grant a waiver from the renewal training requirement when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Examples of extreme hardship may include serious medical conditions or extended military service. Individuals applying for a training waiver must provide the Agency with a written request for an Advisory Board review within 2 years after the certificate expiration date.

Section 680.812 Issuance of Renewed and Restored Certificates

The Agency will reissue or restore certification when the Agency has determined that the applicant has satisfied all applicable certification requirements and has paid all applicable fees.

Section 680.813 Contested Renewal, Restoration, and Training Determinations

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Operators, training providers, and training sponsors may contest Agency determinations regarding denial of certificate renewal or restoration, denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event. Contested Agency determinations will be forwarded to the Advisory Board for recommendation. Individuals contesting an Agency determination must provide the Agency with a written request for an Advisory Board review within 30 days after the Agency determination. The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position.

SUBPART I: GRANDPARENTING

Section 680.901 Grandparenting

- a) *The registered person in responsible charge of a previously-exempt community water supply on July 9, 1999 may be issued a certificate of competency, with no fee required, after July 9, 1999, for the community water supply for which the individual is registered. The community water supply owner must make application for grandparenting of the operators in responsible charge within 2 years after July 9, 1999. This certificate is non-transferable, site specific, and is not valid if the water system is reclassified to a higher level. [415 ILCS 45/19]*
- b) For the initial renewal of a Certificate of Competency issued under this Section, the operators must successfully complete designated training provided by the Agency and pay the required renewal fee in accordance with Section 22 of the Law.
- c) For subsequent renewal of a Certificate of Competency issued under this Section, the operators may renew every 3 years in accordance with Sections 18 and 22 of the Law.

SUBPART J: CONTRACTUAL OPERATION

Section 680.1000 Contract Operator

For the purposes of this Subpart J, "contract operator" means a natural person certified as competent as a water supply operator under the Law who operates or supervises the operation of a community water supply by contractual agreement with the owner.

Section 680.1005 Certified Operator Requirement

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- a) *Every community water supply shall employ on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of the Law. [415 ILCS 45/1]*
- b) *Except for exempt community water supplies as specified in Section 9.1 of the Law, all portions of a community water supply system shall be under the direct supervision of a properly certified community water supply operator. [415 ILCS 45/1]*
- c) *A community water supply may satisfy the requirements of this Section by contracting the services of a properly qualified certified operator as specified in Section 1(2) of the Law. [415 ILCS 45/1(3)] The contract between the community water supply and the contract operator must be approved by the Agency and meet the requirements of this Subpart and the Law.*
- d) Certified operators must be of the required class or higher, as specified in Section 1(2) of the Law.

Section 680.1010 Required Contract Provisions

The contract between the community water supply and the contract operator must delegate responsibility and authority to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each;
- b) The specific starting and expiration dates of the contract;
- c) The minimum number of visits the contract operator must make each week to the community water supply;
- d) The duties and responsibilities of each party involved, including, at a minimum, the party responsible for:
 - 1) proper operation of the community water supply;
 - 2) compliance with all construction and operating permit requirements;
 - 3) compliance with all NPDES permit effluent requirements;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- 4) compliance with Subtitle F of this Title, including but not limited to the following:
 - A) Design, Operation and Maintenance Criteria, 35 Ill. Adm. Code 653;
 - B) Raw and Finished Water Quality and Quantity, 35 Ill. Adm. Code 654;
 - C) Primary Drinking Water Standards, 35 Ill. Adm. Code 611;
 - D) Permits, 35 Ill. Adm. Code 652; and
 - E) Emergency operation requirements found in 35 Ill. Adm. Code 607.103;
- 5) daily equipment checks;
- 6) collection of required samples and submission of these samples to a certified laboratory;
- 7) maintaining booster pump stations and high service pumps;
- 8) maintaining spare parts inventory;
- 9) maintaining and timely submitting to the Agency all required operating records and reports, including but not limited to:
 - A) consumer confidence reports;
 - B) drinking water compliance monitoring reports;
 - C) discharge monitoring reports; and
 - D) monthly operating reports;
- 10) providing labor and materials for correcting any maintenance and operational problems;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- 11) maintaining and implementing emergency operating plans;
 - 12) performing preventive maintenance on equipment as recommended by the manufacturer;
 - 13) performing routine operational control testing as recommended by the Agency;
 - 14) issuing public notices when required by 35 Ill. Adm. Code 653.403;
 - 15) issuing boil orders to the public, and contacting the regional office and local health department whenever boil orders are issued; and
 - 16) responding to Agency requests for information or site visits;
- e) The signatures of the contract operator and the owner or official custodian of the community water supply.

Section 680.1015 Documentation of Contract Provisions

The contract operator must maintain records to document that all contract provisions are being met.

Section 680.1020 Request for Contract Approval

- a) The owner of the community water supply must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract.
- b) The request for approval must be sent to following address:

Illinois EPA
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
Springfield IL 62794-9276

Section 680.1025 Agency Review of the Contract

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- a) The Agency shall approve a contract if:
 - 1) the contract operator is properly certified;
 - 2) the provisions of this Subpart are satisfied; and
 - 3) the contract provisions assure proper operation of the community water supply.
- b) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the community water supply of its decision to approve or disapprove the contract.

Section 680.1030 Withdrawal of Approval of the Contract

The Agency shall withdraw an approval of a contract if the Agency determines that the contract provisions are not being met or are inadequate to assure proper operation of the community water supply. The Agency shall provide written notice to the owner of the community water supply of its decision to withdraw approval.

Section 680.1035 Contract Modifications and Extensions

The owners of a community water supply must submit all modifications or extensions to contracts to the Agency for approval as a new contract.

Section 680.1040 Termination of Contract

If any contract approved by the Agency pursuant to this Subpart J is terminated before the expiration date in the contract, the owner of the community water supply and the contract operator must provide written notice to the Agency no less than 15 days before the contract is terminated.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Water Supply Operator Certification
- 2) Code Citation: 35 Ill. Adm. Code 681
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
681.100	New
681.105	New
681.200	New
681.205	New
681.210	New
681.215	New
681.300	New
681.305	New
681.310	New
681.315	New
681.320	New
681.325	New
681.330	New
681.335	New
681.340	New
681.345	New
681.400	New
681.405	New
681.410	New
681.500	New
681.505	New
681.510	New
681.515	New
681.600	New
681.605	New
681.610	New
681.700	New
681.705	New
681.710	New
681.715	New
681.720	New
681.725	New
681.730	New
681.735	New

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

681.800	New
681.805	New
681.810	New
681.815	New
681.820	New
681.825	New
681.830	New
681.835	New
681.840	New
681.845	New
681.850	New
681.900	New
681.1000	New
681.1005	New
681.1010	New
681.1015	New
681.1020	New
681.1025	New
681.1030	New
681.APPENDIX A	New

4) Statutory Authority: Implementing and authorized by Section 10 of the Public Water Supply Operations Act [415 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved: The Public Water Supply Operations Act (Act) requires each community water supply to be under the supervision of a certified water supply operator. The Illinois EPA (EPA) has adopted rules setting forth the procedures and criteria to administer this Act in 35 Ill. Adm. Code 680. Under Part 680, a water supply operator must apply to the EPA for certification, and then will be given permission to take a written test based on the level of experience the water supply operator had at the time of application. Under the EPA's proposed rule, Part 681, water supply operators may take the certification examination without first demonstrating the necessary experience and training requirements have been met. After obtaining a passing score, a water supply operator may apply for a certificate of competency, but must be able to demonstrate at that time that the operator has the required experience. Those operators who pass the certification examination but do not have the required experience will be considered an Operator in Training. EPA elected to propose a new Part instead of amending Part 680 because the existing structure of Part 680 would have been difficult to work within and would have created unnecessary confusion. The other provisions of Part

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

680 are being proposed with few changes in Part 681. One change in proposed Part 681 is the renewal training requirements; EPA proposes modifying the renewal training in Part 680 by specifying in proposed Part 681 that a certain portion of the required hours must be technical training. A second change in proposed Part 681 is to the sanction rules in Subpart G of Part 680. EPA has rewritten these rules to provide more detail in the Agency hearing process. EPA has included a table with cross references between sections in Part 681 and Sections in Part 680 in 681.Appendix A.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Joanne M. Olson
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

(217)782-5544
joanne.olson@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small businesses, small municipalities or not for profit corporations that are the owners of a community water supply under 35 Ill. Adm. Code 603.101.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 681
WATER SUPPLY OPERATOR CERTIFICATION

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	
681.100	Purpose
681.105	Definitions

SUBPART B: CERTIFIED OPERATOR CLASSIFICATIONS AND REQUIREMENT

Section	
681.200	Facility Classification
681.205	Certification Classification
681.210	Examination Classification
681.215	Certified Operator Requirement

SUBPART C: EXAMINATION

Section	
681.300	Water Supply Operator Examination of Competency
681.305	Eligibility
681.310	Examination Request
681.315	Eligibility Determination and Letter of Admission
681.320	Review of Eligibility Determination
681.325	Examination Admission
681.330	Standards for Examination and Grading
681.335	Examination Results
681.340	Six Year Score Validity
681.345	Reexamination

SUBPART D: WATER SUPPLY OPERATOR IN TRAINING

Section	
681.400	Operator In Training

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 681.405 Duration
- 681.410 Limitations

SUBPART E: CERTIFIED OPERATOR

- Section
- 681.500 Standard of Issuance
- 681.505 Application
- 681.510 Agency Determination
- 681.515 Review of Agency Determination

SUBPART F: RECIPROCITY

- Section
- 681.600 Application for Reciprocal Certification
- 681.605 Reciprocity Determination
- 681.610 Change in Classification

SUBPART G: SANCTIONS

- Section
- 681.700 Causes
- 681.705 Citizen Complaints
- 681.710 Procedures
- 681.715 Hearing
- 681.720 Advisory Board
- 681.725 Director's Decision
- 681.730 Sanctions
- 681.735 Appeal

SUBPART H: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING

- Section
- 681.800 Certificate Expiration
- 681.805 Certificate Renewal Application Form
- 681.810 Restoration of Expired Certificates
- 681.815 Renewal Training Requirements
- 681.820 Training Criteria
- 681.825 Calculation of Training Hours

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

681.830	Proof of Training Records, Record Keeping, Audits
681.835	Submission of Training Hours
681.840	Waiver of Required Training
681.845	Issuance of Renewed and Restored Certificates
681.850	Contested Renewal, Restoration and Training Determinations

SUBPART I: GRANDPARENTING

Section	
681.900	Grandparenting

SUBPART J: CONTRACTUAL OPERATION

Section	
681.1000	Required Contract Provisions
681.1005	Documentation of Contract Provisions
681.1010	Request for Contract Approval
681.1015	Agency Review of the Contract
681.1020	Withdrawal of Approval of the Contract
681.1025	Contract Modifications and Extensions
681.1030	Termination of Contract

681.APPENDIX A Reference to Previous Rules

AUTHORITY: Implementing and authorized by Section 10 of the Public Water Supply Operations Act [415 ILCS 45].

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

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 681.100 Purpose

The purpose of this Part is to set forward procedures for the following:

- a) taking the water supply operator examination;
- b) obtaining Operator In Training status;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) applying for water supply operator certification;
- d) suspending or revoking water supply operator certification;
- e) renewing the water supply operator certification; and
- f) approving a contract between a community water supply and a contract operator.

Section 681.105 Definitions

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5], the Public Water Supply Operations Act [415 ILCS 45], and 35 Ill. Adm. Code 601 and 611 shall apply to this Part. For purposes of this Part:

"Advisory Board" means the Water Supply Operator Advisory Board provided for under Section 11 of the Law.

"Agency" or "IEPA" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Continuing Education Unit" or "CEU" means 10 training contact hours in which one training contact hour is a 60 minute classroom session of instruction or its equivalent.

"Contract Operator" means a natural person certified as competent as a water supply operator under the Law who operates or supervises the operation of a community water supply by contractual agreement with the owner.

"Equivalent to a High School Education" means a General Education Development (GED) test.

"Examination" means a test, written in English, required to be taken by the applicant for certification.

"Grandparenting" means the exemption for the registered persons in responsible charge of a previously-exempt community water supply, as of July 9, 1999, from meeting the initial education and examination requirements for the class of

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

certification the community water supply has been assigned.

"Hands On" or "Necessary Skills, Knowledge, Ability and Judgment" means the knowledge acquired from daily operating experience rather than from text book study or supervisory observation. It means the applicant has actually operated a water plant or water supply or worked on the distribution system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages and subsequent adjustment of chemical feeders or backwashed filters.

"Law" means the Public Water Supply Operations Act [415 ILCS 45].

"Quarter Hours/Semester Hours" means the unit of credit assigned for courses offered by colleges and universities.

"Responsible Charge" means active, on-site charge or performance of operation of the treatment plant or distribution system of a public water supply or comparable water supply.

SUBPART B: CERTIFIED OPERATOR CLASSIFICATIONS AND REQUIREMENT

Section 681.200 Facility Classification

Community water supply facilities are classified as follows:

- a) *Each community water supply which includes coagulation, lime softening, or sedimentation as part of its primary treatment shall be considered a Class A facility. [415 ILCS 45/2(a)]*
- b) *Each community water supply which includes filtration, aeration and filtration, or ion exchange equipment as a part of its primary treatment shall be considered a Class B facility. [415 ILCS 45/2(b)] Facilities with aeration but without filtration or ion exchange are not considered Class B facilities.*
- c) *Each community water supply which utilizes chemical feeding only shall be considered a Class C facility. [415 ILCS 45/2(c)]*
- d) *Each community water supply in which the facilities are limited to pumpage, storage, or distribution shall be considered a Class D facility. [415 ILCS 45/2(d)]*

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 681.205 Certification Classification

- a) The Agency may issue a Certificate of Competency for any of the four classes of certification specified in this Section.
- b) For each class of certification, the water supply operator must demonstrate the necessary skills, knowledge, ability and judgment of the chemical, biological and physical sciences essential to the practical mechanics of the following:
 - 1) Class A Certification: coagulation, lime softening or sedimentation.
 - 2) Class B Certification: filtration, aeration and filtration, or ion exchange systems.
 - 3) Class C Certification: chemical feeding and calculation of dosage.
 - 4) Class D Certification: pumpage, storage or distribution.

Section 681.210 Examination Classification

Separate examinations shall be administered for each class of certification listed in Section 681.205. The four corresponding examination classifications are: Class A, Class B, Class C and Class D.

Section 681.215 Certified Operator Requirement

- a) *Every community water supply shall employ on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of the Law and this Part. [415 ILCS 45/1]*
- b) *All portions of a community water supply system shall be under the direct supervision of a properly certified community water supply operator. [415 ILCS 45/1]*
- c) Certified operators must be of the required class or higher:
 - 1) A Class A facility must employ and be supervised by a Class A certified operator.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 2) A Class B facility must employ and be supervised by either a Class A or Class B certified operator.
 - 3) A Class C facility must employ and be supervised by a Class A, Class B or Class C certified operator.
 - 4) A Class D facility must employ and be supervised a certified operator of any class.
- d) A community water supply that meets all of the following is exempt from the requirements of this Section:
- 1) *consists only of distribution and storage facilities and does not have any collection and treatment facilities;*
 - 2) *obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;*
 - 3) *does not sell water to any person; and*
 - 4) *is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.1]*
- e) *A community water supply may satisfy the requirements of this Section by contracting the services of a properly qualified certified operator. [415 ILCS 45/1(3)] The contract between the community water supply and the contract operator must be approved by the Agency and meet the requirements of Subpart J and the Law.*

SUBPART C: EXAMINATION

Section 681.300 Water Supply Operator Examination of Competency

- a) The Agency or its designee shall administer water supply operator examinations at times and locations throughout the State as determined by the Agency.
- b) The Agency or its designee may administer an unscheduled water supply operator

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

examination upon request.

Section 681.305 Eligibility

- a) Unless otherwise provided by this Section, any person who meets the following requirements shall be eligible to take a water supply operator examination:
 - 1) the applicant has graduated from high school or has the equivalent to a high school education;
 - 2) the applicant is able to read and write English;
 - 3) the applicant has submitted evidence of his or her character; and
 - 4) the applicant has paid the required fee.
- b) Any person who has had or has been exposed to typhoid fever or amoebic dysentery will be required to demonstrate that the person is not a carrier. If the person is a carrier, that person will not be allowed to take the water supply operator examination.

Section 681.310 Examination Request

- a) Any person who wishes to take the water supply operator examination must submit an examination request to the Agency. The examination request shall be on forms prescribed by the Agency and must be submitted to the Agency at least 30 days prior to the examination date. Examination requests must be complete before any decision regarding eligibility will be issued.
- b) The examination request shall specify the examination classification set forth in Section 681.210.
- c) The examination request must be accompanied by the non-refundable exam fee of \$10, as required by Section 22(b)(1) of the Law, before Agency review of the examination request will be initiated.

Section 681.315 Eligibility Determination and Letter of Admission

- a) The Agency shall review an examination request and shall determine a person's

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

eligibility on the basis of the information contained in the request within 30 days after receipt of the request, unless that deadline is waived by the applicant.

- b) If the Agency determines a person is eligible to take the water supply operator examination, the Agency will send the person a Letter of Admission.
 - 1) Each Letter of Admission shall be valid for one examination conducted up to one year after the date of issuance.
 - 2) In the event of expiration of the Letter of Admission, an applicant must submit the appropriate fee to the Agency, and the Agency will issue a new Letter of Admission.
- c) If the Agency determines a person is not eligible to take the water supply operator examination, the Agency will send written notice explaining the Agency's decision.

Section 681.320 Review of Eligibility Determination

Any person who does not agree with the Agency's determination of his or her eligibility to take the water supply operator examination may make a written request to the Agency that the Advisory Board review the Agency's eligibility determination. The Advisory Board shall review the examination request and shall make a recommendation to the Agency for reconsideration or confirmation of the Agency determination.

Section 681.325 Examination Admission

- a) A person who has received a Letter of Admission must schedule the examination at least seven days prior to the examination. The Agency shall provide instructions for scheduling the examination with the Letter of Admission.
- b) Each person with a Letter of Admission will be admitted to one water supply operator examination.
- c) The Letter of Admission and one state government issued photo identification must be presented to the examination proctor to take the examination.
- d) Any person seeking to take a water supply operator examination for more than one class of certification must obtain a Letter of Admission for each water supply

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

operator examination. A separate examination request and fee must be provided to the Agency for each examination before the Agency will issue Letters of Admission.

Section 681.330 Standards for Examination and Grading

- a) Examinations shall be valid and reliable in accordance with professional standards outlined by the American Psychological Association Standards for Educational and Psychological Tests and the Equal Employment Opportunity Commission Guidelines.
- b) The passing score for each examination shall be 70 percent of the points available.

Section 681.335 Examination Results

The Agency shall send each person who takes the water supply examination notification of whether the person obtained a passing score.

Section 681.340 Six Year Score Validity

Passing test scores shall be valid for six years from the date of Agency notification of examination results. The Agency shall not issue a Certificate of Competency to any person whose most recent qualifying examination scores are older than six years.

Section 681.345 Reexamination

- a) An individual who fails a written examination must resubmit an examination request, pay the examination fee, and obtain a new Letter of Admission before retaking the examination.
- b) The Agency will issue a Letter of Admission for an examination if the examination request and examination fee of \$10 is received at least 30 days prior to the examination date.

SUBPART D: WATER SUPPLY OPERATOR IN TRAINING

Section 681.400 Operator In Training

- a) Any person who passes the water supply operator examination shall be considered

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

an Operator In Training for the class of examination passed.

- b) The Agency's notification of a passing score on a water supply operator examination shall constitute evidence that the person is an Operator In Training.
- c) A person may hold a Certificate of Competency for one class of certification and be an Operator In Training for a higher class of certification.
- d) An Operator In Training who does not hold a Certificate of Competency for any classification listed in Section 681.205 is exempt from renewal training requirements under Section 681.815.

Section 681.405 Duration

- a) A person will be considered an Operator In Training while his or her water supply operation examination results are valid. Pursuant to Section 681.340, examination results are valid for six years.
- b) An Operator In Training who successfully obtains a Certificate of Competency in the class for which he or she is in training will no longer be considered an Operator In Training for that class.

Section 681.410 Limitations

A community water supply cannot fulfill its obligations under the Law or this Part by employing an Operator In Training who lacks the required Certificate of Competency.

- a) Community Water Supply Supervision
 - 1) No portion of a Class A facility shall be under the supervision of an Operator In Training.
 - 2) No portion of a Class B facility shall be under the supervision of an Operator In Training unless that person also holds a Class B Certificate of Competency.
 - 3) No portion of a Class C facility shall be under the supervision of an Operator In Training unless that person also holds a Class B or Class C Certificate of Competency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 4) No portion of a Class D facility shall be under the supervision of an Operator In Training unless that person also holds a Class B, Class C or Class D Certificate of Competency.
- b) Responsible Operator In Charge
- 1) An Operator In Training shall not be the responsible operator in charge of a Class A facility pursuant to 35 Ill. Adm. Code 603 (Ownership and Responsible Personnel).
 - 2) An Operator In Training shall not be the responsible operator in charge of a Class B facility pursuant to 35 Ill. Adm. Code 603 unless that person also holds a Class B Certificate of Competency.
 - 3) An Operator In Training shall not be the responsible operator in charge of a Class C facility pursuant to 35 Ill. Adm. Code 603 unless that person also holds a Class B or Class C Certificate of Competency.
 - 4) An Operator In Training shall not be the responsible operator in charge of a Class D facility pursuant to 35 Ill. Adm. Code 603 unless that person also holds a Class B, Class C or Class D Certificate of Competency.

SUBPART E: CERTIFIED OPERATOR

Section 681.500 Standard of Issuance

A water supply operator becomes certified upon the Agency's issuance of a Certificate of Competency to the operator. The Agency shall issue a Certificate of Competency when the applicant demonstrates all the following:

- a) The applicant *is capable of performing his or her duties without endangering the health and well being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care.* [415 ILCS 45/14]
- b) The applicant *is capable of conducting and maintaining the water treatment or distribution processes in a manner which will provide safe, potable water for human consumption.* [415 ILCS 45/4]

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) The applicant *has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.* [415 ILCS 45/14]
- d) The applicant *has submitted evidence of his or her character.* [415 ILCS 45/14]
The Agency shall consider the following as evidence of poor character:
- 1) The applicant has been sanctioned pursuant to Subpart G or had his or her certificate of competency revoked or suspended; or
 - 2) The applicant has been convicted of violating any of the following statutes:
 - A) Section 44 of the Illinois Environmental Protection Act [415 ILCS 5/44] (Violations of the Illinois Environmental Protection Act);
 - B) Section 29D-14.9 of the Criminal Code of 2012 [720 ILCS 5/29D-14.9] (Terrorism);
 - C) Section 29D-15.1 of the Criminal Code of 2012 [720 ILCS 5/29D-15.1] (Causing a Catastrophe); or
 - D) Section 29D-20 of the Criminal Code of 2012 [720 ILCS 5/29D-20] (Making a Terrorist Threat).
- e) The applicant has paid the fee or fees required by Section 22 of the Law.
- f) For Class A Certification:
- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(1);
 - 2) The applicant has a valid passing score on the Class A water supply operator examination; and
 - 3) The applicant has at least three years of study, training and responsible experience in water supply operation or management of a Class A facility that is acceptable to the Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- A) A minimum of 1½ years of experience must be hands on.
 - B) The Agency may grant up to one year of credit for non-college educational endeavors.
 - C) The Agency may grant up to 1½ years of credit for college educational endeavors.
- g) For Class B Certification:
- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(2) of this Part;
 - 2) The applicant has a valid passing score on the Class A or Class B water supply operator examination; and
 - 3) The applicant has at least three years of study, training and responsible experience in water supply operation or management of a Class B facility that is acceptable to the Agency.
 - A) A minimum of 1½ years of experience must be hands on.
 - B) The Agency may grant up to one year of credit for non-college educational endeavors.
 - C) The Agency may grant up to 1½ of credit for college educational endeavors.
- h) For Class C Certification:
- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(3);
 - 2) The applicant has a valid passing score on the Class A, Class B or Class C water supply operator examination; and
 - 3) The applicant has at least one year of study, training and responsible experience in water supply operation or management of a Class C facility

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

that is acceptable to the Agency.

- A) A minimum of six months of experience must be hands on.
 - B) The Agency may grant up to six months of credit for college or non-college educational endeavors.
- i) For Class D Certification:
- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(4);
 - 2) The applicant has a valid passing score on any water supply operator examination; and
 - 3) The applicant has at least six months of study, training and responsible experience in water supply operation or management of a Class D facility that is acceptable to the Agency.
 - A) A minimum of three months of experience must be hands on.
 - B) The Agency may grant up to three months of credit for college or non-college educational endeavors.

Section 681.505 Application

- a) Any individual who seeks to obtain a Certificate of Competency must file an application on forms prescribed by the Agency. All applications must be in English and must contain:
- 1) a statement specifying the class of certification sought by the applicant;
 - 2) statements showing the applicant's level of education and experience;
 - 3) at least three references;
 - 4) evidence that the applicant has a valid passing score on the water supply operator examination, including but not limited to test dates and scores.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 5) the signature of the applicant; and
 - 6) the \$30 fee required by Section 22 of the Law.
- b) Information required in an application must be complete and accurate.
 - c) Falsification of any information in the application will result in denial of the application and be grounds for sanctions of current certificates held by the applicant.
 - d) Applications must be submitted to the Agency at the following address:

Illinois Environmental Protection Agency
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

Section 681.510 Agency Determination

- a) Upon receipt of a complete application, the Agency shall review the application and determine whether the applicant has made an adequate demonstration pursuant to the standards of issuance specified in Section 681.500.
- b) The Agency shall grant appropriate credit for the study, training and responsible experience requirements in Section 681.500.
 - 1) *The Agency shall grant appropriate credit for attendance and successful completion of waterworks seminars, waterworks short courses, waterworks workshops, and applicable correspondence courses. The maximum allowable credit for such non-college-credit educational endeavor shall be one year. [415 ILCS 45/15(a)]*
 - 2) *The Agency shall grant one year credit for the satisfactory completion of each one-fourth of the total hours of academic credit required for the awarding of a Baccalaureate Degree in a curriculum associated with a phase of water supply operation. The maximum allowable credit for such college-credit educational endeavor shall be 1½ years. [415 ILCS 45/15(b)]*

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) When the Agency determines an applicant has met the requirements of the Law and Section 681.500 of this Part, the Agency shall award a Certificate of Competency to the applicant for the class of certification specified in the application.
- d) The Agency shall notify the applicant in writing of the Agency's decision within 45 days after the receipt of the complete application.
- e) Any applicant who fails to make the required demonstration pursuant to Section 681.500 may request, not later than one year from the date the Agency received the application, a reevaluation without paying an additional fee.

Section 681.515 Review of Agency Determination

- a) Any applicant who disagrees with the Agency's denial of the certification application may request that the application be presented to the Advisory Board for its review and recommendation. Any request pursuant to this subsection must be made within 35 days after the date the Agency issued its determination.
- b) The Advisory Board shall review the application and determine if the applicant meets the requirements of this Part. Upon completion of its review, the Advisory Board shall make a recommendation to the Agency for reconsideration or confirmation of the Agency's determination.
- c) The Agency shall consider the Advisory Board's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Advisory Board's recommendation. This decision is appealable to the Illinois Pollution Control Board pursuant to Section 12 of the Law.

SUBPART F: RECIPROCITY

Section 681.600 Application for Reciprocal Certification

- a) The Agency may grant water supply operators certified by another state, territory or possession of the United States, or any other country, reciprocal certification in Illinois without examination.
- b) An individual seeking reciprocity must submit an application that includes the

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

following information:

- 1) the Illinois application requirements found in Section 681.505, except the examination requirements in subsection (a)(4) of that Section;
- 2) the classification of Illinois certification for which application is being made;
- 3) a detailed description of the qualifications to obtain certification from the other certifying jurisdiction;
- 4) evidence that the certificate issued by the other certifying jurisdiction is in good standing and has not expired;
- 5) a representative copy of the regulations and examination of the other certifying jurisdiction for comparison with Illinois' regulations and examinations; and
- 6) a letter of authorization from the applicant authorizing the State of Illinois to contact the certifying jurisdiction that issued the applicant's certificate to enable Illinois to verify information submitted in the application.

Section 681.605 Reciprocity Determination

- a) An applicant for a Class A, Class B, Class C or Class D Certificate of Competency who possesses a valid certificate issued under the laws of another certifying jurisdiction will be issued an Illinois Certificate of Competency, without examination, provided:
 - 1) The Agency may determine by reviewing the other certifying jurisdiction's requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in the Law and Section 681.500 of this Part prior to receiving the certificate from the other certifying jurisdiction;
 - 2) The other certifying jurisdiction that issued the certificate to the applicant accepts, by reciprocity, certificates issued by the Agency; and
 - 3) The applicant resides in Illinois or is employed at a public water supply in

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Illinois.

- b) An applicant satisfying subsections (a)(1) and (a)(2), but failing to meet the residency requirements of subsection (a)(3), shall be issued a notice of intent to grant reciprocity. The applicant must submit proof of Illinois residency or employment at a public water supply in Illinois within 90 days after the issuance of the notice of intent. Upon receipt of such proof, the Agency shall issue an Illinois Certificate of Competency. Should that applicant fail to submit proof of the requirements in subsection (a)(3) within 90 days after issuance of the notice, the notice of intent shall become void.
- c) Applications for reciprocity described in Section 681.600 shall be reviewed by the Agency as follows:
- 1) The Agency shall review each applicant's education and experience to determine the levels of certification for which the applicant is eligible (see Subpart E);
 - 2) The Agency shall contact the certifying officials from the other certifying jurisdiction to determine the level of certification of the applicant for reciprocity and whether the certificate is currently valid;
 - 3) The Agency shall compare the applicant's qualifications and the other certifying jurisdiction's eligibility requirements for certification with those described in Subpart E to determine if the requirements of subsection (a) of this Section are fulfilled; if so, reciprocity shall be granted at the appropriate level;
 - 4) If it is determined that reciprocity should be granted, the Agency shall issue the appropriate class of Certificate of Competency to the applicant and shall notify a certifying official from the other certifying jurisdiction; and
 - 5) If it is determined that reciprocity should not be granted, the Agency shall notify the applicant and a certifying official from the other certifying jurisdiction, and provide reasons for the decision.
- d) If a Certificate of Competency that has been issued through reciprocity is suspended or revoked pursuant to Subpart G, the Agency shall notify a certifying

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

official from the other certifying jurisdiction.

- e) An applicant who is denied reciprocity or who is given a lower level of certification than the one requested shall have an opportunity for a hearing with the Advisory Board. The Advisory Board shall review the determination and provide a recommendation to the Agency.
- f) The Agency shall consider the Advisory Board's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Advisory Board's recommendation. This decision is appealable to the Illinois Pollution Control Board pursuant to Section 12 of the Law.

Section 681.610 Change in Classification

An applicant for reciprocity whose accrued experience entitles admission to a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will receive reciprocal certification at the lower level unless the applicant passes the Illinois water supply operator examination for the higher classification.

SUBPART G: SANCTIONS

Section 681.700 Causes

Certificates of Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. The sanctions shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include, but are not limited to:

- a) having obtained, renewed or restored, or attempted to obtain, renew or restore, a Certificate of Competency by fraud or deceit;
- b) any gross negligence, misconduct or incompetency in the operation of a public water supply;
- c) falsification of reports required to be submitted to the Agency;
- d) willful violation of the Environmental Protection Act or any rules under that Act;
or

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- e) a final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in this Section.

Section 681.705 Citizen Complaints

Any person may file with the Agency a written complaint regarding the conduct of a water supply operator certified under this Part. The complaint shall state the name and address of the complainant, the name of the operator and all information that supports the complaint.

Section 681.710 Procedures

- a) Filing of Documents. All documents filed in a sanctions proceeding under this Subpart shall be filed with the Docket Clerk, Division of Legal Counsel, IEPA. Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Docket Clerk or hearing officer assigned to the proceeding.
- b) Complaint
 - 1) The Agency may initiate sanction proceedings on the basis of any written complaint or on its own motion.
 - 2) To initiate a sanction proceeding, the Agency shall prepare and serve the following documents on the operator by certified mail:
 - A) A Complaint for Sanctions that states the alleged causes for sanctions and sets forth facts that constitute alleged violations of a statute, Board rules or Agency rules.
 - B) A Notice to Operator that informs the operator of commencement of the sanction proceedings, the right to be represented by an attorney, the right to request a hearing, and the consequences for failing to respond to the Complaint for Sanctions.
- c) Response
 - 1) A written response to the Complaint for Sanctions may be filed by the operator and must be served on all parties within 21 days after receipt of the Complaint for Sanctions.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 2) Within 21 days after receipt of the Complaint for Sanctions, the operator may request a hearing by filing a written request.
 - 3) If an operator fails to file a written response or a hearing request within 21 days from receipt of the Complaint for Sanctions, all facts alleged in the Complaint for Sanctions shall be deemed to have been admitted.
- d) Service
- 1) All documents filed in the sanction proceedings must be served on the hearing officer, the Agency and the operator.
 - 2) Except for service upon the water supply operator of the Complaint for Sanctions, the Notice to Operator, and Director's decision, service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, or as otherwise approved by the hearing officer.
 - 3) An affidavit of service or certificate of service must accompany all filings.
- e) Except as otherwise provided by this Part, the procedures for contested case hearings in 35 Ill. Adm. Code 168 shall apply to sanction proceedings.

Section 681.715 Hearing

- a) If the operator files a hearing request, the hearing officer shall set a time and place for the hearing and provide notice of the hearing to the Agency and the operator. The Hearing Notice shall contain:
- 1) A statement of the nature of the hearing, including a reference to the particular law or regulation involved;
 - 2) A statement that the hearing will be held in accordance with the Law and this Part; and
 - 3) A statement of the date, time and place of the hearing and, if a pre-hearing conference is scheduled by the hearing officer, the date, time and place of that conference.
- b) In addition to the service requirements in Section 681.710, the hearing officer

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

shall serve the Hearing Notice on the Advisory Board.

Section 681.720 Advisory Board

- a) The hearing officer shall provide a copy of the hearing transcript to the Advisory Board. The Agency shall pay the cost of providing transcripts.
- b) The Advisory Board shall recommend on the basis of the hearing transcript whether a sanction is appropriate and, if a sanction is appropriate, the suspension or revocation period.
- c) The Advisory Board recommendation shall be submitted in writing to the Docket Clerk within 30 days after receipt of transcripts and shall include a statement of reasons for the Advisory Board's actions.
- d) The Agency may issue a decision without the Advisory Board's recommendation if the Advisory Board fails to submit its recommendation within 30 days after its receipt of the hearing transcript.

Section 681.725 Director's Decision

- a) The Director shall make a decision on the basis of the contested case record.
- b) If the operator does not request a hearing, the Director shall issue a decision within 60 days after the service of the Complaint for Sanctions.
- c) If the Director determines a sanction is appropriate, the decision must state the suspension or revocation period.
- d) The Director shall give written notice of the decision and the reasons for the decision to the operator by certified mail.

Section 681.730 Sanctions

- a) The decision between revocation and suspension shall be based on the following:
 - 1) The severity of the violations that led to the sanction, including, but not limited to:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- A) The frequency or duration of the violations; and
 - B) The impact on the public water supply's ability to provide water that is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption;
- 2) The recalcitrance of the operator in preventing the recurrence of the violations; and
 - 3) Any other mitigating or aggravating factors.
- b) If a Certificate of Competency is suspended, it shall be considered void for a period of time determined by the Director not to exceed 1½. The Director shall set the suspension period according to the factors listed in subsection (a). Experience obtained during the period of suspension shall not be credited towards meeting the requirements of Section 681.500. At the end of this period, the suspended certificate shall be considered valid until its expiration.
 - c) If a Certificate of Competency is revoked, the operator cannot reapply for a new Certificate of Competency for a period of not less than 1½ years but not more than four years, as determined by the Director. The Director shall set the revocation period according to the factors listed in subsection (a).
 - d) After a Certificate of Competency is revoked, an operator cannot be granted a new certificate until after the period set pursuant to subsection (c) has elapsed. In order to obtain a new certificate, the operator must successfully complete a written examination for the class of certificate, sought and meet the requirements of Subpart E. Experience gained prior to revocation shall be credited towards meeting the requirements described in Section 681.500 of this Part. However, any experience obtained during the period set pursuant to subsection (c) will not be credited towards certification.

Section 681.735 Appeal

Within 35 days after receipt of the Director's final decision, the operator may appeal the decision to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

SUBPART H: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING

Section 681.800 Certificate Expiration

Drinking water operator Certificates of Competency must be issued with the expiration date being 3 years from July 1 of the calendar year in which the certificate is issued. Expired certificates shall have no validity.

Section 681.805 Certificate Renewal Application Form

- a) By May 31 of the year a certificate is due to expire, the Agency shall mail a renewal application form to the operator at the most recent address the Agency has on file for the operator.
- b) The renewal application form shall be completed by the operator and shall:
 - 1) specify the current certificate's expiration date, fees due, training requirements for certificate renewal, and number of hours of completed training since the current certificate was issued;
 - 2) contain a statement signed by the operator certifying that all information provided in the renewal application form is true and complete; and
 - 3) be submitted with appropriate fees to the Agency on or before June 30 of the year in which the certificate expires.
- c) The Agency will not process unsigned renewal application forms.
- d) In addition to any other law or regulation that may apply, falsification of a renewal application form shall result in denial of certificate renewal and may result in certificate suspension or revocation.
- e) A grace period for the renewal application form and fees will be granted until August 1 of the year the certificate is due to expire before the restoration fee is assessed. No renewal shall be issued by the Agency after August 1.
- f) Failure to receive the renewal application form does not exempt a certified water supply operator from meeting the renewal deadline.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 681.810 Restoration of Expired Certificates

- a) An individual who fails to renew before August 1 of the expiration year, but whose certificate has been expired for less than 2 years, may have the certificate restored only upon payment of the required restoration fee and a demonstration that the renewal training required by Section 681.815 has been completed.
- b) A restored certificate expires on the same date the certificate would have expired if it was timely renewed.
- c) An individual whose certificate has been expired for 2 or more years must reapply and obtain a passing score on an examination in order to be certified as a water supply operator.

Section 681.815 Renewal Training Requirements

- a) Until July 1, 2016, certified drinking water operators are required to obtain the following training in order to qualify for certificate renewal:
 - 1) Class A and Class B operators are required to obtain 30 hours of training during the 3 year certificate period before the certificate expiration date.
 - 2) Class C and Class D operators are required to obtain 15 hours of training during the 3 year certificate period before the certificate expiration date.
- b) After July 1, 2016, certified drinking water operators are required to obtain the following specified amount of training in order to qualify for certificate renewal:
 - 1) Class A and Class B operators are required to obtain 30 hours of training before the certificate expiration date. A minimum of 20 hours of training must relate to the technical aspects of water treatment and distribution. The Agency will accept a maximum of 10 hours of training relating to the professional responsibilities of the operator and to safety.
 - 2) Class C and Class D operators are required to obtain 15 hours of training before the certificate expiration date. A minimum of 10 hours of training must relate to the technical aspects of water treatment and distribution. The Agency will accept a maximum of 5 hours of training relating to the

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

professional responsibilities of the operator and to safety.

- c) A Class A or Class B operator who fails to complete the renewal training required by subsection (a)(1) or (b)(1), but completes the renewal training required in subsection (a)(2) or (b)(2) may not be granted a renewal Certificate of Competency as a Class C or D operator.

Section 681.820 Training Criteria

- a) The Agency will accept training for certificate renewal if the training directly relates to water distribution, water treatment, or the professional responsibilities of the operator.

- 1) Allowable training topics relating to potable water treatment and distribution include, but are not limited to:

Coagulation and Flocculation
Corrosion Control
Demineralization
Disinfection
Distribution System
Distribution System Facilities
Drinking Water Permits, Laws, Rules and Regulations
Drinking Water Related Computer Courses
Electrical Maintenance
Filtration
Fluoridation
Ground Water Protection
Ground Water Treatment
Instrumentation
Iron and Manganese Control
Laboratory Procedures
Membrane Technology
Process Waste Handling and Disposal
Pumps and Hydraulics
Reservoir Management and Intake Structures
Reverse Osmosis
Sampling and Operating Reports
SCADA Training

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Sedimentation
Surface Water Protection
Surface Water Treatment
Taste and Odor Control
Trihalomethanes
Water Quality
Water Softening
Water Sources & Treatment
Water Storage Facilities
Water Supply Math and Chemistry Calculations
Water Supply Operation and Maintenance
Wells

- 2) Allowable training topics relating to the professional responsibilities of the operator and safety include, but are not limited to:

Computer Workshops
Emergency Planning and Preparation
First Aid
Safety
Utility Administration Management

- b) Training Exclusions. Types of training activities that do not directly relate to water distribution, water treatment, or the professional responsibilities of the operator shall not be accepted as renewal training credit. The following are not considered training for the purpose of meeting the certificate renewal training requirements:
- 1) Entertainment or recreational activities;
 - 2) On the job work or apprenticeships;
 - 3) Personal self-improvement courses;
 - 4) Plant tours (unless drinking water related training is integrated into the tour);
 - 5) Portions of meetings and conferences when drinking water related training is not provided (i.e., business session, lunch, breaks, etc.);

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 6) Time spent viewing conference/meeting exhibits; and
 - 7) Travel time to and from training activities.
- c) Training may be provided by any of the variety of organizations equipped to provide that training, such as colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers. Training that meets the criteria, regardless of the location of the training or the location of the training provider, is allowed for renewal training credit. For example, drinking water related training from another state will be allowed for credit provided the criteria is met. In-house training programs provided at drinking water supplies are also acceptable for training credit provided all training criteria are met and proof of training documentation is provided to the trainees.
 - d) Acceptable training formats include classroom courses, teleconferences, courses offered via the Internet, workshops, seminars, correspondence courses, in-house training programs, and drinking water related training sessions at conferences/meetings of professional operator organizations
 - e) Training must be approved by the Agency. Training providers or sponsors must request approval of training from the Agency before the training is offered. A training approved by the Agency will be assigned an Agency course number.

Section 681.825 Calculation of Training Hours

- a) One training hour shall equal 60 minutes of training or 0.1 CEU.
- b) For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:
 - 1) 1 Semester Hour = 15 hours of training credit.
 - 2) 1 Quarter Hour = 10 hours of training credit.
- c) Credit will only be given when the water operator has obtained proof of attendance documentation from the training providers or sponsors.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- d) Credit will only be given for courses approved by the Agency.
- e) Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a drinking water related presentation is made.

Section 681.830 Proof of Training Records, Record Keeping, Audits

Certified water supply operators are required to maintain their own proof of training records for a period of six years from the date of the training. The Agency may audit proof of training records by random selection or when additional information is required. Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, or certificate revocation. Proof of training records must include:

- a) Records showing the name of the course or training activity, Agency assigned course number, name of the training provider, the instructor's or speaker's name, the location of training, the dates of training, and the total training hours completed (specified actual hours, CEUs, or Quarter Hours/Semester Hours);
- b) A program/course outline, conference/meeting agenda, or narrative summary of training; and
- c) Attendance verification records, such as completion certificates, diplomas, grade slips, registration payment receipts, or other documents to verify attendance for training when official documents are provided by the training provider, or name, address and telephone number of the training provider when official documents are not provided.

Section 681.835 Submission of Training Hours

- a) Operators must submit to the Agency, prior to certification renewal, a record of completed training hours for renewal credit.
- b) The record of completed training hours must contain the following information for each completed training activity:
 - 1) Training provider name;
 - 2) Name of course or training event;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 3) Agency assigned course number;
 - 4) Training description or course content summary;
 - 5) Drinking water related competencies developed or maintained;
 - 6) Location of training;
 - 7) Dates of training (beginning and ending); and
 - 8) Training hours completed.
- c) The Agency may prescribe a form for the written record of completed training and the manner of submission, including but not limited to electronic submission.

Section 681.840 Waiver of Required Training

In an extreme hardship case, and upon recommendation of the Advisory Board, the Agency may grant a waiver from the renewal training requirement when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Examples of extreme hardship may include serious medical conditions or extended military service. Individuals applying for a training waiver must provide the Agency with a written request for an Advisory Board review within 2 years after the certificate expiration date.

Section 681.845 Issuance of Renewed and Restored Certificates

The Agency will renew or restore a water supply operator's Certificate of Competency when the Agency has determined that the applicant has satisfied all applicable certification requirements and has paid all applicable fees.

Section 681.850 Contested Renewal, Restoration and Training Determinations

- a) Any water supply operator who disagrees with the Agency's decision regarding renewal or restoration may seek review of the Agency's decision, as provided in Section 681.515.
- b) Operators, training providers, and training sponsors may contest Agency determinations regarding denial of training credit, and determinations regarding

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

the amount of training credit to be awarded for a specific training event. Individuals contesting an Agency determination must provide the Agency with a written request for an Advisory Board review within 30 days after the Agency's determination. The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position. The Advisory Board shall review the Agency determination and shall recommend to the Agency reconsideration or confirmation of the Agency's decision. The Agency shall consider the Advisory Board's recommendation and notify the individual of the Agency's final decision within 45 days of the receipt after the Advisory Board's recommendation.

SUBPART I: GRANDPARENTING

Section 681.900 Grandparenting

- a) *The registered person in responsible charge of a previously-exempt community water supply on July 9, 1999 may be issued a certificate of competency, with no fee required, after July 9, 1999 for the community water supply for which the individual is registered. The community water supply owner must make application for grandparenting of the operators in responsible charge within 2 years after July 9, 1999. This certificate is non-transferable and site specific, and is not valid if the water system is reclassified to a higher level. [415 ILCS 45/19]*
- b) An operator who obtained a Certificate of Competency pursuant to subsection (a) must follow the renewal and training procedures set forth in Subpart H.

SUBPART J: CONTRACTUAL OPERATION

Section 681.1000 Required Contract Provisions

When a community water supply fulfills the certified operator requirement set forth in the Law and Section 681.215 of this Part by contracting the services of a properly qualified certified operator, the contract between the community water supply and the contract operator must delegate responsibility and authority for the operation of the community water supply to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each;
- b) The specific starting and expiration dates of the contract;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) The minimum number of visits the contract operator must make each week to the community water supply;
- d) The duties and responsibilities of each party involved, including, at a minimum, the party responsible for:
 - 1) proper operation of the community water supply;
 - 2) compliance with all construction and operating permit requirements;
 - 3) compliance with all NPDES permit effluent requirements;
 - 4) compliance with this Subtitle F (Public Water Supplies), including but not limited to the following:
 - A) Design, Operation and Maintenance Criteria (35 Ill. Adm. Code 653);
 - B) Raw and Finished Water Quality and Quantity (35 Ill. Adm. Code 654);
 - C) Primary Drinking Water Standards (35 Ill. Adm. Code 611);
 - D) Permits (35 Ill. Adm. Code 652); and
 - E) Emergency operation requirements found in 35 Ill. Adm. Code 607.103;
 - 5) daily equipment checks;
 - 6) collection of required samples and submission of these samples to a certified laboratory;
 - 7) maintaining booster pump stations and high service pumps;
 - 8) maintaining spare parts inventory;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 9) maintaining and timely submitting to the Agency all required operating records and reports, including but not limited to:
 - A) consumer confidence reports;
 - B) drinking water compliance monitoring reports;
 - C) discharge monitoring reports; and
 - D) monthly operating reports;
 - 10) providing labor and materials for correcting any maintenance and operational problems;
 - 11) maintaining and implementing emergency operating plans;
 - 12) performing preventive maintenance on equipment as recommended by the manufacturer;
 - 13) performing routine operational control testing as recommended by the Agency;
 - 14) issuing public notices when required by 35 Ill. Adm. Code 653.403;
 - 15) issuing boil orders to the public and contacting the regional office and local health department whenever boil orders are issued; and
 - 16) responding to Agency requests for information or site visits;
- e) The signatures of the contract operator and the owner or official custodian of the community water supply.

Section 681.1005 Documentation of Contract Provisions

The contract operator must maintain records to document that all contract provisions are being met for five years following generation of the data. The contract operator's records must be made available to the Agency upon request for inspection and photocopying during normal business hours.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 681.1010 Request for Contract Approval

- a) The owner of the community water supply must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract.
- b) The request for approval shall be sent to the following address:

Illinois Environmental Protection Agency
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

Section 681.1015 Agency Review of the Contract

- a) The Agency shall approve a contract if:
 - 1) the contract operator is properly certified;
 - 2) the provisions of this Subpart are satisfied; and
 - 3) the contract provisions assure proper operation of the community water supply.
- b) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the community water supply of its decision to approve or disapprove the contract.

Section 681.1020 Withdrawal of Approval of the Contract

The Agency shall withdraw an approval of a contract if the Agency determines that the contract provisions are not being met or are inadequate to assure proper operation of the community water supply. The Agency shall provide written notice to the owner of the community water supply of its decision to withdraw approval.

Section 681.1025 Contract Modifications and Extensions

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

The owners of a community water supply must submit all modifications or extensions to contracts to the Agency for approval as a new contract.

Section 681.1030 Termination of Contract

If any contract approved by the Agency pursuant to this Subpart J is terminated before the expiration date in the contract, the owner of the community water supply and the contract operator must provide written notice to the Agency no less than 15 days before the contract is terminated.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Section 681.APPENDIX A Reference to Previous Rules

Part 680	Part 681
680.101	681.100
680.102	681.105
680.103	681.105
680.104	681.105
680.105	681.105
680.106	681.105
680.107	681.105
680.108	681.105, 681.825
680.109	681.105, 681.825
680.110	681.105
680.111	681.105
680.201	681.300
680.202	681.325
680.203	681.300
680.301	681.305
680.302	681.310
680.303	681.315
680.304	681.320
680.305	681.325
680.306	681.315
680.401	681.210
680.402	681.335
680.403	
680.501	681.345
680.502(repealed)	
680.503	681.345
680.601	681.600
680.602	681.600
680.603(repealed)	
680.604	681.605

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

680.605	681.610
680.701	681.700
680.702	681.705, 681.710
680.703	681.715, 681.120, 681.725
680.704	681.730
680.705	681.735
680.801	681.800
680.802	681.805
680.803	681.805, 681.800
680.804	681.815
680.805	681.810
680.806	681.820
680.807	681.830
680.808	681.820
680.809	
680.810	681.835
680.811	681.840
680.812	681.845
680.813	681.850
680.901	681.900
680.1000	681.105
680.1005	681.215
680.1010	681.1000
680.1015	681.1005
680.1020	681.1010
680.1025	681.1015
680.1030	681.1020
680.1035	681.1025
680.1040	681.1030

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1230.10	Amend
1230.20	Amend
1230.30	Amend
1230.40	Amend
1230.50	Amend
1230.60	Amend
1230.70	Amend
1230.80	Repeal
1230.90	Repeal
1230.100	Repeal
1230.120	New
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update procedures associated with FOID card matters including the application process, expiration of cards, surrender and return of revoked cards, appeal process for revoked or denied cards, and methods for clear and present danger reporting. In addition, sections pertaining to judicial review, certification, and reduction of remittance are being repealed.
- 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) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: The amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendment. The submissions must be in writing and directed to:
- | | | |
|---|----|---|
| Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7 th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658 | or | Ms. Lisa Freitag
Rules Coordinator
Illinois State Police
801 South 7 th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-9356 |
|---|----|---|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians, clinical psychologists, law enforcement officials, and school administrators.
- B) Reporting, bookkeeping or other procedures required for compliance: Physicians, clinical psychologists, qualified examiners, law enforcement officials, and school administrators must report clear and present danger determinations to the Department of Human Services or the Illinois State Police.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2013

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

1230.10	Definitions
1230.20	Application Procedures
1230.30	Duration and Renewal of Identification Card
1230.40	Sponsorship of a Minor
1230.50	Return of FOID Card – Applicant Denial of Application or Revocation and Seizure of Identification Card
1230.60	Return of Revoked FOID Card – Other Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
1230.70	Appeal
1230.80	Judicial Review (Repealed)
1230.90	Certification (Repealed)
1230.100	Reduction of Remittance (Repealed)
1230.110	Retention of Remittance
<u>1230.120</u>	<u>Clear and Present Danger Reporting</u>
1230.EXHIBIT A	Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B	Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 37 Ill. Reg. _____, effective _____.

Section 1230.10 Definitions

Terms defined in the Firearm Owner's Identification Card Act [430 ILCS 65/1.1] have the same meanings when used in this Part. The As used in this Part, the following additional definitions

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

also apply to this Part unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act [430 ILCS 65].

"Antique firearm" ~~means~~ shall have the meaning ascribed to it in 18 USC 921(a)(16), i.e.:

any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

any replica of any firearm described in the previous paragraph if the replica:

is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of these means, for the purpose of 430 ILCS 65/1.1(4), any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, provided it is not likely to be used as a weapon.

"Applicant" means a person who has submitted a completed application~~an applicant~~ for a Firearm Owner's Identification Card.

"Criminal Justice System Employee" includes law enforcement officials, courts, State's Attorneys, probation officers, parole officers, and federal law enforcement officials.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

"Department" means the Department of State Police.

"Director" means the Director of State Police or his or her designee.

~~"Firearm" and "firearm ammunition" mean the terms as defined in Section 1.1 of the Act.~~

~~"FOID Card" means the "Firearm Owner's Identification Card" means the term as defined in Section 6 of the Act.~~

~~"Law enforcement officer" shall have the meaning attributed to it in Section 2 of the Illinois Police Training Act [50 ILCS 705/2].~~

"Law enforcement official" means any peace officer, warden, superintendent, or keeper of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

~~"Mental institution" means any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness.~~

~~"Mentally retarded" means a person who has significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.~~

~~"Out-of-state resident" means a person who does not qualify for an Illinois driver's license or an Illinois State identification card due to his or her establishment of a primary domicile in another state.~~

~~"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.~~

~~"Narcotics" means any substance controlled by the Controlled Substances Act.~~

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

Section 1230.20 Application Procedures

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- a) Application for a Firearm Owner's Identification Card shall be made by completing an application form provided by the Department. These forms will be made available through the Department's official website (www.isp.state.il.us/foid/foidapp.cfm) and at other locations determined by the Department.
- b) All application forms must be completed accurately and in their entirety, accompanied by the correct fee and a photograph, and submitted as indicated on the application form.
- c) Any application form that is not completed accurately and in its entirety, including the correct fee and a photograph, will be denied.
- d) Except as provided in subsection (e), any requirement for an Illinois driver's license number or Illinois identification card number shall mean a valid Illinois driver's license number or valid Illinois identification card number. A temporary visitor's driver's license (TVDL) will not be accepted.
- e) In regard to an applicant who is employed as a law enforcement officer, an armed security officer in Illinois or by the United States military permanently assigned in Illinois and who is not an Illinois resident, any requirement for a driver's license number or State identification card number shall mean the valid driver's license number or valid state identification card number from his or her state of residence.
- f) In regard to an applicant who is employed by the United States military permanently assigned in Illinois, the applicant shall also provide valid military identification and assignment orders establishing permanent assignment in Illinois.
- g) In regard to an applicant who is applying under a non-immigrant visa exception, the applicant shall provide a letter from his or her foreign government stating the purpose for travel to Illinois and the date the applicant's non-immigrant visa expires. The applicant shall also explain the need for the FOID card or a waiver from this Part granted by the U.S. Attorney General.
- h) The Department shall deny a FOID application of any applicant who is prohibited under federal law from possessing or receiving a firearm.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- i) ~~All FOID Cards issued shall remain the property of the Department. Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. These forms will be made available through the Firearms Services Bureau, P.O. Box 3677, Springfield, Illinois 62708-3677. All forms must be properly completed, accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form. Other than in regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean an Illinois driver's license and an Illinois driver's license number. In regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean his or her driver's license number or state identification card number from his or her state of residence. All Firearm Owner's Identification Cards issued shall remain the property of the Department.~~

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

Section 1230.30 Duration and Renewal of Identification Card

A ~~FOID Firearm Owner's Identification~~ Card shall expire ~~10~~five years from the date of issuance. The first day of the month in which the related Firearm Owner's Identification Card Application was received is designated as the date of issuance for purposes of this Part. The Department shall, at least ~~60~~30 days prior to the expiration of a ~~FOID Firearm Owner's Identification~~ Card, forward to the last known address of each person whose ~~FOID Firearm Owner's Identification~~ Card is to expire a notification of the expiration and an application ~~that~~which may be used to apply for renewal. It is the registrant's responsibility to notify the Department in writing of the registrant's change of address.

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

Section 1230.40 Sponsorship of a Minor

- a) Every applicant for a ~~FOID Firearm Owner's Identification~~ Card, under the age of 21, shall have the written consent of his/her parent or legal guardian to possess and acquire firearms and firearm ammunition, prior to issuance of a ~~FOID Firearm~~

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

~~Owner's Identification~~ Card. If the consent is given by a legal guardian, a certified copy of the guardianship court order must be submitted with the application. ~~The applicant cannot have been adjudged delinquent or convicted of a misdemeanor other than a traffic offense.~~ The parent or legal guardian must file an affidavit with the Department, as prescribed by the Department, stating that the parent/guardian ~~he/she~~ is not an individual prohibited from having a ~~FOID~~ Firearm ~~Owner's Identification~~ Card.

- b) The applicant under age 21 will not be granted a FOID Card if he or she is prohibited from having a FOID Card by State or federal law.
- c) If the minor is not physically capable of signing the application because of age, disability or other cause, the parent or legal guardian must submit a copy of the minor's birth certificate.

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

Section 1230.50 Return of FOID Card – Applicant~~Denial of Application or Revocation and Seizure of Identification Card~~

Individuals whose cards have been revoked shall surrender their FOID cards and complete the Firearm Disposition Record required by Section 9.5 of the Act. A copy of the required Firearm Disposition Record can be found on the Illinois State Police website at www.isp.state.il.us within the FOID section or at the local law enforcement agency where the individual resides. Individuals whose FOID cards were confiscated by law enforcement or the courts must submit documentation of the confiscation with the Firearm Disposition Record.~~The Department will deny an application for or revoke and seize a Firearm Owner's Identification Card if the Department finds that the applicant or the person to whom such a Firearm Owner's Identification Card was issued is or was at the time of issuance prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law or does not otherwise qualify under Illinois statute to possess a Firearm Owner's Identification Card. Any card seized, revoked, or otherwise inappropriately possessed shall be returned to the Department of State Police, Firearms Services Bureau.~~

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

Section 1230.60 Return of Revoked FOID Card – Other~~Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card~~

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

~~Any criminal justice system employee or firearm or ammunition retailer who takes possession of a revoked FOID card shall return the revoked card to the Illinois State Police, Firearms Services Bureau, within five business days. The Department shall notify, in writing to the last known address, every person whose application for a Firearm Owner's Identification Card is denied and every person whose Firearm Owner's Identification Card is revoked of the specific grounds upon which the application has been denied or the Firearm Owner's Identification Card has been revoked. In those situations for which written notification to the last known address is ineffective or unnecessarily delays revocation, additional alternative means may be used to communicate notification and effectuate revocation. Individuals whose cards have been revoked shall immediately return the revoked card to the Department of State Police, Firearms Services Bureau.~~

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

Section 1230.70 Appeal

- a) Commitment to a Mental Health Facility; Expedited Relief Law Enforcement Officers
- 1) An active law enforcement officer employed by a unit of government whose application for a FOID Card is denied or whose FOID Card is revoked because of a commitment to a mental health facility may petition the Department for expedited relief, as long as:
- A) the officer did not act in a manner threatening to the officer, another person or the public as determined by the treating clinical psychologist or physician and, as a result of his or her work, is referred by the employer for, or voluntarily seeks, mental health evaluation or treatment;
- B) the officer did not receive treatment involuntarily at a mental health facility or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past five years; and
- C) the officer did not leave the mental institution against medical advice. (Section 10(c-5) of the Act)
- 2) Law enforcement officers who wish to request expedited relief from the

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Department shall initiate such a request by providing written notice of this intention to the Firearms Services Bureau, Appeals Division. The officer must also sign an affidavit provided by the Department certifying that he or she meets the requirements of Section 10(c-5) for expedited relief.

- 3) The petitioner must provide to the Department the following documentation:
 - A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the admission;
 - B) a letter from the petitioner's employer on official letterhead that provides the current status of employment, job title, any records regarding the revocation of petitioner's FOID card, and the employer's opinion as to the suitability of the petitioner to possess a firearm;
 - C) all documentation regarding the admission, evaluation, treatment and discharge from the treating facility;
 - D) a fitness for duty evaluation completed after discharge;
 - E) written confirmation from the treating licensed clinical psychologist or psychiatrist that includes whether the petitioner acted in a threatening way towards themselves or others, whether the admission was voluntary or involuntary, the length of admission, the times admitted, whether the petitioner was discharged or left against medical advice, whether the petitioner has successfully or unsuccessfully completed treatment, and the treating licensed clinical psychologist's or psychiatrist's opinion regarding the petitioner's ability to possess or use a firearm; and
 - F) any other reasonable documentation requested by the Department related to the determination for granting relief.
- 4) The Director or his or her designee shall grant or deny relief within 30 business days of receipt of all the requested documentation. (Section 10(c-5) of the Act

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

5) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Director may grant relief. (Section 10(a) of the Act)*

b) Commitment to a Mental Health Facility

1) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked for a commitment to a mental health facility may petition the Department for relief.

2) Individuals who wish to request relief from the Department shall provide written notice of this intention to the Firearms Services Bureau, Appeals Division.

3) The petitioner must provide to the Department the following documentation:

A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the admission;

B) two signed, dated and notarized statements from adults who are aware of the circumstances regarding the revocation or denial of the FOID card, detailing their opinion as to the individual's suitability to possess firearms and the individual's current mental state;

C) a current forensic evaluation or letter from a psychiatrist, all psychiatric and counseling records from the past five years, and any and all court records that may apply; and

D) any other reasonable documentation requested by the Department related to the determination for granting relief.

4) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that*

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

granting relief would not be contrary to the public interest, the Director or his or her designee may grant relief. (Section 10(a) of the Act)

c) Felony Denials; Petition for Relief

- 1) An individual whose application for a *FOID Card* is denied or whose *FOID Card* is revoked because of a felony conviction may petition the Department for relief unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act [720 ILCS 570], the Methamphetamine Control and Community Protection Act [720 ILCS 646], or the Cannabis Control Act [720 ILCS 550] that is classified as a Class 2 or greater felony, or any felony violation of Article 24 (Deadly Weapons) of the Criminal Code of 2012 [720 ILCS 5], or any adjudication as a delinquent minor for the commission of an offense that, if committed by an adult, would be a felony. (Section 10(a) of the Act) For relief from a denial or revocation based on these listed felonies see subsection (d)(1).
- 2) Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the appeal process.
- 3) The petitioner must provide to the Department the following documentation:
 - A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the felony;
 - B) three signed, dated and notarized statements from adults, one of whom lives with the petitioner, detailing their opinions as to the individual's suitability to possess firearms, as well as their knowledge surrounding the felony; and
 - C) any other reasonable documentation requested by the Department related to the determination for granting relief.
- 4) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that substantial justice has not been

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

done, the Director or his or her designee may grant relief.

d) Other Denials; Petition for Relief

- 1) An individual whose application for a FOID Card is denied or whose FOID Card is revoked for one or more of the felonies described in subsection (c) may petition in writing the circuit court in the county of his or her residence for a hearing the on denial or revocation. (Section 10(a) of the Act)
- 2) Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the appeal process.
- 3) Out-of-state Residents: If a petitioner wishes to appeal the denial or revocation based on his or her status as an out-of-state resident, the petitioner must provide to the Department documentation requested by the Department, which shall include a copy of a valid driver's license or identification card, proof of residency, and a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances regarding the status of his or her residency and the need for a FOID Card. The petitioner must also provide any other documentation requested by the Department relating to the determination for granting relief.
- 4) Persons Under 21: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she does not have a parent or legal guardian, the petitioner must provide two signed, dated and notarized personal references regarding his or her suitability to possess firearms and a signed, dated and notarized statement detailing his or her circumstances. If applicable, the petitioner must provide death certificates for his or her parents or legal guardians and/or any applicable court documents regarding the petitioner's circumstances.
- 5) Persons Unable to Provide a Driver's License or State Identification Card: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she cannot provide a driver's license or state identification card other than for eligibility reasons, the petitioner must provide a signed, dated and notarized statement detailing his or her circumstances, including any medical explanations. If the petitioner is medically unable to obtain a driver's license or state identification card, the petitioner must provide a

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

physician's statement regarding his or her condition. The petitioner must provide any and all other relevant information requested by the Department, including documentation from the Secretary of State.

- 6) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that substantial justice has not been done, the Director or his or her designee may grant relief.
- e) The appeal process will not begin until the Department has received all the necessary documentation.
- f) In the event the Director or his or her designee desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.
- g) The Director or his or her designee may grant or deny relief as a result of the fact-finding conference.
- h) At a fact-finding conference, the petitioner may be represented by counsel or present witnesses who have direct knowledge of the circumstances of the denial or revocation and may present any evidence or information relating to the Department's action.
- i) If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may request an administrative hearing. The request for hearing must be in writing and sent to the Firearms Services Bureau, Appeals Division.
- j) The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ may be disqualified for bias or conflict of interest.
- k) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.
- l) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- m) If relief is denied by both the Director and through an administrative hearing, in order to be eligible for a FOID Card once five years have passed since the admission, the applicant must have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5] and received a certification that he or she is not a clear and present danger to himself or herself or others.
- a) ~~An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked may petition the Department for relief unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial or revocation.~~
- b) ~~Individuals who wish to request relief from the Department shall initiate such a request by providing written notice of this intention to the Department.~~
- e) ~~Upon receiving written notice, the Department shall investigate the circumstances surrounding the denial or revocation action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact finding conference with the petitioner.~~
- d) ~~At a fact finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.~~
- e) ~~The Director may provide relief as a result of the fact finding conference.~~
- f) ~~If the Director does not provide relief as a result of the investigation or a fact finding conference, the petitioner may petition for a hearing.~~
- g) ~~The administrative law judge for contested hearings shall be the Director or an~~

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

~~attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.~~

- ~~h) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.~~
- ~~i) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.~~

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

Section 1230.80 Judicial Review (Repealed)

~~All final decisions of the Department under this Act are subject to judicial review under the provisions of the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 through 112) [735 ILCS 5/3-101 through 112].~~

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

Section 1230.90 Certification (Repealed)

~~At the time of acquisition of a firearm or firearm ammunition to be used by a law enforcement official in the performance of official duties, the law enforcement official may present a certified letter from the chief administrator or his designee of the employing law enforcement agency to the seller of the firearm or firearm ammunition in lieu of a Firearm Owner's Identification Card. This letter must contain the following information:~~

- ~~a) A statement that the officer is a law enforcement officer;~~
- ~~b) A statement that the firearm or firearm ammunition described is intended for use in the performance of official law enforcement duties;~~
- ~~c) The acquiring officer's signature and star, badge, or other numeric identifier;~~
- ~~d) A description of the firearm and firearm ammunition to be acquired;~~
- ~~e) The date, title/rank, and signature of the chief administrator or his designee;~~

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- f) ~~The name and address of the law enforcement agency; and~~
- g) ~~A statement limiting the validity of the certification to 60 days from the date of issuance.~~

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

Section 1230.100 Reduction of Remittance (Repealed)

- a) ~~The Department may reduce by interlineation the amount of any check.~~
- b) ~~The drawer of the check shall be notified in writing of such reduction.~~
- e) ~~Any check reduced pursuant to subsection (a) shall be endorsed in a manner that shall reflect the reduction.~~
- d) ~~All applications upon reprinting shall contain the following authorization statement: "My signature authorizes the Department to reduce the amount of my personal check if the amount submitted is not correct. I understand this will be done only if the amount submitted is greater than the required fee.~~

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

Section 1230.120 Clear and Present Danger Reporting

- a) Physicians, clinical psychologists and qualified examiners shall report determinations of a clear and present danger to the Department by making notification to the Department of Human Services in the form and manner prescribed at Section 6-103.3 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
- b) Law enforcement officials and school administrators shall report determinations of a clear and present danger directly to the Department. The Department shall make a form and instruction for the reporting available to law enforcement officials and school administrators on its website.
- c) The Department shall make the final determination regarding whether a clear and present danger exists for purposes of revoking a FOID card pursuant to Section 8(f) of the Act.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Firearm Concealed Carry Act Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1231
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1231.10	New
1231.20	New
1231.30	New
1231.40	New
1231.50	New
1231.60	New
1231.70	New
1231.80	New
1231.90	New
1231.100	New
1231.110	New
1231.120	New
1231.130	New
1231.140	New
1231.150	New
1231.160	New
- 4) Statutory Authority: Implementing and authorized by the Firearm Concealed Carry Act [430 ILCS 66/95]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide procedures for implementing the Firearm Concealed Carry Act, including the instructor application process, training curriculum requirements, concealed carry license applicant qualifications, fees, signage for prohibited areas, and law enforcement fingerprinting registration.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This Part will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:
- | | | |
|--|----|--|
| Ms. Suzanne L. Y. Bond | or | Lisa Freitag |
| Chief Legal Counsel | | Rules Coordinator |
| Illinois State Police | | Illinois State Police |
| 801 South 7 th Street, Suite 1000-S | | 801 South 7 th Street, Suite 1000-S |
| Springfield, Illinois 62703 | | Springfield, Illinois 62703 |
| 217/782-7658 | | 217/782-9356 |
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small business and municipalities may be eligible to participate in the fingerprinting processes and training components covered by these rules; however, those participating should not need to expend additional local revenues for participation.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The proposed rule is needed in order to comply with 430 ILCS 66 which did not become effective until July 9, 2013.

The full text of the proposed rule begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

Section	
1231.10	Definitions
1231.20	Instructor Approval
1231.30	Instructor Approval Revocation
1231.40	Curriculum Approval
1231.50	Training Certification
1231.60	Issuance of License
1231.70	Objections
1231.80	Review Board
1231.90	Qualifications for License
1231.100	Application
1231.110	Non-Resident Application
1231.120	Renewal
1231.130	Change Requests
1231.140	Fees
1231.150	Prohibited Areas
1231.160	Law Enforcement Fingerprinting Registration

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

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

Section 1231.10 Definitions

"Act" means the Firearms Concealed Carry Act [430 ILCS 66].

"All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction" means, at a minimum, instruction on the Act in its entirety, with emphasis on Sections 10(h) and 65 of the Act; the Firearm Owner Identification Card Act [430 ILCS 65]; relevant portions of the Criminal Code of 2012, including but not limited to, use of force in defense of a person [720 ILCS 5/7-1], use of force in defense of dwelling [720

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

ILCS 5/7-2], use of force in defense of other property [720 ILCS 5/7-3], and unlawful use of a weapon [720 ILCS 5/Art. 24]; and the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.

"Application Verification Document" means the documents electronically generated by the Department upon submission of a completed Firearms Instructor Approval Application, which authorizes the Department to verify the answers given and confirm the validity of the information provided.

"B-27 Silhouette Target" means any target that complies with the National Rifle Association of America B-27 50 Yard Target Specifications.

"Basic Principles of Marksmanship Instruction" means, at a minimum, instruction on stance, grip, sight alignment, sight picture and trigger control.

"Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction" means, at a minimum, instruction on gun identification, ammunition identification and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"Department" means the Illinois Department of State Police.

"FCCL" means Firearms Concealed Carry License issued pursuant to the Act.

"Firearms Safety Instruction" means, at a minimum, instruction on the four basic firearms handling safety rules, home storage, vehicle storage and public storage.

"FOID Act" means the Firearm Owner's Identification Card Act [430 ILCS 65].

"Four Basic Firearms Handling Safety Rules" means:

Keep the firearm pointed in a safe direction and never at anything the shooter is not willing to destroy;

Keep finger off the trigger until the sights are aligned on target and the shooter is ready to shoot and do not press on the trigger unless the shooter intends to fire;

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

Treat all guns as though they are always loaded; and

Know the target and what lies beyond the target.

"Illinois Resident" means a person who qualifies for an Illinois driver's license, other than a Temporary Visitor's Driver's License (TVDL), or an Illinois State identification card due to his or her establishment of a primary domicile in Illinois.

"In Person" means during a live, face-to-face interaction and not via video conference, webinar or any other electronic media, but may include the use of pre-recorded materials by an instructor during a live presentation.

"LEADS" means the Illinois Law Enforcement Agencies Data System maintained by the Department. It is a statewide, computerized telecommunications system designed to provide services, information and capabilities to the Illinois law enforcement and criminal justice community.

"NICS" means the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation.

"NLETS" means the National Law Enforcement Telecommunications System.

"Public Storage" means storage at publicly-owned location, for example in a storage locker provided by a public or government facility, which may or may not have its own storage rules or protocols.

"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have mental health admissions, voluntary or involuntary, within the past 5 years or greater from carrying firearms, concealed or otherwise, in public; reports denied persons to NICS; and participates in reporting persons authorized to carry firearms, concealed or otherwise, in public through NLETS.

"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.

"Valid Driver's License" or "Valid State Identification Card" does not include a temporary visitor's driver's license (TVDL).

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

"Valid Firearms Instructor Certification" means certification as:

a Law Enforcement Firearms Instructor; or

a Firearms Instructor qualified to teach either handgun safety or a handgun training course that requires in-person classroom or lecture sessions totaling at least 3 hours and a live handgun firing component that was issued by:

a law enforcement entity;

a State or federal government entity (e.g., Military, Coast Guard, etc.);

the Illinois Law Enforcement Training Standards Board;

the National Rifle Association of America (NRA); or

any other entity recognized by at least 3 state or federal government agencies-as being qualified to provide education and training in the safe and proper use of firearms that maintains a program or process to certify instructors.

"Weapons Handling Instruction" means, at a minimum:

handgun fundamentals;

weapons concealment;

live fire qualification instruction; and

live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.

"Within a vehicle" means within the passenger compartment of a passenger or recreational vehicle or within a lockable container secured to a motorcycle.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

Section 1285.20 Instructor Approval

- a) Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- b) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor or law enforcement agency registered by the Department, the applicant shall electronically complete and submit the Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website.
- c) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed.
- d) Applicants must have read the Act in its entirety, understand the rules and requirements of this Part, apply for an Illinois Firearms Concealed Carry License, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, when that application is available and:
 - 1) If an Illinois resident:
 - A) possesses a valid Firearm Owner's Identification (FOID) Card (20 Ill. Adm. Code 1230); or
 - B) is eligible for and has applied for a FOID Card; or
 - 2) If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.
- e) Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to the address specified in the Concealed Carry section of the ISP website.

Section 1231.30 Instructor Approval Revocation

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- a) Concealed Carry Firearms Instructors (Instructors) must maintain:
 - 1) A valid FOID Card or, if an out-of-state resident, eligibility to obtain a FOID; and
 - 2) After April 16, 2014, a valid FCCL.
- b) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.
- c) The Department may revoke an Instructor's approval upon receiving substantiated information that the instructor is not teaching the curriculum in a manner consistent with Section 75 of the Act.
- d) Upon revocation of an Instructor's approval, the Instructor's name and information will be removed from the registry of approved Instructors maintained by the Department and available on its website.
- e) Once an Instructor's approval is revoked and the Department issues a letter of revocation to the Instructor, the Instructor may appeal the revocation to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. If the Director determines that the revocation of approval was not warranted, or that the issues that resulted in revocation have been remediated, the Instructor's approval shall be reinstated, the instructor shall be notified and the name of the Instructor shall be restored to the registry of approved Instructors.

Section 1231.40 Curriculum Approval

- a) Application for curriculum approval shall be made by completing and submitting a Request for Approval of a Concealed Carry License Firearms Curriculum form, which is available on the Department's website.
- b) The application must be complete, accurate, signed, and notarized. If the application is not completed properly, it will be returned to the applicant and will not be processed.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- c) The applicant must verify that the proposed curriculum meets the requirements set forth in the Act and that the course will be taught in person, as described in this Section.
- d) Training necessary for issuance of the FCCL shall consist of 16 hours of classroom and firearm training. Pursuant to Section 75(g), (h) and (i) of the Act, fewer hours of training, or no additional training, will be acceptable in certain instances indicating prior firearms training.
 - 1) A 16 hour training course must, at a minimum, cover the following topics:
 - A) Firearms Safety – a minimum of 1 hour;
 - B) Basic Principles of Marksmanship – a minimum of 1 hour;
 - C) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a minimum of 1 hour;
 - D) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm – a minimum of 2 hours; and
 - E) Weapons Handling – a minimum of 1 hour.
 - 2) An 8 hour training course must, at a minimum, cover the following topics:
 - A) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm – a minimum of 2 hours; and
 - B) Weapons Handling – a minimum of 1 hour.
 - 3) For the topics to be included in the 16 hour and 8 hour training courses, the minimum hours established in this subsection (d) have been determined to be sufficient for the experienced shooter and shall be adjusted upward by the approved instructor based upon the skill level of those to be trained to ensure proficiency by all upon the completion of the required training component.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- e) A 3 hour licensure renewal course must, at a minimum, cover the following topics:
 - 1) Two hours to cover:
 - A) any updates to Illinois or federal firearms laws governing concealed carry in Illinois;
 - B) updates in the Criminal Code Sections listed in Section 1231.10; and
 - C) appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm; and
 - 2) One hour of instruction to include a live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.
- f) The Department may request a complete course outline and instructional notes or any additional course related information from the applicant. If the applicant refuses the request, the application will be deemed incomplete and returned to the applicant.
- g) Once approved by the Department, the curriculum may only be taught by an Instructor approved by the Department under Section 1231.20 who is listed on the registry of approved Instructors.
- h) Upon receiving substantiated information that a curriculum, as taught, is not consistent with Section 75 of the Act, the Department may remove that curriculum from the list of approved curriculums maintained on the Department's website.
- i) Once a curriculum is removed from the list of approved curricula, the decision to remove the curriculum from the list may be appealed to the Director of the Department and evidence must be presented that the factors resulting in the revocation have been resolved. If the Director determines that the removal of the curriculum from the list was not warranted, or that the issues that resulted in that

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

removal have been remediated, the curriculum approval shall be reinstated to the list.

Section 1231.50 Training Certification

- a) Approved Instructors shall complete the Department's Concealed Carry Firearms Training Certification form, which is available on the Department's website, for FCCL applicants.
- b) The Certification form shall only be completed for those applicants who the Instructor trained in person for whom the Instructor can verify:
 - 1) successful completion of the appropriate Department approved curriculum; or
 - 2) that the applicant has previously successfully completed training through a Department approved curriculum.
- c) On the Certification form, the Instructor shall:
 - 1) certify that the applicant successfully completed a 16 hour training course, an 8 hour training course, or a 3 hour renewal training course; and
 - 2) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.
- d) For those applicants who provided proof of up to 8 hours of training already completed toward the 16 hours training, the Instructor shall:
 - 1) verify the aggregate number of hours for which the applicant provided proof of instruction in Firearms Safety, Basic Principles of Marksmanship, and Care, Cleaning, Loading and Unloading of a Concealable Firearm, based upon a list provided by the Department of accepted training courses, and provide the necessary additional hours of training to equal 16;
 - 2) certify whether the applicant successfully completed the 8 hours training required by Section 1231.40; and

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- 3) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.
- e) The Instructor may certify up to 8 hours of prior training, consistent with Section 75 of the Act. The prior training may be substituted for no more than the following number of hours in any of the topics required by Section 1231.40(d)(2):
 - 1) Firearms Safety – a maximum of 2 classroom hours;
 - 2) Basic Principles of Marksmanship – a maximum of 3 classroom and range hours; and
 - 3) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a maximum of 3 classroom and range hours.

Section 1231.60 Issuance of License

- a) An FCCL shall expire 5 years after the date of issuance.
- b) The Department shall, at least 60 days prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is to expire a notification of the expiration.
- c) The Department shall make applications available via its website.
- d) FCCL applicants must obtain a digital signature through the State of Illinois before applying for an FCCL. The Department will provide a link to the digital signature application through its website.
- e) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- g) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the instructor application process. No other previously obtained TCNs may be used as they will not have the appropriate purpose code.
- h) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].
 - 1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.
 - 2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

Section 1231.70 Objections

- a) Criminal history background checks for all FCCL applicants will be conducted by the Department. Law enforcement officials who wish to raise an objection to an FCCL applicant shall not use LEADS to run background checks to determine FCCL eligibility.
- b) Law enforcement officials may submit objections outside of the criminal history background check procedure via an electronic objection process available on the Department's website. Manual submissions will not be accepted.
 - 1) Law enforcement officials submitting an objection shall provide a narrative outlining the detailed reason for the objection.
 - 2) Law enforcement officials submitting an objection shall attach any documentation available supporting their objection.
- c) The Department may deny an application based upon a disqualifier identified through the criminal history background check pursuant to Section 25 of the Act; however, the local law enforcement official shall be permitted to submit

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

objections for the duration of the objection period prescribed by Section 15 of the Act.

- d) If, upon or after receiving an objection from a local law enforcement official, an FCCL applicant is disqualified through the criminal history background check conducted under Section 25 of the Act, the Department will maintain a record of those objections. The objections will not be forwarded to the Concealed Carry Licensing Review Board for further consideration.

Section 1231.80 Review Board

- a) The Concealed Carry Licensing Review Board is part of the criminal justice process responsible for reviewing an FCCL applicant's criminal history record and eligibility.
- b) The Department will make the results of the applicant's criminal history background check, as well as any local law enforcement objections for any applicant not disqualified pursuant to Section 25 of the Act, available to the Concealed Carry Licensing Review Board if the applicant is subject to review pursuant to Section 20 of the Act.
- c) The Concealed Carry Licensing Review Board shall provide the Department with its final decision on each applicant in an electronic report authored by the Chairperson of the Board.

Section 1231.90 Qualifications for a License

- a) FCCL applicants who are Illinois residents must have a valid FOID card at the time of application.
- b) The Department shall deny the FCCL application for any FCCL applicant who is prohibited under federal law from possessing or receiving a firearm.

Section 1231.100 Application

- a) An FCCL applicant shall include his or her full social security number on the application, in accordance with federal guidelines.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- b) As part of the application process and pursuant to Section 30(b)(10) of the Act, FCCL applicants must electronically upload proof of compliance with the training requirements of Section 75 of the Act. For every certificate submitted, FCCL applicants must include the training instructor's name and contact number and the name of the approved curriculum, as well as the unique identification numbers assigned by the Department to the instructor and the curriculum.
- c) All documentation required pursuant to Section 30 of the Act shall be submitted to the Department electronically by uploading it as an attachment to the FCCL application.

Section 1231.110 Non-Resident Application

- a) Pursuant to Section 40(b) of the Act, non-resident FCCL applications will only be accepted from persons licensed or permitted to carry firearms, concealed or otherwise, in public, in a substantially similar state.
- b) The Department shall post on its website a list of all states determined to be substantially similar.
- c) The Department shall determine which states are substantially similar, as defined in Section 1231.10, to Illinois in their manner of regulating concealed carry of firearms by surveying all other states.
- d) Non-resident FCCL applicants shall obtain a non-resident eligibility affidavit from the Department's website.
 - 1) The affidavit must be completed and notarized by all non-resident FCCL applicants.
 - 2) A copy of the affidavit must be submitted as an electronic attachment to the non-resident's FCCL application through the on-line application process.
 - 3) The original affidavit with notary stamp must be retained by the non-resident FCCL applicant and provided to the Department upon request.
- e) FCCL applicants applying under the non-immigrant visa exception to the FOID Act shall provide a letter from their foreign government stating the purpose for

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

travel to Illinois, the date the applicant's non-immigrant visa expires, and the need for the FOID card, or a waiver from this provision granted by the U.S. Attorney General.

- f) All documentation required Section 40(c) and (d) of the Act shall be submitted to the Department electronically by uploading it as an attachment to the non-resident's FCCL application.

Section 1231.120 Renewal

- a) All documentation required pursuant to 430 ILCS 66/50 shall be submitted to the Department electronically by uploading it as an attachment to the FCCL renewal application.
- b) FCCL renewal applicants may submit a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department if such applicant did not do so at the time of his or her original FCCL application.
 - 1) Renewal fingerprints must comply with the provisions set forth in Section 1231.60.
 - 2) FCCL renewal applicants who submitted fingerprints at the time of their original FCCL application will not be required to submit additional sets of fingerprints upon renewal.
- c) The Department shall grant or deny a FCCL renewal application no later than 90 days after receipt of a completed application, except that the Department shall be granted 30 days in addition to the 90 days if the applicant has not submitted or previously submitted a full set of fingerprints submitted in electronic format.

Section 1231.130 Change Requests

The notification requirements of Section 55 of the Act shall be made by the licensee through an online process established by the Department and available on its website.

- a) The notarized statements required shall be made available by the Department on its website.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- b) Any required attachment or attachments shall be submitted to the Department electronically by uploading them as an attachment.
- c) The original statements with notary stamp must be retained by the licensee and provided to the Department upon request.

Section 1231.140 Fees

- a) FCCL applicants must pay the fee in full when submitting their application.
- b) All fees shall be collected using the Illinois State Treasurer's E-Pay program. A convenience fee will be charged in accordance with the Illinois State Treasurer's E-Pay program.

Section 1231.150 Prohibited Areas

Section 65 of the Act specifies areas where concealed carry of weapons is prohibited and requires posting of those areas.

- a) A template for signs required pursuant to Section 65(d) of the Act shall be made available by the Department on its website.
- b) Prohibited areas may utilize signage larger in size than the template provided at their discretion. If prohibited areas use a larger sign, the template provided shall be reproduced no smaller than the 4" x 6" dimension required by the Act somewhere on the larger sign.
- c) Prohibited areas may include additional language on their signs. If prohibited areas include additional language, the template provided shall be reproduced no smaller than the 4" x 6" dimension required by the Act somewhere on the sign.

Section 1231.160 Law Enforcement Fingerprinting Registration

- a) Law enforcement agencies that plan to submit to the Department Electronic Fingerprint Fee Applications (EFFA, the application submitted by a person being electronically fingerprinted) for FCCL applicants must sign a memorandum of understanding between the agency and the Department establishing the requirements of the applicable State statutes and federal laws for the submission

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

of non-criminal justice fingerprint transactions to the Department or the Federal Bureau of Investigation (FBI).

- b) Fingerprint images, a photograph of the individual being fingerprinted, and related alpha numeric identification data shall be submitted to the Department via electronic transmission utilizing live scan procedures and equipment approved by the Department. The photograph provision will be waived for applicants with a physical handicap or ailment that could result in the taking of a photograph causing the applicant harm in any way.
- c) A law enforcement agency's equipment and transmission of all types of transactions shall be certified by the Department.
- d) All employees responsible for taking fingerprints for the purposes of the Act shall require each individual seeking to be fingerprinted to present primary or secondary identification in order to be fingerprinted by the agency.
 - 1) Primary identification shall mean a valid driver's license or Secretary of State issued State identification card.
 - 2) In the absence of a driver's license or Secretary of State issued State identification card, secondary identification shall mean the individual seeking to be fingerprinted shall provide at least two forms of identification within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy Compact Council from the FBI website (<http://www.fbi.gov/about-us/cjis/cc/current-initiatives/identity-verification-program-guide>).
- e) All FCCL applicants who submit an EFFA shall be required to sign a consent form prior to fingerprinting. The privacy statement within the consent form shall be approved by the Department.
- f) Agencies must maintain a record of all documentation and non-criminal justice transactions submitted to the Department for the purpose of auditing by the Department or the FBI and make its records available for that auditing.
- g) All employees responsible for taking fingerprints for non-criminal justice purposes shall successfully complete a fingerprint training course conducted or authorized by the Department.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- h) Agencies will be required to establish a fiscal account with the Department of State Police-Bureau of Identification for the purpose of facilitating the payment of State and FBI background checks. The agencies will be invoiced monthly for all submissions received by the agency the prior month. The Department will not accept individual payments from the persons printed.

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
6.900	New
6.905	New
6.910	New
6.915	New
6.920	New
6.925	New
6.930	New
6.935	New
6.940	New
6.945	New
6.950	New
6.955	New
6.960	New
6.965	New
6.970	New
6.975	New
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)]
- 5) Effective Date of Rulemaking: September 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted rulemaking is on file with the CPO and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: June 21, 2013; 37 Ill. Reg. 8051
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several grammatical corrections were made at JCAR's suggestion. Additionally, the following substantive changes were made in response to public comment and discussions with JCAR:

At Section 6.900(a), a slight rewording of the language was made for clarification purposes.

At Section 6.905, the definition of "Public Private Agreement" has been clarified with a slight rewording of the language.

At Section 6.915, language was added to emphasize the uniqueness of the Illiana project and to clarify that existing prequalification procedures may be used as a supplement to (not "in lieu of") the qualification procedures in the Act. Additionally, prequalification requirements will be set forth in the RFQ.

At Section 6.920(c), a clarification was made to the reference to the FOIA laws and to the cross reference to 23 CFR 636.

At Section 6.925(a)(2), a revision was made to include language prescribing that innovative financing concepts will be encouraged during the second phase of the selection process in response to a Request for Proposals (RFP). At subsection (a)(3), "it" was changed to "the alternate technical concept" in the first sentence. At subsection (d)(4), the reference to the Business Enterprise for Minorities, Females, and Persons with Disabilities Act was slightly corrected. At subsection (d)(5), the word "plan" was deleted from the provision. At subsection (i), a clarification was made that a procurement protest process will be specified in the RFQ and the RFP.

At Section 6.930(b), provisions have been added with respect to the selection team committee and the need for members to have an understanding of public private partnerships, with some members having, at a minimum, expertise in private and public financing, construction and engineering. At subsection (c), "procedures" was replaced

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

with "instructions" and language has been added with respect to the State Officials and Employees Ethics Act.

At Section 6.950(a), language has been added to cross reference the definition of "Best Value Selection" to clarify the meaning of "best value to the public".

- 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
6.40	Amend	37 Ill. Reg. 12620, August 9, 2013
6.50	Amend	37 Ill. Reg. 12620, August 9, 2013
6.55	Amend	37 Ill. Reg. 12620, August 9, 2013
6.110	Amend	37 Ill. Reg. 12620, August 9, 2013
6.140	Amend	37 Ill. Reg. 12620, August 9, 2013
6.700	Re-number; New	37 Ill. Reg. 12620, August 9, 2013
6.705	Re-number; Amend	37 Ill. Reg. 12620, August 9, 2013

- 15) Summary and Purpose of the Rulemaking: The Chief Procurement Officer (CPO) for the Department of Transportation and the Department of Transportation (Department) are amending this Part for consistency with the Public Private Agreements for the Illiana Expressway Act (Act) [605 ILCS 130]. The Act prescribes that the Department on behalf of the State may, pursuant to a competitive request for proposals process governed by the Illinois Procurement Code (Code) and the rules adopted under that Code and the Act, enter into one or more public private agreements with one or more contractors to develop, finance, construct, manage, or operate the Illiana Expressway on behalf of the State. (See Section 15(a) of the Act.) Therefore, consistent with the Act, the Department is prescribing procedures to be used for Illiana Expressway public private agreements procured by the CPO and the Department through a competitive request for proposals process.

Following are summaries of the significant changes being made to the Part.

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

A new Subpart, "Subpart L: ILLIANA EXPRESSWAY PROCUREMENT", is being added to the Part with Sections 6.900 – 6.975 setting forth program provisions.

A new Section 6.900, Purpose and Objective, is being added to provide a general overview of program provisions, including that program coordination is necessary between the CPO, the Department, and the State of Indiana in efforts to build a new interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana.

A new Section 6.905, Definitions, provides a list of terms used throughout the new Subpart L, including definitions of "Offeror", "Public Private Agreement", "Qualifications", "Request for Proposals", "Request for Qualifications", "Revenue Sharing" and "Short Listing".

A new Section 6.910, General Conditions for Use, prescribes that the procedures in Subpart L will be used for Illiana Expressway public private agreements procured by the Department with oversight by the CPO.

A new Section 6.915, Prequalification and Qualifications, prescribes that, due to the unique nature of this two-step procurement process, the Department may use its existing prequalification procedures as a supplement to the qualifications procedures set forth in the Act, including the issuance of an RFQ. Prequalification requirements will be set forth in the RFQ.

A new Section 6.920, Information Exchanges, prescribes that information exchanges may occur. The methods of information exchanges are listed in this Section. Also, provisions are being added to address a situation when specific information is disclosed to one or more potential offerors - that specific information will be made available to all potential offerors in order to avoid creating an unfair competitive advantage. Additionally, this Section prescribes that, upon a request by a potential offeror, information provided to a particular potential offeror will not be disclosed if doing so would reasonably reveal the potential offeror's business strategy because it involves a trade secret or other proprietary information that would cause competitive harm to the offeror. This information may be subject to disclosure under federal or State freedom of information laws.

A new Section 6.925, Competitive Request for Proposals Process, prescribes the two-phase selection process used to solicit, through a Request for Qualifications (RFQ) and a Request for Proposals (RFP), statements of qualifications and proposals from offerors. The first phase of the process consists of short listing qualified persons based on an RFQ.

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The second phase consists of the receipt and evaluation of technical proposals and financial proposals in response to an RFP. Innovative financing concepts will be encouraged. Other provisions in this Section include: the publication of public notices of an RFQ and RFP in the Department's Transportation Procurement Bulletin, a listing of criteria taken into account for the competitive RFP, that oral presentations may substitute for, or supplement, written information at any time during the procurement process, that the Department may elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals, and, that a procurement protest process will be specified in the RFQ and the RFP.

A new Section 6.930, Organizational Conflict of Interest Requirements, prescribes that all conflict provisions contained in the Code will be included in the RFQ or RFP documents, that the Department will take into consideration the multi-faceted nature of the procurement when forming proposal and selection team members and, also, that some selection team members will have, at a minimum, expertise in private and public financing, construction, and engineering, that specific instructions applicable to selection team members will be made available, including all applicable provisions of the State Officials and Employees Ethics Act, including, but not limited to, ethical conduct and gift bans [5 ILCS 430].

A new Section 6.935, Proposal Evaluation, prescribes, among other things, that proposals will be evaluated and any award will be made in accordance with applicable provisions of 23 CFR 636. Proposals will be evaluated solely on the factors and criteria specified in the RFP. Proposals will be reviewed by the Department to determine if the proposal is responsive and if the offeror is responsible. The criteria used to determine a responsive proposal and a responsible offeror are prescribed in this Section, as are the Department's rights under this Subpart.

A new Section 6.940, Discussions with Offerors, prescribes the process that the Department will use when it invites the offeror to discuss questions about any facet of the RFP or proposal.

A new Section 6.945, Clarifications, prescribes that clarifications may be permitted after the initial evaluation of proposals or potentially the proposal will be declared nonresponsive.

A new Section 6.950, Selection and Negotiations, prescribes that the Department will pick two finalists for review by the Commission on Government Forecasting and

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Accountability and the Procurement Policy Board. Of the two finalists, one is an alternate. The Department may enter into negotiations with one offeror that may or may not result in a public private agreement. Provisions are included in the event that negotiations are unsuccessful. The Department will not select an offeror as the contractor until it has received and considered the findings of the Commission on Government Forecasting and Accountability and the Procurement Policy Board's reports.

A new Section 6.955, Interim Agreements, prescribes that prior to or in connection with the negotiation of the public private agreement, the Department may enter into one or more interim agreements with the selected offeror or other vendors if the Department determines in writing that it is in the public interest to do so. (See Section 30 of the Act.) This Section also includes provisions from Section 30(b) and (c) of the Act.

A new Section 6.960, Award, prescribes, among other things, that the Department will hold a public hearing or hearings, before awarding a public private agreement to an offeror, and publication of a notice of the hearing or hearings are also set forth in this Section. Finally, the Department will make a determination as to whether the offeror should be designated as the contractor for the Illiana Expressway project and that decision will be submitted to the Governor and the Governor's Office of Management and Budget. The Governor may accept or reject the Department's determination. (See Section 20(h) of the Act.)

A new Section 6.965, Execution of Contract and Notice to Proceed, prescribes, among other things, that the Department will publish the full text of the public private agreement on its website. (See Section 65 of the Act.)

A new Section 6.970, Subsequent Contracts, prescribes, among other things, that the Department may award contracts for goods, services, or equipment not provided for in the public private agreement. (See Section 50 of the Act.) This Section also includes provisions with respect to the contractor's authority to negotiate and execute subsequent subcontracts with third parties that will be included in the public private agreement.

A new Section 6.975, Disclosure of Proposal Contents, prescribes, among other things, that, upon final execution of the public private agreement and each financing transaction required to provide funding, all records may be disclosed relating to the contents of all proposals, except the parts of the proposals that may be treated as confidential.

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

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/ 558-5434

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

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR
THE DEPARTMENT OF TRANSPORTATION
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy and Application
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation Procurement Bulletin
- 6.55 Required Notices
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section

- 6.130 General Conditions for Use
- 6.140 Invitations for Bids
- 6.150 Amendments to Invitations for Bids
- 6.160 Preparation of Bids
- 6.170 Delivery of Bids
- 6.180 Change or Withdrawal of Bids
- 6.190 Combination Bids for Construction Contracts
- 6.200 Pre-Bid Conferences
- 6.210 Public Opening of Bids
- 6.220 Consideration of Bids
- 6.230 Mistakes
- 6.240 Award After Bid Evaluation
- 6.250 Split and Multiple Awards
- 6.260 Time for Award
- 6.270 Delay in Award
- 6.275 Notice of Award
- 6.280 Binding Contract
- 6.290 Requirement of Contract Bond for Construction Contracts
- 6.300 Execution of Contract
- 6.310 Publication of Contracts (Repealed)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

- 6.320 General Conditions for Use
- 6.330 Request for Proposals
- 6.340 Delivery of Proposals
- 6.350 Evaluation of Proposals
- 6.360 Discussions with Responsible Offerors
- 6.370 Award
- 6.380 Execution of Contracts

SUBPART F: CONTRACT ADMINISTRATION

Section

- 6.385 Expenditure in Excess of Contract Price

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

6.388 Multi-year Contracts

SUBPART G: PROTESTS

Section

6.390 Application
6.400 Interested Party
6.410 Subject of the Protest
6.420 Filing of a Protest
6.430 Stay of Action during Protest
6.440 Decision

SUBPART H: SPECIFICATIONS

Section

6.450 Standard Specifications
6.460 Contract Documents
6.470 Specification Standards

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section

6.480 Purpose
6.490 Definitions
6.500 Policy
6.510 General
6.520 Causes for Suspension or Debarment
6.530 Interim Suspension
6.540 Voluntary Exclusion
6.550 Term of Suspension
6.560 Coverage
6.570 Other Agency Suspensions
6.580 Responsibility
6.590 Continuation of Executory Contracts
6.600 Exception Provision
6.610 Notice of Suspension
6.620 Response and Request for Hearing
6.630 Hearing Date and Hearing Officer

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

6.640	Answer
6.650	Form of Documents
6.660	Computation of Time
6.670	Appearances
6.680	Hearing Procedures
6.690	Determination

SUBPART J: MISCELLANEOUS

Section	
6.700	Property Rights
6.710	Federal Requirements
6.720	Intergovernmental Agreements
6.730	No Waiver of Sovereign Immunity
6.740	Written Determinations
6.750	Severability

SUBPART K: TARGET MARKET PROGRAM

Section	
6.800	Purpose and Objective
6.810	Definitions
6.820	Implementation Procedures
6.830	Target Market Remedial Actions
6.840	Participation Eligibility
6.850	Limitations Applicable to Participation
6.860	Severability

SUBPART L: ILLIANA EXPRESSWAY PROCUREMENT

<u>Section</u>	
<u>6.900</u>	<u>Purpose and Objective</u>
<u>6.905</u>	<u>Definitions</u>
<u>6.910</u>	<u>General Conditions for Use</u>
<u>6.915</u>	<u>Prequalification and Qualifications</u>
<u>6.920</u>	<u>Information Exchanges</u>
<u>6.925</u>	<u>Competitive Request for Proposals Process</u>
<u>6.930</u>	<u>Organizational Conflict of Interest Requirements</u>

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

6.935	Proposal Evaluation
6.940	Discussions with Offerors
6.945	Clarifications
6.950	Selection and Negotiations
6.955	Interim Agreements
6.960	Award
6.965	Execution of Contract and Notice to Proceed
6.970	Subsequent Contracts
6.975	Disclosure of Proposal Contents

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg. 14883, effective December 21, 2011; amended at 37 Ill. Reg. 5764, effective April 19, 2013; amended at 37 Ill. Reg. 15878, effective September 27, 2013.

SUBPART L: ILLIANA EXPRESSWAY PROCUREMENT

Section 6.900 Purpose and Objective

- a) Purpose
The purpose of this Part is to establish policies and procedures to allow the Department to fulfill its obligations to enter into public private agreements between the State of Illinois and one or more private entities for any or all of the

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

work to develop, finance, construct, manage, and operate the Illiana Expressway. (Section 5(c) of the Act)

- b) Objective
Coordination is required among the CPO, the Department and the State of Indiana in efforts to build a new interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.905 Definitions

As used throughout this Subpart, terms defined in the Illinois Procurement Code and the Act have the same meaning as in the Code or the Act and as further defined in this Subpart. Each term in this Subpart has the meaning set forth as follows unless its use clearly requires a different meaning.

"Act" means the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130].

"Agreement" means a public private agreement. (Section 10 of the Act)

"Best Value Selection" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price and qualitative considerations. (See 23 CFR 636.103.)

"COGFA" means the Commission on Government Forecasting and Accountability.

"Chief Procurement Officer" or "CPO" means the person appointed under Section 1-15.15(2) of the Code.

"Clarifications" means a written or oral exchange of information that takes place after the receipt of proposals. The purpose of a clarification is to address minor, non-material or clerical revisions in a proposal. (See 23 CFR 636.103.)

"Code" means the Illinois Procurement Code [30 ILCS 500].

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

"Contractor" means a person that has been selected to enter or has entered into a public private agreement with the Department on behalf of the State for the development, financing, construction, management, and any or all of the operation of the Illiana Expressway pursuant to the Act. (Section 10 of the Act)

"Department" means the Illinois Department of Transportation. (Section 10 of the Act)

"Discussions" means written or oral exchanges that take place with the short listed offerors. (See 23 CFR 636.103.)

"Final Proposal" means the technical proposal and cost proposal that will be the basis for award.

"Illiana Expressway" means the fully access-controlled interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana, which may be operated as a toll or non-toll facility. (Section 10 of the Act)

"Interim Agreements" means an agreement entered into with the contractor prior to or in connection with the negotiation of the public private agreement. (Section 30 of the Act)

"Manage" means conducting, supervising or maintaining services under the public private agreement.

"Offeror" means a person that responds to a request for proposals under this Subpart and as part of a competitive request for proposals process. The term offeror may include potential offerors identified as short listed persons from the qualifications process. (Section 10 of the Act)

"Operation" means performance of management activities for the Illiana Expressway, including, but not limited to, user fees, maintenance and traffic control.

"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof. (Section 10 of the Act)

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

"PPB" means the Procurement Policy Board created by Section 5-5 of the Code.

"Prequalification" means the rating process established by the Department that requires all prospective bidders or offerors to be permitted to submit bids or offers in accordance with 44 Ill. Adm. Code 650 or Chapter 8 of the Department's Bureau of Design and Environment Manual (manual). The manual is available on the Department's website at <http://www.dot.il.gov/desenv/bdmanual.html>.

"Proposal" means a response to a Request for Proposals and includes draft and final proposals if provided for in the RFP.

"Public Private Agreement" means an agreement or contract by the Department on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive Request for Proposals process governed by this Subpart for any or all of the development, financing, construction, management, and operation of the Illiana Expressway. (Section 10 of the Act)

"Qualifications" means whether a person has the necessary prerequisites to compete for work contemplated for the Illiana Expressway, including, but not limited to, qualifications related to experience and knowledge of public private partnerships.

"Request for Proposals" or "RFP" means the process by which the Department requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. (See 30 ILCS 500/1-15.75.)

"Request for Qualifications" or "RFQ" means the document issued by the Department in Phase I of a two-phased selection process. An RFQ typically describes the project in enough detail to allow potential offerors to determine if they wish to compete and, also, forms the basis for requesting qualifications submissions from which the most highly qualified offerors can be identified. (See 23 CFR 636.103.)

"Responsible" means the capability, integrity and reliability of an offeror or contractor that, in all respects, will assure good faith performance to undertake and complete fully the requirements of a contract.

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

"Responsive" means, in the context of procurement procedures, compliance in all meaningful, material respects with the RFP.

"Revenue Sharing" means all revenues divided between the Department and the contractor, including, but not limited to, income; user fees; earnings; interest; lease payments; allocations; moneys from the federal government, the State, and units of local government, including but not limited to federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds; equity of credit and credit guarantees; equity investments; service payments; or other receipts arising out of or in connection with the financing, development, construction, management, or operation of the Illiana Expressway. (Section 10 of the Act)

"Short Listing" means the narrowing of the field of offerors through the selection of the most highly qualified offerors who have responded to an RFQ. (See 23 CFR 636.103.)

"Solicitation" means a public notification of the Department's need for information, qualifications or proposals related to identified services. (See 23 CFR 636.103.)

"State" means the State of Illinois. (Section 10 of the Act)

"Statement of Qualifications" means a document submitted in response to an RFQ.

"Stipend" means a monetary amount that can be paid to unsuccessful offerors. (See 23 CFR 636.103.)

"Secretary" means the Secretary of the Illinois Department of Transportation. (Section 10 of the Act)

"Technical Proposal" means that portion of the proposal that contains design solutions and other qualitative factors that are provided in response to the RFP.

"Two-Phase Selection Process" means a procurement process in which Phase I consists of short listing (based on qualifications submitted in response to an RFQ)

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

and Phase II consists of the submission of price and technical proposals in response to an RFP. (See 23 CFR 636.103.)

"User Fees" means the tolls, rates, fees, or other charges imposed by the State or the contractor for use of all or part of the Illiana Expressway. (Section 10 of the Act)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.910 General Conditions for Use

The procedures set forth in this Subpart L will be used for Illiana Expressway public private agreements procured by the Department through a competitive request for proposals process. (See Section 20(a) of the Act.)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.915 Prequalification and Qualifications

Due to the unique nature of this two-step procurement process, the Department may use its existing prequalification procedures as a supplement to the qualifications procedures in the Act (see Sections 17 and 20 of the Act), including the issuance of an RFQ. Prequalification requirements will be set forth in the RFQ.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.920 Information Exchanges

When initiated by the Department, the Department, with the approval of the CPO and in accordance with the Code, may have exchanges with industry prior to the receipt of proposals in order to obtain information.

- a) Exchanges include, but are not limited to, the following:
- 1) Industry or small business conferences;
 - 2) Public hearings;

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Market research;
 - 4) One-on-one meetings with potential offerors that will include the CPO or the CPO's designee;
 - 5) RFPs;
 - 6) Presolicitation or proposal conferences; and
 - 7) Site visits. (See 23 CFR 636.115(c).)
- b) When specific information is necessary for the preparation of a proposal and that specific information is disclosed to one or more potential offerors, that specific information will be made available to all potential offerors as soon as practicable, but no later than the next general release of information, in order to avoid creating an unfair competitive advantage. (See 23 CFR 636.115(e).)
- c) Upon request by a potential offeror, and as approved by the CPO, information provided to a potential offeror in response to that potential offeror's request will not be disclosed if doing so would reasonably reveal the potential offeror's confidential business strategy because it involves a trade secret or concerns commercial or financial information that is proprietary, privileged or confidential and would cause competitive harm to the offeror. This information may be subject to disclosure under federal or State freedom of information laws. (See 23 CFR 636.115(e) and 636.subpart D (information exchanges); see also 5 ILCS 140.)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.925 Competitive Request for Proposals Process

- a) The competitive request for proposals process will, at a minimum, solicit statements of qualifications and proposals from offerors (Section 20(b) of the Act) as part of a two-phase selection process and solicited through an RFQ and RFP.

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The first phase consists of the receipt and evaluation of qualifications in response to an RFQ, resulting in a short list of the most highly qualified persons.
 - 2) The second phase consists of the receipt and evaluation of technical proposals and financial proposals in response to an RFP. Innovative financing concepts will be encouraged.
 - 3) Offerors may be permitted to submit alternate technical concepts in their pre-proposals as long as these alternate technical concepts do not conflict with criteria agreed upon in the environmental decision making process and the alternate technical concept is in the State's best interest. Alternate technical concept proposals may supplement, but not substitute for, base proposals that respond to the RFP requirements. (See 23 CFR 636.209.)
- b) Public notice of an RFQ will be published in the Transportation Procurement Bulletin for at least 30 days before the date set in the invitation for the submittal of statements of qualifications. (See Section 17 of the Act.)
- c) Public notice of an RFP will be published in the Transportation Procurement Bulletin for at least 21 days before the date set in the invitation for the opening of proposals. (See 23 CFR 635.112.)
- d) The competitive request for proposals will take into account, but not be limited to, the following criteria:
- 1) The offeror's plans for the Illiana Expressway project;
 - 2) The offeror's current and past business practices;
 - 3) The offeror's poor or inadequate past performance in developing, financing, constructing, managing, or operating highways or other public assets;
 - 4) The offeror's plans to utilize small businesses, including the offeror's ability to meet, and past performance in meeting, or exhausting good faith efforts to meet the utilization goals, or plans to comply with utilization goals, for business enterprises established in Section 6(d) of the Business

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/6(d)] or federal law or regulations that establish standards and procedures for the utilization of minority, disadvantaged, and female-owned businesses;

- 5) The offeror's ability to comply with, and past performance in complying with, Section 2-105 of the Illinois Human Rights Act [775 ILCS 5]. (Section 20 of the Act)
- e) The Department will not include terms in the RFQ or RFP that provide an advantage, whether directly or indirectly, to any contractor presently providing goods, services, or equipment to the Department. (Section 20(e) of the Act)
- f) The RFP may be revised prior to the receipt of proposals.
- g) Oral presentations may supplement written information at the invitation of the Department at any time during the procurement process, including, but not limited to, one-on-one meetings with the Department and oral presentations of proposals. If oral presentations will be used, the time and date, format, and other details will be included in the solicitation.
- h) The Department may elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals.
- 1) This decision will be made in accordance with 23 CFR 636.112 and 636.113 and may depend on eligibility for federal aid participation.
- 2) If stipends are used, the RFP will describe the process for distributing the stipend to qualifying offerors. Acceptance of the stipend is not mandatory.
- i) A procurement protest process will be specified in the RFQ and the RFP.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.930 Organizational Conflict of Interest Requirements

- a) All conflict provisions contained in the Code will be included in the RFQ or RFP

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

documents, including, but not limited to, Section 50-35 of the Code addressing financial disclosures and potential conflicts of interest.

- b) The Department will take into consideration the multi-faceted nature of this procurement and related procurements when forming proposal and selection team members. An understanding of public private partnerships will be required with some members having, at a minimum, expertise in private and public financing, construction and engineering.
- c) The Department will make available specific instructions applicable to proposal and selection team members. These instructions will include all applicable provisions of the State Officials and Employees Ethics Act, including, but not limited to, ethical conduct and gift bans. [5 ILCS 430]
- d) Notwithstanding disclosure requirements under the Code, the Department will address the following situation, as appropriate:
- 1) Consultants or subconsultants who assist the Department in the preparation of the RFP document under contract will be prohibited from submitting a proposal and from participating on a team submitting a proposal in response to the RFP. However, the Department, with the CPO's concurrence, may determine there is not an organizational conflict of interest for a consultant or subconsultant when:
 - A) The role of the consultant or subconsultant (subcontractor) was limited to the provision of preliminary design, reports or similar "low-level" documents that will be incorporated into the RFP and did not include assistance in the development of instructions to offerors or evaluation criteria; or
 - B) All documents and reports delivered to the agency by the consultant or subconsultant are made available to all offerors.
 - 2) This practice may be reviewed pursuant to the provisions of the Code. (See 23 CFR 636.116.)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 6.935 Proposal Evaluation

- a) Proposals will be evaluated and any award will be made in accordance with applicable federal requirements for the competitive RFP process described in this Subpart L. (See 23 CFR 636.)
- b) Proposals will be evaluated solely on the factors and criteria specified in the RFP.
- c) Proposals will be reviewed by the Department and may lead to discussions with offerors pursuant to Section 6.940.
- d) Each proposal will be reviewed by the Department to determine if the proposal is responsive to the submission requirements outlined in the RFP and to determine if the offeror is responsible.
 - 1) A responsive proposal is one that follows the requirements of the RFP, includes all documentation, is submitted in the format outlined in the RFP, is timely submitted, and has been signed by representatives of the offeror authorized to bind the offeror. Failure to comply with these requirements may result in the proposal being deemed nonresponsive.
 - 2) A responsible offeror is one that demonstrates the capability to satisfy the commercial, ethical and technical requirements set forth in the RFP. An offeror's failure to demonstrate that it is responsible may result in the proposal being rejected.
- e) The Department reserves the right to request that an offeror provide additional information or clarify information (see Section 6.945). The Department's determination regarding the responsiveness of a proposal and the responsibility of an offeror will be final.
- f) In addition to any other rights under this Subpart L, the Department may:
 - 1) Withdraw an RFQ or RFP at any time and publish a new RFQ or RFP;
 - 2) Decline to award a public private agreement for any reason;
 - 3) Request clarifications to any qualifications or RFPs or seek one or more

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

revised proposals or one or more best and final offers;

- 4) Modify the terms, provisions and conditions of an RFQ, RFP, technical specifications, or form of a public private agreement during the procurement process; and
- 5) Interview offerors in accordance with this Subpart.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.940 Discussions with Offerors

In accordance with provisions of the RFP, the Department may meet with each offeror for the purpose of discussing the RFP or proposal in detail. The offerors will be notified of any questions or requests for additional information. The offeror may be invited for confidential discussions with the Department to discuss answers to written or oral questions and any facet of the draft RFP or proposal.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.945 Clarifications

After the initial evaluation, the results for all proposals will be gathered, evaluated and ranked for each of the evaluation criteria. If information is not complete, the Department will either seek clarifications or declare the proposal nonresponsive.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.950 Selection and Negotiations

- a) The Department may use a selection process that results in the selection of one or more proposals including, but not limited to, best value to the public (see Section 6.905, "Best Value Selection") or revenue sharing, or any other selection process that the Department determines is in the best interest of the State.
- b) The Department will select at least 2 offerors as finalists. One offeror will be named a finalist and at least one named an alternate finalist. The Department will

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

submit the offerors' statements of qualification and proposals to the COGFA and the PPB. (Section 20(f) of the Act)

- c) The Department may select one offeror for negotiations based on the evaluation criteria set forth in the RFP. In the event that the Department determines that negotiations with the selected offeror are not likely to result in a public private agreement or no longer reflect the best offer to the State and the public, the Department may commence negotiations with another responsive offeror and may suspend, terminate or continue negotiations with the other offeror or offerors. If negotiations with the next offeror are unsuccessful, the Department may terminate the procurement without award and may begin a new procurement under this Subpart L.
- d) The Department will not select an offeror as the contractor for the Illiana Expressway project until it has received and considered the findings of the COGFA and the PPB, as set forth in their respective reports. (Section 20(f) of the Act)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.955 Interim Agreements

Prior to or in connection with the negotiation of the public private agreement, the Department may enter into one or more interim agreements with the selected offeror or other vendors if the Department determines in writing that it is in the public interest to do so. (Section 30 of the Act)

- a) The interim agreement may not authorize the contractor to perform construction work prior to the execution of the public private agreement. (Section 30(b) of the Act)
- b) The interim agreement may include any or all of the provisions set forth in Section 30(c) of the Act. (Section 30(c) of the Act)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.960 Award

- a) Before awarding a public private agreement to an offeror, the Department will

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

schedule and hold a public hearing or hearings on the proposed public private agreement and publish notice of the hearing or hearings at least 7 days before the hearing and in accordance with Section 4-219 of the Illinois Highway Code [605 ILCS 5/4-219].

- 1) The notice must include the following:
 - A) The date, time, and place of the hearing and the address of the Department;
 - B) The subject matter of the hearing;
 - C) A description of the agreement that may be awarded; and
 - D) The recommendation that has been made to select an offeror as the contractor for the Illiana Expressway project.
- 2) At the hearing, the Department will allow the public to be heard on the subject of the hearing. (Section 20(g) of the Act)

- b) After the procedures required in this Section have been completed, the Department will make a determination as to whether the offeror should be designated as the contractor for the Illiana Expressway project and will submit the decision to the Governor and to the Governor's Office of Management and Budget. After review of the Department's determination, the Governor may accept or reject the determination. If the Governor accepts the determination of the Department, the Governor shall designate the offeror for the Illiana Expressway project. (Section 20(h) of the Act)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.965 Execution of Contract and Notice to Proceed

The Department will publish a notice of the execution of the public private agreement and the Notice to Proceed on its website at <http://www.dot.il.gov> and in the newspaper of general circulation within the county or counties whose territory includes or lies within 5 miles from a proposed or existing Illiana Expressway project site. Additionally, the Department will publish

CHIEF PROCUREMENT OFFICER
FOR THE DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

the full text of the public private agreement on its website. (Section 65 of the Act)

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.970 Subsequent Contracts

- a) *The Department may, pursuant to the Code and this Part, award contracts for goods, services, or equipment to persons other than the contractor for goods, services, or equipment not provided for in the public private agreement. (Section 50 of the Act) Notwithstanding any provision of law to the contrary, the selection of professional design firms by the Department will comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. (Section 47 of the Act)*
- b) *After execution of the public private agreement, subsequent contracts by the contractor must be in compliance with the Code, the Act and Department policies.*
- c) *The contractor's authority to negotiate and execute subsequent subcontracts with third parties will be included in the public private agreement.*

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

Section 6.975 Disclosure of Proposal Contents

In accordance with the Code and the Freedom of Information Act [5 ILCS 140] and prior to execution of the public private agreement, all records relating to discussions or negotiations between the Department and short listed offerors will be treated as confidential. Upon final execution of the public private agreement and each financing transaction required to provide funding, all proposals will be subject to possible disclosure under the Freedom of Information Act or federal disclosure laws, except to the extent that the information may be treated as confidential under those laws.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Clinical Social Work and Social Work Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1470.10	Amendment
1470.20	Amendment
1470.30	Amendment
1470.55	Amendment
1470.60	Amendment
1470.90	Amendment
1470.95	Amendment
1470.97	Amendment
1470.100	Amendment
- 4) Statutory Authority: Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]
- 5) Effective Date of Rulemaking: October 11, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: June 28, 2013; 37 Ill. Reg. 8171
- 10) Has JCAR issued a Statement of Objection to this rulemaking: No
- 11) Differences between Proposal and Final Version: The American Psychological Association and its affiliates have been added to the list of pre-approved CE sponsors in Section 1470.95 (c)(1) of the adopted version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rulemaking reflects changes in Section 1470.95 requested by the National Association of Social Workers-Illinois to require licensees to complete continuing education (CE) in specific subject areas. They also require that at least 50% of the CE must be live, in-person CE. These changes also increase the number of pre-approved sponsors to address concerns about the affordability and accessibility of this type of in-person CE.

The adopted rulemaking also makes various non-substantive changes including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. The fee for restoration of a lapsed license is also increased from \$20 to \$50.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1470

CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section

1470.5	Grandfather Provisions (Repealed)
1470.7	Temporary License (Repealed)
1470.10	Application for Licensure
1470.20	Professional Experience
1470.30	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.40	Employer's Affidavit (Repealed)
1470.50	Admission to Examination (Repealed)
1470.55	Fees
1470.60	Endorsement
1470.70	Examinations
1470.80	Restoration
1470.90	Renewals
1470.95	Continuing Education
1470.96	Unethical, Unauthorized and Unprofessional Conduct
1470.97	Independent Practice of Clinical Social Work
1470.100	Granting Variances

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 2105-15(a)(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(a)(7)].

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; amendment effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. 2370, effective January 28, 1994; amended at 20 Ill. Reg. 4323, effective February 28, 1996; amended at 22 Ill. Reg. 3875, effective February 5, 1998; amended at 23 Ill. Reg. 5712, effective April 30, 1999; amended at 28 Ill. Reg. 16467, effective December 8, 2004; amended at 37 Ill. Reg. 15904, effective October 11, 2013.

Section 1470.10 Application for Licensure

Each applicant seeking original licensure under Section 7 of the Act shall file an application, with the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), on forms provided by the Division. The application shall include:

- a) for a Licensed Clinical Social Worker:
 - 1) either:
 - A) certification of graduation from a master's degree program in social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 3000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 ~~of this Part~~; or
 - B) certification of graduation from a doctorate degree program in social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 2000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 ~~of this Part~~;
 - 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Division directly from the reporting entity.);
 - ~~3) a complete work history since receipt of master's or doctorate degree education; and~~
 - ~~3)4) the required fee set forth in Section 1470.55 ~~of this Part~~.~~
- b) for a Licensed Social Worker:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) either:
 - A) certification of graduation from a master's degree program of social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~; or
 - B) certification of graduation from a baccalaureate degree program of social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 3 years of supervised professional experience in accordance with Section 1470.20 ~~of this Part~~;
- 2) proof of successful completion of the examination set forth in Section 1470.70 (The examination scores shall be submitted to the Division directly from the reporting entity.);
- ~~3) a complete work history since baccalaureate or master's degree education; and~~
- ~~3)4) the required fee set forth in Section 1470.55 ~~of this Part~~.~~
- c) Individuals applying for a Licensed Social Worker license who have successfully completed the Masters Association of Social Work Boards (ASWB) examination subsequent to October 1986 shall not be required to retake the Masters ASWB examination to be eligible for licensure.
- ~~e) Persons who were registered and in good standing as of December 31, 1988, under the Social Workers Registration Act, who do not hold a degree in social work, and who are applying to take the Masters ASWB examination, shall complete the application along with the work history form since baccalaureate degree education. These persons shall be required to take and pass the Masters ASWB examination before a social worker license will be issued.~~

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.20 Professional Experience

- a) Persons applying for licensure as a Licensed Clinical Social Worker shall be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

required to complete supervised professional experience pursuant to Section 9 of the Act and this Part.

- 1) Persons holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 2) Persons holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 3) The required number of hours may have been obtained in the following manner:
 - A) for full-time experience, a minimum of 30 hours per week but not more than 40 hours per week.
 - B) for part-time experience, a minimum of 15 hours per week but not more than 29 hours per week.
- 4) Supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act:
 - A) The supervisor shall have met with the applicant an average of at least 4 hours each month~~one hour each week~~ to discuss client cases and treatment procedures.
 - B) Until December 31, 1994, the supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a Licensed Clinical Social Worker~~licensed clinical social worker~~, a diplomate in clinical social work, a designated member of the Academy of Certified Social Workers (ACSW), a Board certified psychiatrist, a licensed clinical psychologist, a supervisor from another state who is a clinical professional credentialed at the highest level required by that state or other appropriate clinical supervisor as approved by the Social Work Examining and Disciplinary Board (the "Board"). In determining other appropriate supervisor, the Board shall consider, but not be limited to, the following: unavailability of a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

person licensed under the Act, the setting in which the supervision took place, and the credentials and job responsibilities of the supervisor.

- C) After January 1, 1995, only experience supervised by a Licensed Clinical Social Worker~~licensed clinical social worker~~ will be acceptable to meet the professional experience requirement. If supervision was in another jurisdiction in which clinical social workers are not licensed, the supervisor shall have been engaged in clinical social work and be credentialed at the highest level required by that jurisdiction.
 - D) The experience shall have been evaluated by the supervisor as satisfactory.
 - E) An applicant may contract with a Licensed Clinical Social Worker~~licensed clinical social worker~~ to provide supervision.
 - F) Supervision may be provided within an agency of employment or outside the agency.
 - G) Supervision may be paid or unpaid.
 - H) Supervision may be on an individual or group basis. When group supervision is provided the number of supervisees may not exceed five.
- b) Persons applying as a Licensed Social Worker who have a baccalaureate degree in social work shall complete 3 years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:
- 1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, Licensed Clinical Social Worker~~licensed clinical social worker~~, Licensed Social Worker~~licensed social worker~~, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual an average of at least 4 hours each month~~one hour each week~~.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.30 Approved Colleges, Universities, and Graduate Schools of Social Work Programs

- a) Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.~~;~~
- b) The ~~Division~~Department has determined that all baccalaureate and master's degree programs in social work ~~that~~which are accredited by the Council on Social Work Education, Canadian Association of Schools of Social Work, and the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education, are approved.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.55 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees:
 - 1) The fee for application for a license as a Licensed Clinical Social Worker~~licensed clinical social worker~~ or Licensed Social Worker~~licensed social worker~~ is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the ~~Division~~Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a Licensed Clinical Social

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~Worker licensed clinical social worker~~ or ~~Licensed Social Worker licensed social worker~~ who is certified or licensed under the laws of another jurisdiction is \$200.

- 3) The fee for application as a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois shall be exempt from this fee.

b) ~~Renewal Fees-~~

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal as a continuing education sponsor shall be calculated at the rate of \$50 per year.

c) ~~General Fees-~~

- 1) The fee for the reinstatement of a license other than from inactive status that has been expired for less than 5 years is ~~\$50~~20 plus payment of all lapsed renewal fees.
- 2) The fee for the restoration of a license that has been expired for more than 5 years is \$200.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination authorized by the ~~Division~~Department reviewed and verified is \$20 plus any fee charged by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

producing ~~thesueh~~ certificate.

- 7) The fee for a roster of persons licensed as Licensed Clinical Social Workers~~licensed clinical social workers~~ or Licensed Social Workers~~licensed social workers~~ in this State shall be the actual cost of producing ~~thesueh a~~ roster.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.60 Endorsement

- a) Each applicant seeking licensure under Section 15 of the Act shall file an application, with the Division, on forms provided by the Division. The application shall include:
- 1a) for a Licensed Clinical Social Worker:
- A1) either:
- iA) certification of graduation from a master's degree program in social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 3000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 ~~of this Part~~; or
- iiB) certification of graduation from a doctorate degree program in social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 2000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 ~~of this Part~~;
- 2) ~~a complete work history since receipt of master's or doctorate degree education;~~
- B3) successful completion of the ASWB examination set forth in Section 1470.70 ~~of this Part~~;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~a copy of the Act and rules in effect at the time of original licensure; and~~
~~C)5) the required fee set forth in Section 1470.55 of this Part.~~
- 2b) for a Licensed Social Worker:
- ~~A1)~~ either:
- iA) certification of graduation from a master's degree program of social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~; or
- iiB) certification of graduation from a baccalaureate degree program of social work approved by the Division in accordance with Section 1470.30 ~~of this Part~~ and verification of completion of 3 years of supervised professional experience subsequent to receipt of degree in accordance with Section 1470.20 ~~of this Part~~;
- B2) a complete work history since receipt of baccalaureate or master's degree education;
- ~~3)~~ ~~successful completion of the ASWB examination set forth in Section 1470.70 of this Part;~~
- 4) ~~a copy of the Act and rules in effect at the time of original licensure; and~~
~~C)5) the required fee set forth in Section 1470.55 of this Part.~~
- b) The Division, upon recommendation of the Board, shall issue a license if a review of the application indicates that the application meets the requirements set forth in subsection (a)(1) or (2b).

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.90 Renewals

- a) Every license issued under the Act shall expire on November 30 of each odd-numbered year. The holder of a license may renew ~~that such~~ license during the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

month preceding the expiration date ~~of the licensethereof~~ by paying the required fee set forth in Section 1470.55 ~~of this Part~~ and complying with the continuing education requirements set forth in Section 1470.95 ~~of this Part~~.

- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.95 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Every licensee who applies for renewal of a license as a ~~Licensed Social Worker~~social worker or ~~Licensed Clinical Social Worker~~clinical social worker shall complete 30 hours of continuing education (CE) relevant to the practice of social work or clinical social work. At least 3 of the 30 hours must include content related to the ethical practice of social work and, effective December 1, 2013, at least 3 of the 30 hours must include content related to cultural competence in the practice of social work.
 - 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
 - 3) CE requirements shall be the same for ~~Licensed Social Workers~~licensed social workers and ~~Licensed Clinical Social Workers~~licensed clinical social workers.
 - 4) One CE hour shall equal one clock hour.
 - 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 6) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 7) Social workers or clinical social workers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") that is offered or sponsored by an approved ~~CE continuing education~~ sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3) and (4).
 - 2) CE credit also may be earned for completion of a self-study, computer or Internet-based course that is offered by an approved sponsor who meets the requirements set forth in subsection (c). Each self-study course shall include an examination.
 - 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of social work related courses that are a part of the curriculum of a college, university or graduate school of social work.
 - 4) CE credit may be earned for verified teaching in a college, university or graduate school of social work approved in accordance with Section 1470.30 and/or as an instructor of ~~CE continuing education~~ programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
 - 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or presentation dealing with social work or clinical social work may be claimed as 5 hours of credit. A presentation must be before a professional audience. Five credit hours may be claimed for only the first time the information is published or presented.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 6) Effective December 1, 2013, a minimum of 50% of the total CE hours required must be obtained by a method that includes face-to-face, in-person instruction or experience.
- c) Approved CE Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
- A) The National Association of Social Workers (NASW) and its affiliates;
- B) The Association of Social Work Boards (ASWB) and its affiliates;
~~or~~
- C) American Association for Marriage and Family Therapy or its affiliates;
- D) Employers licensed under the Hospital Licensing Act [210 ILCS 85];
- E) Professional Counseling Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107] (68 Ill. Adm. Code 1375.220);
- F) Clinical Psychologist Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of the Clinical Psychologist Licensing Act [225 ILCS 15] (68 Ill. Adm. Code 1400.85);
- G) Any other regionally accredited school, college or university, community college or State agency that provides CE in a form and manner consistent with this Section; or
- H) Any other person, firm, association, corporation or other group that has been approved and authorized by the Division pursuant to subsection (c)(2) ~~of this Section~~ upon recommendation of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Board to coordinate and present continuing education courses or programs.

- 2) Entities seeking approval as CE sponsors pursuant to subsection (c)(1)(C) shall file an application, on forms supplied by the Division, along with the application fee specified in Section 1470.55 ~~of this Part~~. The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9);
 - C) That, upon request by the Division, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of social work or clinical social work;
 - B) Foster the enhancement of general or specialized social work or clinical social work practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
- 6) All programs given by approved sponsors shall be open to all Licensed Social Workers~~licensed social workers~~ and Licensed Clinical Social Workers~~licensed clinical social workers~~ and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each sponsor shall submit to the Division, by November 30 of each odd-numbered year, a renewal application, the renewal fee specified in Section 1470.55 ~~of this Part~~ and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
 - 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until ~~such time as~~ the Division receives assurances of compliance with this Section.
 - 13) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an out-of-state continuing education approval form, along with a \$25 processing fee, prior to participation in the program or at least 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) ~~of this Section.~~
 - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval form with the \$25 processing fee, plus a \$10 per hour late fee, not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) ~~of this Section.~~
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Division shall restore the license upon payment of the required fee as provided in Section 1470.55 ~~of this Part.~~
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee set forth in Section 1470.55 ~~of this Part~~, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from ~~thesuch~~ affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician, advanced practice nurse or physician assistant;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician, advanced practice nurse or physician assistant; or
 - D) Any other ~~similar~~ extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.97 Independent Practice of Clinical Social Work

- a) Licensed Social Workers~~social workers~~ may not engage in the independent practice of clinical social work without a clinical social worker license. Independent practice of clinical social work means providing the services of or engaging in the practice of clinical social work, as defined in Section 3(5) of the Act, by an individual who regulates and is responsible for her or his own practice or treatment procedures.
- b) Licensed Social Workers may provide clinical social work services as set forth in Section 3(5). When engaging in or providing clinical social work services as set forth in Section 3(5), an LSW may only do so under the order, control, and full professional responsibility of a Licensed Clinical Social Worker~~licensed clinical social worker~~, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5] and shall not regulate or be responsible for his/her own practice or treatment procedures.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- c) When providing clinical social work services as set forth in Section 3(5) of the Act (in the independent practice of clinical social work), a Licensed Social Worker~~licensed social worker~~ shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.
- d) An LSW shall not, *without a license as a clinical social worker issued by the Division*~~Department~~:
- 1) *in any manner hold himself or herself out to the public as a clinical social worker or Licensed Clinical Social Worker*~~licensed clinical social worker under the Act~~;
 - 2) *use the title "clinical social worker" or "Licensed Clinical Social Worker*~~licensed clinical social worker"; or~~
 - 3) *offer to render to individuals, corporations, or the public clinical social work services if the words "Licensed Clinical Social Worker*~~licensed clinical social worker~~" or "clinical social work" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered. (Section 10 of the Act)

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

Section 1470.100 Granting Variances

- a) The Director of the Division of Professional Regulation (Director) with the authority delegated by the Secretary may grant variances from this Part~~these rules~~ in individual cases in which~~where~~ he or she finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) The Director shall notify the Board of the granting of ~~such~~ variance, and the reasons ~~for granting the variance~~~~therefor~~, at the next meeting of the Board.

(Source: Amended at 37 Ill. Reg. 15904, effective October 11, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: New Teacher Induction and Mentoring
- 2) Code Citation: 23 Ill. Adm. Code 65
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
65.20	Amendment
65.130	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21A-35
- 5) Effective Date of Rulemaking: September 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 31, 2013; 37 Ill. Reg. 7356
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Vicki Phillips
Division Administrator
Division of Preparation and Evaluation
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/782-2948

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: ILLINOIS STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNELPART 65
NEW TEACHER INDUCTION AND MENTORING

SUBPART A: GENERAL PROVISIONS

Section

- 65.10 Purpose and Scope
65.20 Requirements of the Plan; Program Specifications

SUBPART B: BEGINNING TEACHER INDUCTION GRANT PROGRAM

Section

- 65.110 Purpose and Applicability
65.120 Eligible Applicants
65.130 Program Specifications
65.140 Initial Application Procedure
65.150 Criteria for the Review of Initial Applications
65.155 Application Content and Approval for Continuation Programs
65.160 Allocation of Funds
65.170 Terms of the Grant
- 65.APPENDIX A Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs
65.APPENDIX B Illinois Induction Program Continuum

AUTHORITY: Implementing Article 21A of the School Code [105 ILCS 5/Art. 21A] and authorized by Section 21A-35 of the School Code [105 ILCS 5/21A-35].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11783, effective June 26, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 17425, effective October 23, 2006; amended at 33 Ill. Reg. 15258, effective October 20, 2009; amended at 36 Ill. Reg. 16098, effective October 25, 2012; amended at 37 Ill. Reg. 15925, effective September 27, 2013.

SUBPART A: GENERAL PROVISIONS

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 65.20 Requirements of the Plan; Program Specifications

- a) When State funding is available to support new proposals for any initiative under Article 21A of the School Code, the State Superintendent of Education shall issue application materials in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means relevant portions of a plan for an induction and mentoring program that meets the requirements of Section 21A-20 of the School Code [105 ILCS 5/21A-20], accompanied by the additional materials applicants will be required to submit, as described in Subpart B of this Part.
- 1) When the level of funding is insufficient to provide grants to each eligible entity in the State, a Request for Proposals (RFP) will be issued to solicit applications from eligible entities, and applications will be considered for funding based on the extent to which they meet the criteria set forth in Section 65.150 of this Part.
 - 2) When the level of funding is sufficient to fund all eligible entities in the State, a request for applications will be issued and each school district whose plan meets the requirements of Article 21A of the School Code and this Part will receive a grant in an amount equal to at least the amount specified in Section 21A-25 of the School Code.
- b) In accordance with Section 21A-20 of the School Code, each plan approved for a beginning teacher induction grant shall:
- 1) *assign a mentor teacher to each beginning teacher for a period of at least 2 school years*, providing sufficient time for the beginning teacher and mentor to engage in mentoring activities;
 - 2) *align with the Illinois Professional Teaching Standards, content area standards and the employing entity's existing local school improvement and professional development plans, if any*. In order to demonstrate the alignment required by this subsection (b)(2), each plan shall discuss the relationship among the services and experiences that will be available to beginning teachers, the content-area standards applicable to their respective fields of ~~certification or licensure endorsement, as applicable,~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

or assignment (see 23 Ill. Adm. Code [20, 21](#), 26 and 27), and the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24);

- 3) *address all of the following elements and how they will be provided:*
 - A) *mentoring and support of the beginning teacher;*
 - B) *professional development specifically designed to ensure the growth of the beginning teacher's knowledge and skills and accelerate the beginning teacher's practice; and*
 - C) *formative assessment designed to ensure feedback and reflection, which must not be used in any evaluation of the beginning teacher; and*
 - 4) *describe the role of mentor teachers, the criteria and process for their selection, and how they will be trained, provided that each mentor teacher shall demonstrate the best practices in teaching his or her respective field of practice. A mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of the School Code or the evaluation procedure of the public school.*
- c) Each plan shall meet the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs set forth in Appendix A of this Part and further amplified in Section 65.150 of this Part.

(Source: Amended at 37 Ill. Reg. 15925, effective September 27, 2013)

SUBPART B: BEGINNING TEACHER INDUCTION GRANT PROGRAM

Section 65.130 Program Specifications

- a) Each program supported with grant funds under this Subpart B shall incorporate:
 - 1) mentoring for beginning teachers that is provided by experienced teachers who have received training to equip them for this role;
 - 2) professional development for recipient teachers, mentors, and administrators who have roles in the program;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) formative assessment of beginning teachers' practice with respect to the Illinois Professional Teaching Standards and the content-area standards relevant to their respective fields of assignment; and
 - 4) the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs. (See Appendix A of this Part.)
- b) Each program shall serve no fewer than 10 beginning teachers. If fewer than 10 teachers are proposed to be served, the applicant may either:
- 1) participate in a beginning teacher induction program as part of a joint application; or
 - 2) provide in its application a specific rationale for the reduction that demonstrates that the applicant has sufficient resources, in addition to funding received under this Subpart B, and adequate personnel to continue the program and provide each beginning teacher with adequate attention and support comparable to what would be provided in a larger program.
- c) Each beginning teacher shall have, at the time he or she begins the program, less than two years' teaching experience and hold ~~an initial or a provisional early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]~~ or a professional educator license ~~endorsed for early childhood, elementary, secondary, special K-12, or special preschool-age 21~~ issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B], ~~as applicable~~. An individual seeking a professional educator license under the provisions of Section 21B-35 of the School Code [105 ILCS 5/21B-35] and holding an educator license with stipulations endorsed for provisional educator ~~in early childhood, elementary, secondary, special K-12, or special preschool-age 21~~ also may participate if he or she has less than two years' teaching experience.
- d) Subject to the exceptions of this subsection (d), each program shall be designed to ensure that each beginning teacher spends no less than 40 hours with the mentor assigned, including both classroom observation of the beginning teacher by the mentor and other interactions between these individuals.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) During a teacher's first year of the program, at least 30 hours of contact between the teacher and mentor shall be face to face, either one on one or in another configuration, and the remaining interactions may be through electronic means, such as web-based applications, telephone or video.
 - 2) During a teacher's second year of the program, a minimum of 30 hours of contact is required, of which at least 20 hours shall be face to face.
- e) Each program shall provide for the development of an individual learning plan for each beginning teacher served and for the provision of professional development that is directly related to the needs identified in the individual learning plan.

(Source: Amended at 37 Ill. Reg. 15925, effective September 27, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
75.40	Amendment
75.210	Amendment
75.220	Amendment
75.260	Amendment
75.300	Amendment
75.310	Amendment
75.320	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.80, 2-3.80a and 2-3.6
- 5) Effective Date of Rulemaking: September 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemakings contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 31, 2013; 37 Ill. Reg. 7363
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

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

Dora Welker, Division Administrator
Division of Career and College Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield, Illinois 62777

217/782-4620

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION

Section

- 75.10 Purpose and Applicability
- 75.20 Eligible Applicants
- 75.30 Application Procedure
- 75.40 Program Specifications; Allowable Expenditures
- 75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section

- 75.200 Purpose and Applicability
- 75.210 Eligible Applicants
- 75.220 Program Goals and Minimum Standards
- 75.230 Quality Indicators
- 75.240 Determination of Individual Grant Allocations
- 75.250 Application Procedure
- 75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section

- 75.300 Purpose and Eligible Applicants
- 75.310 Program Goals and Minimum Standards
- 75.320 Quality Indicators
- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure
- 75.350 Terms of the Grant

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section

75.400	Purpose and Objectives
75.410	Eligible Applicants
75.420	Application Procedure for Initial Proposals
75.430	Criteria for the Review of Initial Proposals; Allocation of Funds
75.435	Application Content and Approval for Continuation Programs
75.440	Terms of the Grant

AUTHORITY: Implementing Sections 2-3.80 and 2-3.80a of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80, 2-3.80a and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. 18903, effective December 17, 2012; amended at 37 Ill. Reg. 15932, effective September 27, 2013.

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION**Section 75.40 Program Specifications; Allowable Expenditures**

Funds provided pursuant to this Subpart A may be expended only for activities and initiatives conducted in accordance with Section 2-3.80a(b) of the School Code and this Section.

- a) For purposes of this Subpart A, "teacher education candidate recruitment and retention initiatives" include:
 - 1) the identification of students in grades 11 and 12 who may be interested in pursuing agricultural education as a profession; and
 - 2) activities and strategies that are designed to attract these and other students to teaching in agricultural education, including, but not limited to:
 - A) introducing the students to multiple aspects of agricultural work and agricultural education in Illinois;
 - B) providing mentors or other forms of personal support to the students as they determine whether to pursue careers as

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

agricultural education teachers and as they progress through the teacher preparation program; and

- C) providing scholarships, stipends, or other forms of financial or in-kind support that will make completion of a teacher preparation program in agricultural education more affordable and accessible to students from a broad range of backgrounds.
- b) Each institution that elects to deliver professional development experiences for new teachers shall first seek approval as a provider of professional development for teachers in this field under the applicable provisions of the rules of the State Board of Education for Educator Licensure Certification (see 23 Ill. Adm. Code 25.855 and 25.872).
- c) For purposes of this Subpart A:
 - 1) a "master teacher" is a teacher with no fewer than six years of teaching experience, ending no more than ten years prior to submission of an application under this Subpart A, in the field of agricultural education, exclusive of teaching experience on an educator license with stipulations endorsed for either career and technical educator or a provisional career and technical educator~~vocational or temporary provisional vocational certificate~~; and
 - 2) a "practitioner" is an individual who, as demonstrated by the institution's proposal narrative:
 - A) is currently engaged, or has been engaged within the previous 10 years, in an agricultural occupation requiring knowledge and skills in agricultural science, agricultural mechanization, agricultural business, horticulture, or agricultural resources; or
 - B) holds an educator license with stipulations endorsed for a provisional career and technical educator~~vocational certificate endorsed~~ for a skill area related to agricultural education and is currently teaching, or has taught within the previous 10 years, in a position requiring that educator license~~certificate~~.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) A university shall expend no more than 5 percent of the grant funds received for professional development for the staff of its agricultural education teacher preparation program.
- e) Activities shall be supported by funding under this Subpart A only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the community college or university. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Subpart A.

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section 75.210 Eligible Applicants

Eligible applicants under this Subpart B shall be as specified in Section 2-3.80 of the School Code. For purposes of eligibility, an "approved agricultural education program" is one that:

- a) offers a series of courses that are sequential in one or more fields of study listed at <http://www.agriculturaleducation.org/Ag-Ed%20Programs/Course-Career%20Pathways> and includes:
 - 1) at least one introductory course and one higher level course for which no less than two credits, as defined in 23 Ill. Adm. Code 1.440(c) (Additional Criteria for High Schools), are awarded for the successful completion of the course sequence; and
 - 2) courses with content that aligns with the courses approved by the State Board of Education and listed at <http://www.agriculturaleducation.org/Ag-Ed%20Programs/Course-Career%20Pathways>;
- b) unless otherwise exempt under the provisions of Section 2-3.80 of the School Code, includes a State and nationally affiliated chapter of the National FFA Organization;
- c) provides for supervised agricultural experiences (also see Section 75.220(d) of this Part); and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) employs qualified instructional staff, each of whom either:
- 1) holds a current and valid professional educator license endorsed for teaching certificate for grades 6 through 12 ~~and endorsed~~ for agricultural education as set forth in 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) and has 2,000 hours of work experience in a field related to agriculture, food or natural resources; or
 - 2) holds an educator license with stipulations endorsed for career and technical educator or a provisional career and technical educator, temporary provisional or part-time provisional vocational certificate issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure Certification) and endorsed for a skill area related to agricultural education. (See 23 Ill. Adm. Code 25.70 or, 25.72 ~~or 25.75~~, respectively.)

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

Section 75.220 Program Goals and Minimum Standards

This Section presents the goals and the accompanying minimum standards of each goal that are associated with high-quality agricultural education programs offered in high school settings.

- a) Goal 1: Teachers are qualified and licensedeertified by the State Board of Education to teach the programs and courses assigned.
- Minimum Standards: Each of the teaching staff is appropriately licensedeertified for the coursework in which he or she is providing instruction under the agricultural education program during the grant year.
- b) Goal 2: Support services are available to all students in agricultural programs.
- Minimum Standards:
- 1) The agricultural education teacher shall meet at least annually with each student enrolled in the agricultural education program to provide advice and counseling relative to the student's career objectives.
 - 2) The agricultural education teacher shall meet annually with the school's guidance counselor to review information at <http://www.agriculturaleducation.org> regarding career opportunities, scholarships,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

course offerings and other pertinent information that will assist students in meeting postsecondary and career objectives.

- c) Goal 3: The instructional programs in agriculture are competency-based and include skills, knowledge and attitudes required for gainful employment in the occupations identified in the career pathways and are sequentially structured.

Minimum Standards:

- 1) The program shall offer a balance of classroom, laboratory, field-based and industry-based agricultural experiences (also see subsection (d) of this Section).
- 2) Written lesson plans shall contain clearly stated goals, objectives, activities and experiences that relate to the school's School Improvement Plan.

- d) Goal 4: Each agricultural education teacher uses an ongoing supervised agricultural experience program as part of the instructional program.

Minimum Standards: Each program shall include a supervised agricultural experience program that requires students to apply the lessons presented in the classroom or laboratory instruction to activities and projects beyond the classroom.

- e) Goal 5: The National FFA Organization is an integral part of the instructional program in agriculture.

Minimum Standards: The program shall incorporate into the curriculum opportunities to develop leadership skills through local, State and national FFA chapters in the agricultural education program.

- f) Goal 6: Each school conducting an agricultural education program provides adequate facilities, learning laboratories, equipment and supplies for effective operation of the program.

Minimum Standards: The facilities, equipment and supplies available to students shall enable them to have hands-on experiences that replicate up-to-date, realistic situations similar to what is occurring in the agriculture careers for which training is provided.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- g) Goal 7: The program of instruction in agricultural education is advised by a committee that is representative of all agricultural interests of the community.

Minimum Standards: The school shall establish an agricultural advisory committee whose membership shall consist of representatives of the agriculture industries operating in the community. The committee shall meet at least once a year to advise the school on the program being offered.

- h) Goal 8: The agricultural education teacher is involved in assessing the areas needed for literacy and agricultural education for the prekindergarten through adult audiences and provides or assists in providing programs to meet the needs identified in the community.

Minimum Standards: The agricultural education teacher assists in the coordination of agricultural education awareness and agriculture literacy activities for prekindergarten through adult audiences.

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

Section 75.260 Terms of the Grant

- a) The grantee shall maintain on file documentation specific to its achievement of each quality indicator set forth on the application for funding; the documentation shall be made available for programmatic review and auditing purposes. Up to 10 percent of grantees receiving funding under this Subpart B in each fiscal year may be selected for an on-site review and/or audit.
- b) In the event that the grantee closes its agricultural education department, all instructional materials, tools and equipment purchased with funds provided under this Subpart B shall be relocated by the grantee's Education for Employment Regional Delivery System to other agricultural education programs located in that system upon approval of the State Superintendent of Education or designee.
- c) No subcontracting will be allowed without the prior written approval of the State Superintendent of Education.
- d) Each grantee shall complete electronically a final performance report that summarizes the grant activities completed during the term of the grant and the accomplishments achieved. The report shall be completed no later than 90 days

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

after the end of the grant period. Funding in any subsequent grant period shall not be approved until the performance report is received.

- e) A grantee that employs any teacher who holds an educator license with stipulations endorsed for a temporary provisional career and technical educator/vocational certificate shall ensure that the teacher submits documentation to the State Board of Education of his or her completion, during the validity period of the license, grant year of the coursework that is required under 23 Ill. Adm. Code 25.72 (Endorsement for Temporary Provisional Career and Technical Educator/Vocational Certificate).

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section 75.300 Purpose and Eligible Applicants

This Subpart C establishes the application procedure and criteria for the allocation of grant funds under Section 2-3.80 of the School Code to regionally accredited institutions of higher education or not-for-profit entities that offer teacher preparation programs in agricultural education approved pursuant to 23 Ill. Adm. Code 25 (Educator Licensure Certification).

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

Section 75.310 Program Goals and Minimum Standards

This Section presents the goals for teacher preparation programs in agricultural education and the accompanying minimum standards of each that are associated with high-quality preparation programs.

- a) Goal 1: A continuing program of recruitment is undertaken to ensure that a sufficient number of competent agricultural education teachers are prepared to meet the demand for new teachers in Illinois.

Minimum Standards:

- 1) A program is offered in which students may transfer credit earned in agricultural education coursework from other postsecondary institutions.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Each student who progresses to student teaching must have a 3.5 grade point average on a 5.0 scale or a 2.5 grade point average on a 4.0 scale.
 - 3) A minimum of one faculty member of the program is responsible for recruitment of students, including women and minorities, for the agricultural education teacher preparation program, as outlined in a written recruitment plan developed in conjunction with the program advisory committee.
- b) Goal 2: Practicing professionals and outstanding undergraduate students in agriculture are identified, selected and supported to develop their leadership potential through master's and, when appropriate, doctoral study in numerous areas of need in agriculture.

Minimum Standards: Graduate-level credit is awarded to students seeking advanced degrees in agricultural education through courses and/or workshops taught by agricultural education faculty.

- c) Goal 3: The agricultural education faculty have regular contact with students majoring in agricultural education to ensure that they are progressing in their degree program and toward obtaining teacher [licensure certification](#); faculty answer questions and solve problems of currently enrolled students and provide counsel to prospective students for a degree program in agricultural education.

Minimum Standards: All students enrolled in agricultural education are advised by agricultural education faculty.

- d) Goal 4: Students preparing to teach agriculture are knowledgeable about a variety of teaching methods prior to beginning the student teaching experience. Teacher quality is demonstrated by technical and professional competence. Teacher preparation graduates must possess a well-developed repertoire of teaching skills.

Minimum Standards:

- 1) A methods course in teaching agriculture is required prior to beginning the student teaching experience.
- 2) A minimum of 12 weeks is spent student teaching under the guidance of a cooperating teacher who meets the requirements set forth in Section 75.210(d) of this Part [and 23 Ill. Adm. Code 25.620 \(Student Teaching\)](#).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Adult education principles are taught as a part of a required agricultural education course.
- e) Goal 5: Students preparing to teach agriculture are technically competent in their specialty teaching area.

Minimum Standards:

- 1) All agricultural education graduates must complete at least 40 hours of agricultural courses.
- 2) Chemistry and biology courses are required for agricultural education students.
- f) Goal 6: The agricultural education staff provides a clearinghouse and counseling service for graduating seniors and other newly qualified agricultural education teachers to ensure that the highest proportion of newly trained teachers are placed in agricultural teaching positions.

Minimum Standards: One agricultural education faculty member is responsible for coordinating activities for placing agricultural education teachers into jobs; these activities include maintaining an up-to-date list of agricultural education teacher positions in Illinois in cooperation with other teacher preparation institutions offering agricultural education.

- g) Goal 7: Professional development activities are available for all agricultural education students and faculty as an integral part of their academic program.

Minimum Standards:

- 1) An agricultural education student organization is integrated into the instructional program and is available to all students majoring in agricultural education.
- 2) Faculty are involved in scholarly and professional activities and/or participate in organizations related to teacher training leadership, technical training and/or dissemination of research results.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- h) Goal 8: Agricultural education students understand the importance of and are able to assist high school students in developing and carrying out supervised agricultural experience programs (including maintaining records).

Minimum Standards:

- 1) All student teachers receive instruction about the requirements for obtaining the employment certification that a student may need to perform specific workplace learning activities.
- 2) All agricultural education students receive instruction in planning, developing, implementing and evaluating supervised agricultural experiences, which include record-keeping methods, in a required agricultural education course.

- i) Goal 9: Agricultural education students are knowledgeable about the National FFA Organization and its use as an integral part of a complete agricultural education program, as well as the role of the FFA advisor.

Minimum Standards:

- 1) Agricultural education students participate in at least two FFA events prior to the completion of their student teaching.
- 2) All students develop a program of activities for an FFA chapter prior to the completion of their student teaching.
- 3) All students assist in completing FFA degree and award applications prior to the completion of student teaching.
- 4) Agricultural education faculty attend the State and national FFA conventions.

- j) Goal 10: Students in agricultural education programs understand the role of and gain experience in leading an agricultural advisory committee.

Minimum Standards:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Methods and strategies for organizing and using advisory committees is part of the instruction offered in a course required for agricultural education.
- 2) All student teachers observe and participate in at least one agricultural advisory committee during their student teaching.

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

Section 75.320 Quality Indicators

Each quality indicator is intended to measure an applicant's achievement of the goal to which it applies. (See Section 75.310 of this Part.) The application for funding required under Section 75.340 of this Part shall list the specific quality indicators to be considered in a given funding cycle and their values, which shall range from 0 to 10. The total value of an individual application shall be considered on a 100 percent basis. That is, the percentage of the total represented by any quality indicator will be such that the total percentages of all quality indicators equal 100 percent.

- a) Goal 1: Not to exceed 15 percent of the total value available. Include, at a minimum, provision of scholarships for agricultural teacher preparation programs; communication with teachers in high schools and community colleges (e.g., newsletters, website, brochures); speaking engagements involving representatives of the agricultural teacher preparation program and high school students; on-campus recruitment activities for high school students; and receipt of a grant under Subpart A of this Part.
- b) Goal 2: Not to exceed 10 percent of the total value available. Include, at a minimum, graduate assistantships for students specializing in teacher preparation; enrollment of students in the graduate agricultural education program; graduate courses (other than online courses) that complement schedules of secondary teachers of agriculture; master's of education program and additional coursework leading to an endorsement in agricultural education; and online coursework in agricultural education that is available to graduate students.
- c) Goal 3: Not to exceed 10 percent of the total value available. Include, at a minimum, assignment to each agricultural education faculty of no more than 25 undergraduates; interview conducted by a panel prior to each student beginning his or her student teaching; and qualification of graduates being eligible for dual endorsements (i.e., in agriculture and another subject area) due to the faculty

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

providing candidates with information about endorsement options and requirements.

- d) Goal 4: Not to exceed 25 percent of the total value available. Include, at a minimum, requiring student teachers to develop a minimum of one lesson plan a week, provide instruction to at least one adult education class, and participate in at least three cooperative learning experiences during their student teaching component; faculty observation and evaluation of student's teaching, with results shared with the student teacher (three half-day visits to the site required); developing teaching skills related to online and other electronic learning; information about the structure of Illinois' agricultural education system integrated into a required agricultural education course; and activities available to all students related to assessing community needs, developing lesson plans for cooperative teaching with nonagricultural education staff, and designing a sequential course of study in an agricultural field.
- e) Goal 5: Not to exceed 10 percent of the total value available. Include, at a minimum, completion of at least one course in each technical agricultural education field (i.e., agronomy, animal science, horticulture, agricultural business and agricultural mechanics technology); credit provided for technical internships in agriculture; and completion by graduates of requirements necessary to obtain an endorsement on a [professional educator licenseteaching certificate](#) for agricultural education and for a related science or mathematics field of study, as identified in the application for funding.
- f) Goal 6: Not to exceed 10 percent of the total value available. Include, at a minimum, conferences at least annually for supervisors of student teachers focused on their roles and responsibilities; requiring students to develop professional portfolios; maintaining placement records of graduates in the agricultural education files; and placement of at least 40 percent of graduates in teaching positions at secondary or postsecondary institutions.
- g) Goal 7: Not to exceed 25 percent of the total value available. Include, at a minimum, ensuring agricultural education students are members of the Illinois Association of Vocational Agriculture Teachers (IAVAT) Student Branch, and that they demonstrate commitment to professionalism, as evidenced by their participation in various professional activities (e.g., IAVAT Student Branch conference, Central States Research Conference, Alpha Tau Alpha Student Teacher Conference, Intra-University Student Teacher Exchange); faculty members also attend and participate in professional conferences and meetings

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(i.e., IAVAT annual conference, Central States Research Conference and Illinois Team Ag Ed meetings) and connect to instruction at the secondary level.

- h) Goal 8: Not to exceed 15 percent of the total value available. Include, at a minimum, that student teachers, during their student teaching, conduct supervised agricultural experience visits (e.g., outside of the school), provide instruction relative to supervised agricultural experience record-keeping, plan and develop a school-based supervised agricultural experience for their students, and participate in National FFA Organization proficiency award judging beyond the local chapter level; instruction about agricultural-based supervised agricultural experiences is integrated into a required agricultural education course at the postsecondary level.
- i) Goal 9: Not to exceed 15 percent of the total value available. Include, at a minimum, student teachers' attendance at State and national FFA conventions and at least three leadership and/or career development events; agricultural education students' completion of award applications specified in the application for funding; students' membership in Collegiate FFA and/or National Postsecondary Agricultural Student Organization.
- j) Goal 10: Not to exceed 10 percent of the total value available. Include, at a minimum, an advisory committee of the agricultural teacher preparation program that meets at least two times a year and has representation of agricultural organizations, agricultural business and industry, teachers and a student teacher, and produces an annual report that includes recommendations to be given to the teacher preparation program and presented at the annual IAVAT conference.

(Source: Amended at 37 Ill. Reg. 15932, effective September 27, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Calculation of Excess Cost under Section 18-3 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 140
- 3) Section Number: 140.30 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/18-3
- 5) Effective Date of Rulemaking: September 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted 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*: May 31, 2013; 37 Ill. Reg. 7380
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Tim Imler, Division Administrator
Division of Funding and Disbursements
Illinois State Board of Education
100 North First Street, E-320
Springfield, Illinois 62777

217/782-5256

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 140

CALCULATION OF EXCESS COST UNDER SECTION 18-3 OF THE SCHOOL CODE

Section

140.10	Purpose and Applicability
140.20	Allowable Costs
140.30	Requirements for Submission of Claims
140.40	Calculation of Reimbursement

AUTHORITY: Implementing and authorized by Section 18-3 of the School Code [105 ILCS 5/18-3].

SOURCE: Adopted at 23 Ill. Reg. 7882, effective July 1, 1999; amended at 25 Ill. Reg. 14122, effective October 22, 2001; amended at 26 Ill. Reg. 8100, effective May 20, 2002; amended at 33 Ill. Reg. 9418, effective June 22, 2009; amended at 36 Ill. Reg. 18908, effective December 17, 2012; amended at 37 Ill. Reg. 15948, effective September 27, 2013.

Section 140.30 Requirements for Submission of Claims

Each school district shall certify to the State Superintendent of Education, using a format specified by the State Superintendent, its report of claims for tuition payments no later than July 15. (Section 18-3 of the School Code) Claims shall reflect the costs incurred by the school district for the regular school term.

- a) When a district files a claim for excess costs relative to individual students who are served in an off-site program, the claim must include:
 - 1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code that includes:
 - A) The name and address of the off-site program;
 - B) The total number of students who received any services in the regular program;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- C) The total days of attendance of all the students claimed;
 - D) The total number of days for which the program was in session;
 - E) The amount of instruction time offered daily;
 - F) The name, educator license certificate number, and assignment of each professional staff member who served the students being claimed; and
 - G) A brief description of the curriculum and support services that are offered in the regular program;
- 2) a report of the expenditures incurred by the district for the regular off-site program described pursuant to subsection (a)(1) of this Section, on forms supplied by the State Superintendent of Education;
 - 3) the number of students in average daily attendance in the regular off-site program described in subsection (a)(1) of this Section during the term to which the claim applies;
 - 4) a record for each student with respect to whom excess cost is being claimed, indicating:
 - A) the student's name and date of birth;^{3,5}
 - B) the services provided to the student that are not included in or that exceed the level provided in the regular off-site program;^{3,5}
 - C) the amount, intensity, and/or frequency of the services;^{3,5}
 - D) the total hours of service provision;^{3,5} and
 - E) the total cost of the services.
- b) When a district files a claim for excess costs relative to students who are served in the district's on-site programs, the claim must include:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) a description of the services provided that exceed those otherwise provided to students served in the regular program within the attendance center in question, e.g., services not provided to the other students in that attendance center or services provided for more time than to other students within that attendance center; and
 - 2) a record for each student containing the information specified in subsection (a)(4) of this Section.
- c) Each district shall submit any additional information the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

(Source: Amended at 37 Ill. Reg. 15948, effective September 27, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Hope and Opportunity Pathways through Education Program
- 2) Code Citation: 23 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
210.40	Amendment
210.60	Amendment
210.70	Amendment
210.100	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.66b
- 5) Effective Date of Rulemaking: September 27, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemakings contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: May 31, 2013; 37 Ill. Reg. 7385
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A technical change was made to correct a discrepancy in the title of Section 210.70 between the Table of Contents and its Section header.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

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

David Andel
Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street, N-253
Springfield, Illinois 62777

217/782-5589

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER e: INSTRUCTION

PART 210

ILLINOIS HOPE AND OPPORTUNITY PATHWAYS
THROUGH EDUCATION PROGRAM

SUBPART A: PROGRAM APPROVAL

Section

210.10	Purpose
210.20	Program Components
210.30	Requirements for Student Participation
210.35	Enrollment of Students with Individualized Education Programs
210.40	Program Requirements
210.50	Individual Instructional Plan
210.60	Supplemental Services and Instructional Time
210.70	Content of IHOPE Plan
210.75	Program Approval Criteria
210.80	Application for Program Continuation
210.90	Program Funding
210.100	Suspension and Revocation of Program Approval
210.110	Terms and Conditions of Approval

SUBPART B: INCENTIVE GRANTS

210.200	Purpose
210.210	Eligible Applicants
210.220	Funding Formula
210.230	Application Procedures

AUTHORITY: Implementing and authorized by Section 2-3.66b of the School Code [105 ILCS 5/2-3.66b].

SOURCE: Adopted at 34 Ill. Reg. 11554, effective July 26, 2010; amended at 37 Ill. Reg. 15953, effective September 27, 2013.

SUBPART A: PROGRAM APPROVAL

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

Section 210.40 Program Requirements

Each IHOPE program approved by the State Board of Education shall conform to the following program requirements.

- a) The program of instruction of an IHOPE program shall be consistent with State standards set forth in 23 Ill. Adm. Code 1. Appendix D (State Goals for Learning) and provide innovative and varied instructional strategies designed to facilitate the student's receipt of a high school diploma.
 - 1) In consultation with the student's school district of residence, the IHOPE program must award academic credit in accordance with that district's policy developed pursuant to 23 Ill. Adm. Code 1.420(b).
 - 2) If the instructional program is provided by a non-profit entity, then that entity shall be recognized by the State Board of Education. A recognized entity is one that:
 - A) is established by the State to provide education-related services or instruction (e.g., regional offices of education, intermediate service centers, public community colleges or universities); or
 - B) is a nonpublic elementary or secondary school recognized by the State Board of Education under 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools); or
 - C) is designated for operation through a standardized approval process administered by the State Board of Education (i.e., public university laboratory schools, alternative schools, charter schools, area vocational centers, Alternative Learning Opportunities Programs); or
 - D) meets the requirements of a national or regional accrediting body (e.g., private colleges and universities, other nonpublic elementary or secondary schools).
- b) Support services shall be provided for each student enrolled in the IHOPE program. The particular services provided shall be those that are determined to be necessary for the student's academic success.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- c) An individual instructional plan shall be developed for each student enrolled in the IHOPE program in accordance with Section 210.50 of this Part.
- d) Progress reports for students enrolled in the IHOPE program shall be provided at least in the same manner and with the same frequency as progress reports are sent to parents and guardians of students enrolled in the school district from which the student will receive his or her diploma. A student's parent or guardian may request a meeting anytime during the school year to review the student's progress, in accordance with procedures developed by the IHOPE program.
- e) The IHOPE program shall employ staff who are appropriately qualified.
- 1) Teachers shall hold a valid and active [Illinois professional educator license endorsed for](#) elementary, secondary, special K-12 or special preschool-age 21 ~~Illinois teaching certificate~~ required for the grade levels to which they will be assigned, except that staff employed in dual credit programs must meet the requirements set forth in 110 ILCS 27/20.
 - 2) Professional personnel who provide other services for students enrolled in the program shall hold the [type of educator licenses](#) ~~certificates~~ appropriate to their roles pursuant to State Board of Education rules for [Educator Licensure Certification](#) (23 Ill. Adm. Code 25), except that:
 - A) personnel providing professional nursing services shall meet the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23];
 - B) personnel providing school counseling services shall meet the requirements of Section 10-22.24b of the School Code [105 ILCS 5/10-22.24b];
 - C) personnel providing noninstructional services shall meet the requirements of Section 10-22.34 of the School Code [105 ILCS 5/10-22.34];
 - D) personnel providing school psychological services shall meet the requirements of Section 14-1.09.1 of the School Code [105 ILCS 5/14-1.09.1]; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) personnel providing school social work services shall meet the requirements of Section 14-1.09.2 of the School Code [105 ILCS 5/14-1.09.2].

(Source: Amended at 37 Ill. Reg. 15953, effective September 27, 2013)

Section 210.60 Supplemental Services and Instructional Time

In order to receive general State aid, an IHOPE program shall develop a plan in accordance with Section 2-3.66b(c) of the School Code and Section 210.70 of this Part that proposes a calendar for the program that is in conformance with the requirements of Section 2-3.66b(e) of the School Code. A calendar that varies in the length of the instructional day (i.e., 5 clock-hours of school work) from those requirements shall be approved under the following conditions.

- a) The calendar meets all of the following exceptions:
- 1) The IHOPE plan submitted under Section 210.70 of this Part establishes that a program providing the required minimum daily hours of school work would not serve the needs of the program's students.
 - 2) Each day of attendance shall provide no fewer than 3 clock-hours of school work, as defined under Section 18-8.05(F)(1) of the School Code [105 ILCS 5/18-8.05(F)(1)].
 - 3) Each day of attendance that provides fewer than 5 clock-hours of school work also shall provide supplementary services, including, without limitation, work-based learning, student assistance programs, counseling, case management, life-skills or conflict resolution training, career counseling, or service learning (e.g., activities that combine academics and community service), in order to provide a total daily program to the student of 5 clock-hours. A program may claim general State aid for up to 2 clock-hours of the time each day that a student is receiving supplementary services.
 - 4) Each program shall provide no fewer than 176 days of actual pupil attendance during the school term.
- b) The supplemental services provided pursuant to subsection (a) of this Section that are noninstructional in nature (e.g., student assistance programs, counseling

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

services, case management, life skills or conflict resolution training, career counseling) shall be:

- 1) directly linked to a need identified in the student's individual instructional plan developed pursuant to Section 210.50 of this Part and necessary for the student to successfully advance in the instructional program and meet the requirements for receipt of a high school diploma set forth in Section 2-3.66b(b) of the School Code;
 - 2) provided by qualified personnel with the experience and skills appropriate to the service being provided; and
 - 3) monitored by IHOPE program staff to ensure that the services provided are effective in improving the student's academic achievement, as specified in his or her individual instructional plan.
- c) Activities that are instructional in nature (e.g., work-based learning activities, service learning) shall not be considered supplemental services for the purposes of this Section. These shall be considered to be part of the 5 clock-hours of school work required under Section 18-8.05 of the School Code, provided that:
- 1) the activity is an integral and regular part of the academic instruction that the student is receiving and is tied to one or more of the State Goals for Learning (23 Ill. Adm. Code 1.Appendix D);
 - 2) the student receives academic credit upon successful completion of the activity, in accordance with the policies of the student's district of residence that will be issuing the high school diploma; and
 - 3) the activity is provided under the direction of a ~~certified~~ teacher who holds the type of educator license appropriate to his or her assignment (see Section 210.40(e) of this Part).

(Source: Amended at 37 Ill. Reg. 15953, effective September 27, 2013)

Section 210.70 Contents of IHOPE Plan

The plan for each IHOPE program shall be approved by the State Superintendent of Education in accordance with criteria set forth under Section 2-3.66b(c) of the School Code and Section 210.75 of this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) The State Superintendent of Education shall annually notify regional offices of education and CPS of the opportunity to submit an IHOPE plan for approval, specifying the information that shall be included in the plan and requiring that the plan be submitted no later than the date specified in the notification.
- b) Each application shall be reviewed for completeness and conformance to the requirements of Section 2-3.66b of the School Code and this Part.
 - 1) Incomplete plans shall be returned to the regional office of education or CPS, as applicable, specifying the additional information that is needed, which shall be submitted within 15 calendar days after receiving the request.
 - 2) Based on the criteria contained in Section 210.75 of this Part, plans that do not meet the requirements of Section 2-3.66b of the School Code and this Part shall be returned to the regional office of education or CPS, as applicable, specifying the reasons why the plan was not acceptable.
- c) Each plan for an IHOPE program shall be submitted in a format specified by the State Superintendent of Education and shall contain the following elements:
 - 1) A description of the planning process conducted to determine the type of IHOPE program to be established and a list of the participants in that process to at least include those entities specified in Section 2-3.66b(c) of the School Code.
 - 2) An organizational chart that reflects the governance, administrative, educational and support structures of the proposed IHOPE program and describes the responsibilities of each entity involved in the program.
 - 3) Evidence that the plan for the IHOPE program includes each of the components enumerated in Section 2-3.66b(g) of the School Code.
 - A) Programs that exceed the enrollment limits set forth under Section 2-3.66b(g)(1) of the School Code shall provide a justification for a larger program and a description of the steps to be taken to ensure that the program will meet the needs of each student to be enrolled in an effective manner.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) In order to demonstrate compliance with Section 2-3.66b(g)(3) of the School Code, the plan shall include a description of the experiences, competency, and qualifications of ~~licensed~~certified and ~~nonlicensednon-certificated~~ staff that emphasizes their individual and collective abilities to work successfully with students who have dropped out of school. (Also see Section 210.40(e) of this Part.)
- C) In order to demonstrate compliance with Section 2-3.66b(g)(6) of the School Code, the plan shall include a schedule of support services that will be available to students as part of their instructional program, including the procedures for accessing a student's need for services on an as-needed basis.
- D) In order to demonstrate compliance with Section 2-3.66b(g)(9), the plan shall address how instruction will incorporate "action into study" to include but not be limited to the following elements: observation and interaction, laboratory and field experiences, applying what is learned in the classroom to real-life situations or problems, or students being active participants in their learning.
- 4) The specific curriculum to be used (see Section 210.40(a) of this Part), to at least include a description of how work experience and the instructional program will be integrated. If a non-profit entity will be providing instructional services, then the regional office of education or CPS, as applicable, shall identify the entity and provide evidence that it meets the requirements of Section 210.40(a)(2) of this Part.
- 5) The process for admitting dropouts to the program, which shall address factors to be considered to enroll students. These factors shall be nondiscrimintory and shall not take into consideration the needs of individual students for specific services, such as special education or bilingual services. If there are more eligible applicants for enrollment in an IHOPE program than there are spaces available, students shall be selected either on a first come, first served basis or by lottery.
- 6) A list of any cooperative and intergovernmental agreements and subcontracts that identifies the entity with which the agreement or subcontract is entered and includes a description of the need and purpose of the agreement or subcontract; measurable and time-specific services to

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

be provided, as applicable; associated costs, i.e., the amounts to be paid, as applicable; and the projected number of participants to be served.

- 7) An agreement with each school district from which an IHOPE student will graduate and receive a diploma in accordance with Section 2-3.66b(b) of the School Code.
- 8) If any of the students enrolled require special education services, then the cooperative agreement with the school district of residence of each student that addresses responsibility for at least, but not limited to, the evaluation process, provision of services, dispute resolution, child count, and receipt of State special education funds.
- 9) The procedures to be used to review student progress on a regular basis, which shall at least conform with the requirements of Section 210.40(d) of this Part.
- 10) A summary of the program's student discipline policy, to address the procedures to be used for a student's suspension or expulsion from the program due to gross disobedience or misconduct.
- 11) The proposed calendar for the program, providing evidence that it is in conformance with the requirements of Section 2-3.66b(e) of the School Code and Section 210.60 of this Part.
- 12) A description of how the IHOPE program's professional development plan will address instruction of students who have dropped out of school.
- 13) A detailed program budget that includes the sources of funding to be used in conjunction with general State aid and/or any incentive grant received pursuant to Subpart B of this Part and a plan for allocating costs to those funds.
 - A) The budget plan shall outline how any local, State or federal funds will be coordinated to ensure the efficient and effective delivery of the program.
 - B) The budget shall describe sources of revenue other than general State aid or an incentive grant that the regional office of education or CPS, as applicable, will allocate to the program.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) The budget shall include an estimate of the total cost per student for the program and an estimate of any gap between existing revenue available for the program and the total cost of the program.
- 14) A plan for evaluating the effectiveness of the program in improving academic performance of the students working towards meeting State and local requirements for receipt of a high school diploma. The plan shall include:
- A) the methods to be used to conduct the evaluation;
 - B) the data to be collected, which shall include at least the indicators outlined in Section 2-3.66b(h) of the School Code, as applicable to the program;
 - C) the specific procedures for how achievement levels of individual students enrolled in the program will be assessed to ensure that each student is making anticipated progress, as stipulated in his or her individual instructional program;
 - D) the specific procedures for how achievement levels of students with IEPs will be assessed, if these students are enrolled in the program;
 - E) how the evaluation will measure the extent to which the program overall is an effective strategy for assisting dropouts in completing their high school education and receiving a diploma; and
 - F) how the evaluation results will be used to improve the program.

(Source: Amended at 37 Ill. Reg. 15953, effective September 27, 2013)

Section 210.100 Suspension and Revocation of Program Approval

- a) The State Superintendent of Education shall investigate an IHOPE program when any of the following occurs:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) the program fails to receive approval to continue operating, in accordance with the requirements of Section 210.80 of this Part;
 - 2) a parent or guardian files a written complaint with the regional superintendent of education or CPS, as applicable, or the State Superintendent of Education alleging that the program meets one or more of the following conditions:
 - A) A failure to meet educational outcomes as enumerated in the approved IHOPE plan for a period of two or more consecutive years;
 - B) A failure to comply with all applicable laws as specified in Section 2-3.66b of the School Code and this Part;
 - C) A failure to comply with the terms and conditions of an IHOPE incentive grant received pursuant to Subpart B of this Part; or
 - D) A failure to maintain financial records according to Generally Accepted Accounting Procedures or, in the case of CPS, 23 Ill. Adm. Code 100;
 - 3) the State Superintendent otherwise receives information or becomes aware of allegations that the program meets one or more of the conditions set forth in subsection (a)(2) of this Section.
- b) If the State Superintendent of Education, at the conclusion of the investigation, identifies deficiencies in the program that meet any of the conditions specified in subsection (a) of this Section, then he or she shall provide to the regional office of education that established the program, or to CPS, as applicable, written notification of the specific deficiencies found.
- 1) The regional office of education or CPS, as applicable, shall submit to the State Superintendent of Education, within 30 calendar days after receiving the notification, a time-specific plan that addresses the specific steps to be taken and staff responsible to remedy each of the deficiencies cited. In no case shall the time needed to correct deficiencies exceed 120 days.
 - 2) The State Superintendent shall approve the plan no later than 15 days after receiving the plan if it meets all of the following requirements.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) The timeframe is reasonable to correct the cited deficiencies.
 - B) The proposed steps to be taken to remedy the problems have a high likelihood of correcting the cited deficiencies.
 - C) A sufficient number of staff are proposed to implement the plan, and their expertise relates to the areas in which the deficiencies were found.
- 3) The regional office of education or CPS, as applicable, shall provide a copy of the deficiencies and of the approved plan to any entity with which it has entered into a cooperative agreement, intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled, as well as to any school district with which it has agreements to issue high school diplomas.
 - 4) If the regional office of education or CPS, as applicable, provides evidence that it has corrected the deficiencies within the timeframe specified in the plan approved pursuant to subsection (b)(2) of this Section, then no change in the program's approved status shall be made.
- c) If the regional office of education or CPS, as applicable, is unable to correct all of the deficiencies within the timeframe specified in its plan, even after the provision of technical assistance by State Board of Education staff, then it may submit to the State Superintendent an amended plan.
 - 1) The amended plan shall be submitted no later than 30 calendar days prior to the time the affected deficiencies were to be corrected.
 - 2) The amended plan shall identify the deficiencies that are still unresolved, specifying the reasons for the delay and describing the steps to be taken to remedy the problems and the timeline for completing each. In no case shall the time needed to correct the remaining deficiencies exceed 30 additional calendar days.
 - 3) The State Superintendent of Education will accept the amended plan, provided the remaining deficiencies can be corrected within 30 calendar days and that none of the deficiencies:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) presents an immediate health hazard or danger to students and staff;
 - B) severely affects the program's ability to provide a program appropriate to the needs of the students enrolled (i.e., addresses the State Goals for Learning, employs ~~licensed~~certified staff, provides the services identified as necessary to assist students to earn a high school diploma); and
 - C) represents prolonged or repeated problems to a degree that indicates the program's intention not to correct the deficiencies.
- d) If the regional office of education or CPS, as applicable, fails to demonstrate that all of the deficiencies have been corrected within the timeframe specified in the amended plan, or fails to submit an amended plan that meets the requirements of subsection (c) of this Section, then approval to operate the program shall be suspended upon written notification from the State Superintendent of Education.
- 1) The program may serve the students enrolled in the program during the time of its suspension, provided it continues to make progress as specified in its plan and no additional students are enrolled in the program.
 - 2) The regional office of education or CPS, as applicable, shall provide a copy of the notice of suspension to any entity with which it has entered into a cooperative agreement, intergovernmental agreement, contract or subcontract in order to operate the program or to provide services for students enrolled, as well as to any school district with which it has agreements to issue high school diplomas.
 - 3) If the regional office of education or CPS, as applicable, fails to correct all remaining deficiencies within 30 calendar days after receiving the notice of suspension, then approval to operate the program shall be revoked.
- e) Notification to revoke program approval shall be sent by certified mail, return receipt requested to the regional office of education that established the program or to CPS, as applicable. A regional office of education or CPS, as applicable, shall have 10 calendar days after receipt of the notice of revocation to submit a written request for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board of Education's rules for Contested Cases and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Other Formal Hearings (23 Ill. Adm. Code 475). The receipt of notification shall be determined by the date of receipt shown on the return receipt form.

- f) Once approval for a program has been revoked:
- 1) a regional office of education or CPS, as applicable, shall be ineligible to file any claim upon the Common School Fund with regard to the program;
 - 2) the State Superintendent of Education shall recover grant funds from a regional office of education or CPS, as applicable, in accordance with the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]; and
 - 3) all students (and their parents or guardians, as applicable) enrolled in the program shall be informed in writing of the revocation no later than 10 school days following receipt of the notification that approval has been revoked.

(Source: Amended at 37 Ill. Reg. 15953, effective September 27, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Application Process
- 2) Code Citation: 89 Ill. Adm. Code 110
- 3) Section Number: 110.10 Emergency Action: Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: October 1, 2013
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 30, 2103
- 8) A copy of the emergency rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency Rulemaking: PA 98-104 authorizes emergency rulemaking pursuant to The Illinois Administrative Proactive Act [5 ILCS 100/5-45(q)], which provides for the expeditious and timely implementation of the provisions of Article 7 as necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subjects and Issues Involved: The rulemaking establishes certain processes necessary to implement Article 7 of PA 98-104.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/782-1233

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

HFS.Rules@illinois.gov

The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110

APPLICATION PROCESS

Section

110.1 Incorporation by Reference

110.10 Application for Assistance

EMERGENCY

110.15 Local Office Action on Application for Public Assistance

110.20 Time Limitations on the Disposition of an Application

110.30 Approval of an Application and Initial Authorization of Financial Assistance

110.32 Initial Authorization of Medical Assistance (MAG)

110.34 Approval of an Application and Initial Authorization of Medical Assistance –
(MANG)

110.36 Initial Authorization of General Assistance – Medical (Repealed)

110.38 General Assistance and Aid to the Medically Indigent Special Approval
Provisions (Repealed)

110.40 Denial of an Application

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

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992; emergency amendment at 19 Ill. Reg. 8429, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15053, effective October 17, 1995; amended at 20 Ill. Reg. 14834, effective November 1, 1996; amended at 36 Ill. Reg. 4126, effective March 1, 2012; emergency amendment at 36 Ill. Reg. 10219, effective July 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10197, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15968, effective October 1, 2013, for a maximum of 150 days.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 110.10 Application for Assistance**EMERGENCY**

- a) An application is:
- 1) a signed request for medical assistance on a Department of Healthcare and Family Services ("Department") form which has been completed to the best of the client's knowledge and believability; ~~or~~
 - 2) an electronic transmission received from the Social Security Administration on behalf of an applicant for enrollment in the Medicare Savings Program (MSP) and Low-Income Subsidy (LIS) Program pursuant to 42 USC 1320b-14(c). Such a transmission shall be treated as the initiation of an application for MSP benefits as if the application was submitted directly by the applicant.
 - 3) a signed electronically transmitted request for medical assistance in a form approved by the Department, complying with the security requirements of subsection (b)(4) of this Section, which has been completed to the best of the applicant's knowledge and belief;
 - 4) a signed request for medical assistance submitted by telephone in a form approved by the Department, complying with the security requirements of subsection (b)(4) of this Section, which has been completed to the best of the applicant's knowledge and belief.
- b) The application must comply with the following ~~contain~~:
- 1) Contain the applicant's name and address.
 - A) if a person is homeless, he or she may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.
 - B) if a person is homeless and does not have a permanent address, he or she may use the address of the local Department of Human Services office where he or she applied or where his or her case is currently active.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 2) Contain a signature or signatures conforming with subsection (c) of this Section and satisfying one of the following conditions:
- A) an original signature or signatures pursuant to an application submitted under subsection (a)(1) of this Section; or— If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
 - B) an electronic signature from the Social Security Administration pursuant to an application received under subsection (a)(2); or-
 - C) an electronic signature meeting the security requirements of subsection (b)(4) of this Section, pursuant to an application submitted under subsection (a)(3) of this Section; or
 - D) a voice recording constituting a telephonic signature meeting the security requirements of subsection (b)(4) of this Section, pursuant to an application submitted under subsection (a)(4) of this Section.
- 3) If the application does not contain a name, address, and signature (or signatures), the Department shall:
- A) return an application submitted pursuant to subsection (a)(1) of this Section to the sender to obtain the missing information.
 - B) return an application submitted pursuant to subsection (a)(2) of this Section to the sender to obtain the missing information.
 - C) not accept an application submitted pursuant to subsection (a)(3) of this Section.
 - D) not accept an application submitted pursuant to subsection (a)(4) of this Section.
- 4) Applications submitted pursuant to subsection (a)(3) or (a)(4) of this Section shall:
- A) in accordance with Section 25-101(c) of the Electronic Commerce Security Act [5 ILCS 175/25-101(c)], meet the security

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

requirements of 14 Ill. Adm. Code 105.210, which minimum security requirements are incorporated herein by reference;

B) be captured in a secure format and placed into a secure, auditable database that tracks the user when the application is modified to ensure the integrity, security and confidentiality of the electronic signature; and

C) be made in accordance with the instructions given for completing any form approved by the Department.

- c) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
 - 3) When application is made in behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act ~~in~~ his or her behalf.)
 - 5) When an electronic application is received from the Social Security Administration as described in subsection (a)(2).
- d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- f) The date of application shall be the business day ~~and date a completed original application~~ with a name, address and proper signature or signatures is received by the Department ~~local office serving the area of the State in which the applicant lives~~, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is properly signed ~~by the applicant~~ shall be the date of application.
- g) Medical Assistance No Grant – Aid to the Aged, Blind or Disabled (MANG (AABD))
Application shall be made for residents of facilities operated by the Department of Human Services-MHDD only when the services received by the residents are being provided in a covered setting. Covered setting is defined according to the services provided, the age and diagnosis of the patient and the facility certification. The following are covered settings:
- 1) Psychiatric Hospital Service
 - A) Client Age: 65 and over
 - i) Client Diagnosis: Any
 - ii) Facility Certification: Title XVIII (Medicare)
 - B) Client Age: Under 21 or up to age 22 when services were being received immediately prior to attaining age 21 and the treatment plan includes re-entry into the community
 - i) Client Diagnosis: Mentally Ill
 - ii) Facility Certification: Joint Commission on the Accreditation of Healthcare Organizations (JCAHO)
 - 2) Medical/Surgical Services
 - A) Client Age: No Restrictions
 - B) Client Diagnosis: No Restrictions
 - C) Facility Certification: Title XVIII (Medicare)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 3) Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF) and Intermediate Care Facility for the Mentally Retarded (ICF-MR) Services
 - A) Client Age: 65 and over
 - i) Client Diagnosis: No Restriction
 - ii) Facility Certification: By Department of Public Health for Title XX (Medicaid)
 - B) Client Age: Up to 65
 - i) Client Diagnosis: Mentally Retarded
 - ii) Facility Certification: By Department of Public Health and Title XX (Medicaid)
 - C) Client Age: Under 21
 - i) Client Diagnosis: Mentally Ill ONLY
 - ii) Facility Certification: JCAHO (Does not include ICF-MR)
- h) Eligibility exists only when the DHS-MHDD patient has not been adjudicated incompetent or if there has been an adjudication of incompetency, a conservator has been legally appointed.
- i) Application shall be made for a patient age 21 or over by the patient, conservator or by someone acting responsibly in the patient's behalf. Application for patients under age 21 shall be made by the patient's parent or parents, legal guardian or conservator.
- j) ~~If the parents are unwilling to apply for assistance, the patient is not eligible.~~

(Source: Added by emergency rulemaking at 37 Ill. Reg. 15968, effective October 1, 2013, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
120.10	Amendment
120.32	Amendment
120.64	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Article 7 of PA 98-104.
- 5) Effective Date: October 1, 2013
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 30, 2013
- 8) A copy of the emergency rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 98-104 authorizes emergency rulemaking pursuant to the Illinois Administrative Proactive Act [5 ILCS 100/5-45(q)], which provides for the expeditious and timely implementation of the provisions of Article 7 as necessary for the public interest, safety and welfare.
- 10) Complete description of the subjects and issues involved: The rulemaking implements Article 7 of PA 98-104, which establishes eligibility for the newly eligible adults and former foster care children under the Affordable Care Act (ACA) and financial eligibility methodology mandated by the ACA for newly eligible adults and certain existing Medicaid eligible groups.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.324	Amendment	37 Ill. Reg. 12302; August 1, 2013
- 12) Statement of Statewide Policy Objective: This emergency rulemaking neither creates nor expand any State mandate affecting units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- | 13) Information and questions regarding this rulemaking shall be directed to:

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

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

The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance

EMERGENCY

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 FamilyCare Assist

EMERGENCY

120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)

120.40 Exceptions To Use Of MANG Income Standard (Repealed)

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases

120.61 Long Term Care

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)

120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Income (MAGI) Methodology MANG(P) CasesEMERGENCY

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

SUBPART D: MEDICARE PREMIUMS

Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified
Individuals-1 (QI-1) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 120.375 Earned Income In-Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Provisions for the Prevention of Spousal Impoverishment
120.380 Resources
120.381 Exempt Resources
120.382 Resource Disregard
120.383 Deferral of Consideration of Assets
120.384 Spenddown of Resources
120.385 Factors Affecting Eligibility for Long Term Care Services
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
120.388 Property Transfers Occurring On or After January 1, 2007
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

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

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days.

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility for Medical Assistance**EMERGENCY**

- a) Eligibility for medical assistance exists when a person meets the non-financial requirements of the program and the person's countable nonexempt income ([see](#) Sections [120.64](#), 120.330 and 120.360) is equal to or less than the applicable Medical Assistance – No Grant (MANG) standard and, for AABD MANG, countable nonexempt resources are not in excess of the applicable resource disregards (Section 120.382). Persons receiving basic maintenance grants under Article III or IV of the Public Aid Code are eligible for medical assistance. Financial eligibility for medical assistance for other persons living in the community is determined according to Section 120.60 of this Part, unless otherwise specified. Financial eligibility for medical assistance for persons receiving long-term care services, as defined in Section 120.61(a) of this Part, is determined according to that Section, unless otherwise specified.
- b) For AABD MANG, a person's countable income and resources include the person's countable income and resources and the countable income and resources of all persons included in the Medical Assistance standard. The person's responsible relatives living with the child must be included in the standard. The person has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- c) For TANF (Temporary Assistance for Needy Families) MANG, a person's countable income includes the person's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The person's

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

responsible relatives living with the child must be included in the standard. The person has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard. For applications received on or after October 1, 2013, eligibility under subsection (c) this Section shall be determined as set forth in Section 120.64.

- d) For AABD MANG, if a person's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt resources are over the applicable resource disregard, the person must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- e) For TANF MANG, if a person's countable nonexempt income is greater than the applicable MANG standard, the person must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- f) A one month eligibility period is used for persons receiving long-term care services (as defined in Section 120.61(a) of this Part). Nonexempt income and nonexempt resources over the resource disregard are applied toward the cost of care on a monthly basis, as provided in Section 120.61 of this Part.
- g) Newborns
 - 1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, if the mother had been receiving TANF or AABD related medical assistance or medical assistance due to her pregnancy on the date of birth of the child.
 - 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400.
- h) ACA Adults
Persons not otherwise eligible under this Section, who are no younger than age 19 and no older than age 64 in households with income that is at or below 133 percent of the Federal Poverty Level (FPL). Eligibility under this subsection (h) of this Section shall be determined as set forth in Section 120.64 except that no

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

coverage for medical services under this subsection (h) shall begin prior to January 1, 2014.

- i) Former Foster Care
Persons older than age 18 and younger than age 26 who reside in Illinois, who are not eligible under subsections (a) through (g) of this Section, who were in foster care under the responsibility of the State of Illinois on the date of attaining age 18 or on the date of attaining age 21 for whom a court has continued wardship for good cause and who received medical assistance under the Illinois Medicaid State Plan or waiver of such plan while in foster care. No coverage for medical services under this subsection (i) shall begin prior to January 1, 2014.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days)

Section 120.32 FamilyCare Assist**EMERGENCY**

- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard.
- b) The appropriate income standard is 133 per cent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- c) For applications received on or after October 1, 2013, eligibility under this Section shall be determined as set forth in Section 120.64.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross Income (MAGI) Methodology**EMERGENCY**

- a) ~~The following subsections apply to MANG(P) clients.~~ The eligibility period for a MANG(P) client shall begin with:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) the first day of the month of application; or
 - 2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application; or
 - 3) the first day of the month after the month of application; or
 - 4) the first day of a month a pregnant woman and/or child under age 19 meets the requirements of Sections 120.11 and 120.31.
- b) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 day medical coverage period shall be provided for all women determined eligible for medical assistance under Section 120.11(a)(1) of this Section including women who are no longer pregnant at the time of application because the woman gave birth or had a miscarriage or an abortion, and including women who signed an adoption agreement.
- c) Children shall be eligible to receive medical assistance as determined pursuant to Section 120.400.
- d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).
- e) A redetermination of eligibility ~~for MANG(P)~~ will be made every 12 months ~~for children under age 19~~.
- f) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for ~~medical assistance~~ ~~MANG(P)~~. If changes in income or family composition occur which would make the client ineligible for ~~medical assistance~~ ~~MANG(P)~~, appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for ~~MANG(P)~~ coverage are not considered through the 60 day postpartum period following the last day of pregnancy.
- g) ~~MANG(P) clients shall be eligible without a spenddown obligation amount.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- gh) A review of case eligibility ~~for MANG(C)~~ will be conducted for a pregnant woman during the second month of the 60 day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.
- hi) A review of case eligibility ~~for TANF MANG(C)~~ will be conducted when a child is determined ineligible for medical assistance as a child~~MANG(P)~~. If the child is otherwise eligible for medical assistance~~TANF MANG(C)~~, the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.
- i) For applications received on or after October 1, 2013, the determination of eligibility under this Section shall comply with the Modified Adjusted Gross Income (MAGI) methodology established at section 1902(e)(14) of the Social Security Act (42 U.S.C. 1396a(e)(14)) and federal regulations established at 42 CFR 435.110 regarding parents and other caretaker relatives, 42 CFR 435.116 regarding pregnant women, 42 CFR 435.118 regarding infants and children under age 19, 42 CFR 435.119 regarding ACA adults, and 42 CFR 435.603 regarding application of MAGI methodologies in determining financial eligibility for medical assistance.
- 1) For the purpose of determining whether a person is a parent or caretaker relative of a "dependent child", a "dependent child" means a child who is younger than age 18.
 - 2) For purposes of determining household size:
 - A) the total number of children a pregnant woman is expected to deliver shall be counted in the determination of the household size of any person in the household seeking benefits (42 CFR 435.603(b)).
 - B) For applicants who expect to file a tax return and who are not claimed as a dependent, household size shall be determined in accordance with 42 CFR 435.603(f)(1).
 - C) For applicants who expect to be claimed as a tax dependent and who do not meet an exception under 42 CFR 435.603(f)(2).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

household size shall be determined in accordance with 42 CFR 435.603(f)(2).

D) For applicants who do not file a tax return nor expect to be claimed as a tax dependent, or who are tax dependents who meet an exception under 42 CFR 435.603(f)(2), household size shall be determined in accordance with 42 CFR 435.603(f)(3).

E) For purposes of determining household size in accordance with 42 CFR 435.603(f)(3), the specified age is 19.

j) This Section 120.64 shall apply to the determination of eligibility for persons eligible under Section 5-2(5), (6)(a), (7), (8), (15), (17) and (18) of the Public Aid Code.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Covering All Kids Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 123
- 3) Section Number: 123.230 Emergency Action: Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Article 7 of PA 98-104
- 5) Effective Date: October 1, 2013
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 30, 2013
- 8) A copy of the emergency rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 98-104 authorizes emergency rulemaking pursuant to The Illinois Administrative Proactive Act [5 ILCS 100/5-45(q)], which provides for the expeditious and timely implementation of the provisions of Article 7 as necessary for the public interest, safety and welfare.
- 10) Complete description of the subjects and issues involved: With respect to Part 123, the rulemaking implements Article 7 of PA 98-104, which establishes new financial eligibility methodology mandated by the Affordable Care Act (ACA) for children in the Covering All Kids Health Insurance Program.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Jeanette Badrov
General Counsel

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

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The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 123

COVERING ALL KIDS HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

123.100 General Description
123.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

123.200 Eligibility
123.210 Eligibility Exclusions and Terminations
123.220 Application Process
123.230 Determination of [Financial Eligibility Using Modified Adjusted Gross Income \(MAGI\) Monthly Countable Income](#)

EMERGENCY

123.240 Eligibility Determination and Enrollment Process
123.250 Appeals
123.260 Annual Renewals
123.270 Adding Children to the Program and Changes in Participation
123.280 Insurance Information Exchange

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section

123.300 Covered Services
123.310 Service Exclusions
123.320 Co-payments and Cost Sharing
123.330 Premium Requirements
123.340 Non-payment of Premium
123.350 Provider Reimbursement

AUTHORITY: The Covering ALL KIDS Health Insurance Program Act [215 ILCS 170] and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 10134, effective May 17, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 16971, effective October 13, 2006; amended at 36 Ill. Reg. 1062, effective January 14, 2012; amended at 36 Ill. Reg. 12316, effective July 19, 2012; emergency amendment at 37 Ill. Reg. 15993, effective October 1, 2013, for a maximum of 150 days.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 123.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~
EMERGENCY

For applications received on or after October 1, 2013, the determination of eligibility and the definition of household under this Part shall comply with the Modified Adjusted Gross Income (MAGI) methodology established at section 2102(b)(1)(v) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(v)) and federal regulations established at 42 CFR 457.315.~~Monthly countable income for applications processed for the program is determined by taking the total gross monthly income of the family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.~~

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15993, effective October 1, 2013, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
125.220	Amendment
125.230	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Article 7 of Public Act 98-104.
- 5) Effective Date: October 1, 2013
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 30, 2013
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 98-104 authorizes emergency rulemaking pursuant to 5 ILCS 100/5-45(q), which provides for the expeditious and timely implementation of the provisions of Article 7 as necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subjects and Issues Involved: With respect to Part 125, the rulemaking implements Article 7 of Public Act 98-104, which establishes that no application for coverage in the All Kids Rebate program shall be accepted after September 30, 2013, and establishes new financial eligibility methodology mandated by the Affordable Care Act (ACA) for the Children's Health Insurance Program.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Jeanette Badrov
General Counsel

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Illinois Department of Healthcare and Family Services
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The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125

CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

125.100 General Description

125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

125.200 Eligibility for Children's Health Insurance Program

125.205 Eligibility Exclusions and Terminations

125.220 Application Process

EMERGENCY

125.225 Presumptive Eligibility for Children

125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~EMERGENCY

125.240 Eligibility Determination and Enrollment Process

125.245 Appeals

125.250 Annual Renewals

125.260 Adding Children to the Program and Changes in Participation

125.265 Adding Eligible Adults to the Program and Changes in Participation (Repealed)

SUBPART C: ALL KIDS HEALTH PLAN

Section

125.300 Covered Services

125.305 Service Exclusions

125.310 Copayments

125.320 Premium Requirements

125.330 Non-payment of Premium

125.340 Provider Reimbursement

SUBPART D: ALL KIDS REBATE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section

- 125.400 Minimum Coverage Requirements
- 125.420 Coverage Verification Process
- 125.430 Provision of Policyholder's Social Security Number
- 125.440 All Kids Rebate
- 125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004; emergency amendment at 30 Ill. Reg. 535, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10328, effective May 26, 2006; emergency amendment at 36 Ill. Reg. 10298, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5049, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10253, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days.

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.220 Application Process**EMERGENCY**

- a) Families will be able to apply for the Program using any of the following methods:
 - 1) Submit the Department's application to an address specified by the Department.
 - 2) Apply at a Department of Human Services (DHS) local office.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 3) Apply through an All Kids Application Agent that has an agreement in place with the Department.
 - 4) Apply online at www.allkids.com.
 - 5) Additional methods that the Department establishes.
- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.
 - c) Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application or financial information for eligible adults.
 - d) The Department may cease accepting or processing applications if enrollment in the Program is closed due to limited appropriations.
 - e) The Department shall send a notification of its determination within 45 calendar days after the date the application was received.
 - f) The 45 calendar days may be extended when a decision cannot be reached because:
 - 1) information necessary for a determination is available only from a third party and the party fails to respond or delays his or her response to the request for such information, or
 - 2) additional information is needed from the applicant.

g) Notwithstanding any other provision of this Part, no application for All Kids Rebate shall be accepted after September 30, 2013.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days)

Section 125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~
EMERGENCY

For applications received on or after October 1, 2013, the determination of eligibility and the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

definition of household under this Part shall comply with the Modified Adjusted Gross Income (MAGI) methodology established at section 2102(b)(1)(v) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(v)) and federal regulations established at 42 CFR 457.315.

- a) ~~Monthly countable income for applications processed for the Program is determined by taking the total gross monthly income of the family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.~~
- b) ~~For the purpose of subsection (a) of this Section, the number of individuals in the family determines the applicable income standard.~~

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Number: 152.300 Emergency Action:
Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: September 27, 2013
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 27, 2013
- 8) A copy of the emergency rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule filing is necessary in order to ensure the public interest, safety and welfare of Medicaid recipients. The Potentially Preventable Readmissions (PPR) Policy preserves Medicaid recipients' quality of life and ensures the maintenance of a healthy and stable lifestyle outside a hospital setting by preventing hospital readmissions due to negative serious health outcomes resulting from premature hospital discharges. The policy ensures better discharge planning and follow up care by hospitals.
- 10) Complete description of the subjects and issues involved: This rulemaking implements PPR policy for State fiscal year 2014 and forward. It also includes clarifications of the State fiscal year 2013 policy.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: 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.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

- 152.100 Hospital Rate Reductions
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals (Repealed)
152.300 Adjustment for Potentially Preventable Readmissions

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Sections 12-13 and 14-8 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and Sections 12-13 and 14-8].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; emergency amendment at 29 Ill. Reg. 10299, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19997, effective November 23, 2005; emergency amendment at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18703, effective November 27, 2006; emergency amendment at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8730, effective May 29, 2008; amended at 35 Ill. Reg. 10114, effective June 15, 2011; emergency amendment at 36 Ill. Reg. 10410, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 282, effective January 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10517, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 13589, effective August 1, 2013,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

for a maximum of 150 days; emergency modification in response to an Objection of the Joint Committee on Administrative Rules at 37 Ill. Reg. 16003, effective September 27, 2013, for the remainder of the 150 days.

Section 152.300 Adjustment for Potentially Preventable Readmissions**EMERGENCY**

- a) Notwithstanding any provision set forth in 89 Ill. Adm. Code 148 or 149 and unless otherwise stated in this Section, the changes described in this Section will be effective January 1, 2013.
- b) For clean claims received on or after January 1, 2013, rates of payment to hospitals that have an excess number of readmissions, as defined in accordance with the criteria set forth in subsection (d), as determined by a risk adjusted comparison of the actual and targeted number of readmissions in a hospital as described by subsection (e), shall be reduced in accordance with subsection (f).
- c) Definitions. For purposes of this Section, the following terms are defined in this subsection (c). For State fiscal year 2013, the Potentially Preventable Readmission (PPR) methodology, version 27 of the definitions manual applicable to the 3M Potentially Preventable Readmissions Grouping Software created and maintained by the 3M Corporation will be used by HFS to process admissions data and determine whether an admission is a Potentially Preventable Readmission; this version is available by registering at the following link: https://support.3mhis.com/app/answers/detail/a_id/4133/kw/PPR. For State fiscal year 2014 PPR methodology, version 29 of the definitions manual applicable to the PPR software created and maintained by the 3M Corporation will be used by HFS to process admissions data and determine whether an admission is a Potentially Preventable Admission; this version is available by registering at the following link: https://support.3mhis.com/app/answers/detail/a_id/4133/kw/PPR. Beyond State fiscal year 2014, the version that the Department will utilize will be updated in rule as soon as the information becomes available to the Department.
 - 1) "Potentially Preventable Readmission" or "PPR" shall mean a readmission meeting the readmission criteria in subsection (d) that follows a prior discharge from a hospital within 30 days and that is clinically-related to the prior hospital admission.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 2) "Hospital" shall mean a hospital as defined in 89 Ill. Adm. Code 148.25(b).
- 3) "Base Year" shall mean State fiscal year 2010 and it is the initial data year the Department used to calculate the statewide average PPR rate. Each hospital Current Year is compared to the Base Year to measure the hospital's PPR performance over time.
- 4) "Current Year" shall mean the State fiscal year in which Targeted Rate of readmission is set for hospitals to achieve their Targeted Rates of Readmission.
- 5) "Data Year" shall mean the most recent fully adjudicated claims data in a State fiscal year available to the Department, which is used to calculate the Actual Rate of Readmission and the Targeted Rate of Readmission for each hospital.
- 6) "Clean Claim" shall mean a claim as defined in 42 CFR 447.45(b).
- 7) "Clinically Related" shall mean that the underlying reason for readmission is plausibly related to the care rendered during a prior hospital admission. A clinically-related readmission results from the process of care and treatment provided during the prior admission (e.g., readmission for a surgical wound infection) or from a lack of post-admission follow up (e.g., lack of follow-up care arrangements with a primary physician) rather than from unrelated events that occurred after the prior admission (such as a broken leg due to trauma) within a specified readmission time interval.
- 8) "Initial Admission" shall mean an admission to a hospital that is followed by a subsequent readmission or readmissions within 30 days that are determined by the 3M Corporation's PPR methodology to be clinically related.
- 9) "Only Admission" shall mean an admission without an associated readmission.
- 10) "Potentially Preventable Readmission Chain" or "PPR Chain" shall mean an initial admission occurring at a hospital that is followed by one or more

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

clinically-related PPRs. The PPRs may occur at the same hospital or a different hospital.

- 11) "Qualifying Admission" shall mean the number of PPR chains plus the number of "Only Admissions", but specifically excludes the admissions detailed in subsection (d)(2).
- 12) "Actual Rate" shall mean the number of PPR chains for a hospital divided by the total number of qualifying admissions for the hospital.
- 13) "Targeted Rate of Readmissions" shall mean a risk adjusted readmission rate for each hospital that accounts for the severity of illness, APR-DRG, presence of behavioral health issues, and age of patient at the time of discharge preceding the readmission.
- 14) "Excess Rate of Readmission" shall mean the difference between the actual rate of readmission and the targeted rate of readmission for each hospital.
- 15) "Behavioral Health", for the purposes of risk adjustments, shall mean an admission that includes a secondary diagnosis of a major behavioral health related condition, including, but not limited to, mental disorders, chemical dependency and substance abuse.
- 16) As of August 1, 2013, "Pediatric/Behavioral Health Factor" shall mean a factor that is a calculation of PPR for both children and adults with and without a secondary diagnosis of Behavioral Health. This is a risk adjustment factor. This factor is multiplied by a hospital's Actual Rate of PPR at the service level before it is compared to the statewide average rate of PPR in order to calculate the hospital's Actual Rate of readmission. There are three categories of factors that are calculated and within each category there are three factors that are calculated for a total of nine factors. The categories include pediatric at a non Tier I PICU Facility, a pediatric at a Tier I PICU Facility and an adult. Within each category the three factor calculations include a primary diagnosis of non behavioral health with no presence of behavioral health, a primary diagnosis of non behavioral health with a secondary diagnosis of behavioral health and a primary diagnosis of behavioral health. For example, Tier I PICU Facilities treat higher acuity children and therefore have a higher expected

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

rate of readmission than those children with the same diagnosis treated at the non Tier I PICU Facilities. By applying this factor, it risk adjusts the hospital's PPR rate to account for the variance in readmission rates for the different categories.

- 17) As of August 1, 2013, "Tier I Pediatric Intensive Care Unit (PICU)" shall mean, a hospital that is either freestanding or has a Distinct Part Unit having pediatric trauma units and provides two or three of the following sets of procedures: pediatric transplants, Extracorporeal Membrane Oxygenation (ECMO), and complex pediatric cardiac surgeries.

d) Readmission Criteria

- 1) A readmission is defined as an inpatient readmission within 30 days after discharge that is clinically related to the initial admission, as defined by the PPR software created and maintained by the 3M Corporation, and meets all of the following criteria:
- A) The readmission is potentially preventable by the provision of appropriate care consistent with accepted standards, based on the 3M software, in the prior discharge or during the post-discharge follow-up period.
 - B) The readmission is for a condition or procedure related to the care during the prior discharge or the care during the period immediately following the prior discharge.
 - C) The PPR Chain may have one or more readmissions that are clinically related to the Initial Admission. The first readmission is within 30 days of the Initial Admission, but the 30 day timeframe begins again at the discharge of either the Initial Admission or the most recent readmission clinically related to the Initial Admission. For example, a patient is discharged after being admitted for back surgery and readmitted two weeks after the discharge for a post operation infection that is clinically related to the back surgery. The 30 day period begins again at the discharge for the post operation infection. However, if the patient is readmitted for a broken leg within 30 days of the post operation infection there is no clinical relationship and therefore not considered a PPR.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Should a readmission occur within 30 days that is clinically related to the broken leg, then that would create a new PPR chain separate from the back surgery.

- D) The readmission is to the same or to any other hospital.
- 2) Admissions data, for the purposes of determining PPRs, excludes the following circumstances:
- A) The discharge was a patient initiated discharge and was Against Medical Advice (AMA) and the circumstances of the discharge and readmission are documented in the patient's medical record.
 - B) The admission was for the purpose of securing treatment for a major or metastatic malignancy, multiple trauma, burns, neonatal and obstetrical admissions, certain HIV APR DRGs (listed in the version of the 3Ms definitions manual applicable to the State fiscal year in question), alcohol or drug detoxification, non-acute events (rehabilitation admissions), or, for hospitals defined in 89 Ill. Adm. Code 149.50(c)(4), admissions with an APR-DRG code other than 740 through 760.
 - C) The admission was for an individual who was dually eligible for Medicare and Medicaid, or was enrolled in a Managed Care Organization (MCO).
 - D) As of August 1, 2013, effective for fiscal year 2014, admissions for children defined as less than the age of 19 that have a primary diagnosis at discharge for Behavioral Health. Children treated for an acute service, but have a secondary diagnosis of Behavioral Health are still included in the analysis, but the Pediatric/ Behavioral Health Factor is applied.
- 3) Non-events are admissions to a non-acute care facility, such as a nursing home, or an admission to an acute care hospital for non-acute care or transfers from one acute hospital to another. Non-events are ignored and are not considered to be readmissions.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 4) Planned readmissions, as defined by 3M's team of clinicians, are accounted for in the 3M PPR software as an "Only Admission" and are not considered to be readmissions.
- e) Methodology to Determine Excess Readmissions
- 1) State fiscal year 2013
 - A) Rate adjustments for State fiscal year 2013 for each hospital shall be based on each hospital's 2010 medical assistance paid claims data for admissions that occurred between July 1, 2009 and June 30, 2010.
 - B) Except as otherwise provided in subsection (f)(8), the targeted rate of readmission for each hospital shall be reduced by the percent necessary to achieve a savings of at least \$40 million in State fiscal year 2013 for hospitals other than the "large public hospitals" defined in 89 Ill. Adm. Code 148.458(a).
 - C) Excess readmissions for each hospital shall be calculated by multiplying a hospital's qualifying admissions by the difference between the actual rate of PPRs and the targeted rate of PPRs, as adjusted in subsection (e)(1)(B).
 - D) In the event the actual rate of PPRs for a hospital is lower than the targeted rate of PPRs, the excess number of readmissions shall be set at zero.
 - 2) Effective August 1, 2013 for State fiscal year 2014 and thereafter.
 - A) The Targeted Rate of Readmission for the Current Year 2014 shall be based on the inpatient hospital medical assistance services provided in the Data Year of 2011 for admissions that occurred between July 1, 2010 and June 30, 2011. The Data Year will be updated one year for determining the Targeted Rate of Readmission for each Current Year thereafter.
 - B) The average statewide expected rate of readmission will be multiplied by .85 for acute services and .90 for Behavioral Health

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Services. This multiplication factor sets a goal that is specific to each hospital that lowers the Target Rate of Readmission rather than maintaining the statewide average.

- C) A Pediatric/Behavioral Health Factor is applied to those services provided at a Tier I PICU to account for the higher PPR rate for the higher acuity children.
 - D) Excess readmissions for each hospital shall be calculated by subtracting the actual number of PPR chains from the targeted number of PPR chains as adjusted in subsection (e)(2)(B) and (e)(2)(C) of this Section.
 - E) In the event the actual number of PPR chains for a hospital is lower than the targeted number of PPR chains, the excess number of readmission shall be set at zero.
- f) Payment Reduction Calculation for State fiscal year 2013
- 1) An average readmission payment per PPR chain for each hospital shall be calculated by dividing the total medical assistance net liability attributable to the readmissions associated with the hospital's PPR chains (excluding the liability associated with the initial admission) by the number of PPR chains for the hospital.
 - 2) The total excess readmission payments shall equal the average readmission payment per PPR chain, as determined in subsection (f)(1) multiplied by the number of PPR chains above the target as determined in subsection (e)(1)(C).
 - 3) The total annual payment reduction for each hospital shall be the lesser of:
 - A) The total excess readmission payments as determined in subsection (f)(2); or
 - B) The total medical assistance payments for all hospital admissions, including admissions that were excluded from the PPR analysis, multiplied by 7%.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 4) A fiscal year 2013 hospital specific payment reduction factor for each hospital shall be computed as one minus the arithmetic operation of 25% of the total annual payment reduction, as determined in subsection (f)(3), divided by 50% of the total estimated medical assistance payments for all hospital clean claims received in fiscal year 2013.
 - 5) The hospital specific payment reduction factor, as determined in subsection (f)(4), shall be applied to the final payment amount for each clean claim received in fiscal year 2013.
 - 6) In order to achieve a savings of 25% of the annual payment reduction for each hospital, the hospital specific payment reduction factor may be adjusted to account for variances between the estimated payments to the hospital and the actual payments to the hospital.
 - 7) For those hospitals that have a payment reduction amount in State fiscal year 2013, a reconciliation of fiscal year 2013 claims will be calculated after January 1, 2014, after all inpatient hospital claims have been received by the Department, to determine how much of the remaining annual payment reduction must be recovered from the hospital. This reconciliation will determine how much of the annual payment reduction was offset in fiscal year 2013 by comparing the fiscal year 2013 rate of readmission to the base year (fiscal year 2010), as determined by subsection (e)(2). In addition, the reconciliation will account for changes in the average readmission payment per PPR chain from fiscal year 2010 to fiscal year 2013.
 - 8) After the Department verifies that all hospitals have achieved \$40 million savings in aggregate for FY2013 when compared to the base year, no further payment reductions will be applied to individual hospitals.
- g) Effective August 1, 2013, payment penalty calculation for State fiscal year 2014 and thereafter.
- 1) An average readmission penalty payment per PPR chain for each hospital shall be calculated by dividing the total medical assistance net liability attributable to the readmissions associated with the hospital's PPR chains (excluding the liability associated with the initial admission) by the number of PPR chains for the hospital.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 2) The total excess readmission penalty payments shall equal the average readmission payment per PPR chain, as determined in subsection (g)(1) of this Section multiplied by the number of PPR chains above the target as determined in subsection (e)(2)(D) of this Section.
- 3) The total annual payment penalty for each hospital shall be the lesser of:
 - A) The total excess readmission payments as determined in subsection (g)(2) of this Section; or
 - B) The total inpatient medical assistance payments per hospital, including admissions that were excluded from the PPR analysis (that includes all static and assessment payments net of the annual assessment tax), multiplied by 3%.
- 4) Prior to collection of the payment penalty, an analysis will be conducted of the Current Year data to determine if any of the payment penalty was cost avoided. Once the Current Year is complete and all inpatient hospital claims data has been received and adjudicated by the Department, the Department will calculate the hospital's Actual Rate of readmission using the same version of the PPR software that was used to calculate the Base Year. A comparison of the Base Year to the Current Year will be done to see if hospitals were able to reduce their readmissions and their average cost per PPR chain.
 - A) The payment penalty can be cost avoided in full if a hospital lowers their Actual Rate to at or below their Targeted Rate of Readmission.
 - B) Hospitals that did not meet their Targeted Rate of Readmission but lowered their Actual PPR rate can have a portion of their payment penalty cost avoided. In order to have a portion of the payment penalty cost avoided, hospitals must reduce the variance between their Actual Rate and their Targeted Rate of Readmission and lower their average medical assistance payment per PPR chain for the Current Year.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- C) Based on the analysis performed in this (g)(4)(B) of this Section, hospitals that are able to reduce their readmissions compared to the Base Year will have the cost avoided amount deducted from their payment penalty.
- D) Should a hospital have a higher rate of readmission when compared to the Base Year, the payment penalty will not be more than the original amount calculated.
- E) If an aggregate application of the cost avoidance calculation shows that hospitals have reduced the cost of readmissions for the Current Year when compared to the Base Year by more than the total payment penalty owed by all hospitals, then payment penalties will not be charged to any hospital for that year. This aggregate calculation must factor in the hospitals that performed worse in the Current Year.
- 5) After the application of any cost avoidance pursuant to (g)(4) of this Section, hospitals will pay 50% of the remaining payment penalty to the Department. This amount will be paid in 12 equal installments beginning on July 1, of the next fiscal year. ~~If federal CMS determines that the payment penalty must be included as an offset to the State's federal financial participation, then the hospitals will be required to pay the remaining 50% of the final payment penalty.~~
- 6) Hospitals that are delinquent in paying any amounts due will have adjustments applied to future claims until the full amount of the payment penalty due has been recouped.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 13589, effective August 1, 2013, for a maximum of 150 days; emergency rule modified in response to an Objection of the Joint Committee on Administrative Rules at 37 Ill. Reg. 16003, effective September 27, 2013, for the remainder of the 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this peremptory rulemaking: These changes are being made to conform with federal Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: October 1, 2013
- 7) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of the FY 2013 Costs of Living Adjustment to the SNAP standards and are required by Food and Nutrition Service regulations. This rulemaking increases the maximum gross and net income standards, the maximum excess shelter deduction and the standard deductions by household size for all SNAP units. This rulemaking also increases the excess shelter deduction and standard deductions. The maximum SNAP benefit amounts remain unchanged for October 2013.

In addition to the above changes, this rulemaking changes the SNAP utility standard amounts. The annual review of the State's utility standards, as mandated by federal regulations, determined that an increase was warranted for the air conditioning/heating standard to \$380. The results of the review require that the limited utility standard be reduced to \$226, and the single utility standard be reduced to \$50. The telephone standard will remain at its current amount of \$28.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 30, 2013

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 10) A copy of the preemptory rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed rulemakings pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|--|
| 121.57 | Amend | 37 Ill. Reg. 15189; September 20, 2013 |
| 121.58 | Amend | 37 Ill. Reg. 15189; September 20, 2013 |
- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding this preemptory rulemaking shall be directed to:

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

217/785-9772

The full text of the Preemptory Rulemaking begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.
b) The maximum net monthly income standards are:

Table with 2 columns: Household Size and Amount. Rows show standards for 1, 2, and 3 household members with amounts like \$ 958931, 1,2931,261, and 1,6281,591.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	4.....	1,9631,921
	5.....	2,2982,251
	6.....	2,6332,581
	7.....	2,9682,911
	8.....	3,3033,241
	Each additional member.....	335330

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 16016, effective October 1, 2013)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households including categorical households as defined in Section 121.76, except elderly, blind or disabled households that shall be considered categorically eligible if the household's gross income is at or below 200%. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).

- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).
- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b) The gross income standards are:

Household Size	Gross Income 130%	Gross Income 200%
One Person	\$1,2451,211	\$1,9151,862
Two Persons	1,6811,640	2,5852,522
Three Persons	2,1162,069	3,2553,182
Four Persons	2,5522,498	3,9253,842
Five Persons	2,9872,927	4,5954,502
Six Persons	3,4233,356	5,2655,162
Seven Persons	3,8583,785	5,9355,822
Eight Persons	4,2944,214	6,6056,482
Each Additional Member	+ 436429	+ 670660

(Source: Amended by preemptory rulemaking at 37 Ill. Reg. 16016, effective October 1, 2013)

Section 121.63 Deductions from Monthly Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is ~~\$152149~~. The standard deduction for a household size of four persons is ~~\$163160~~. The standard deduction for a household size of five persons is ~~\$191487~~. For households of six or more persons, the standard deduction is ~~\$219214~~. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$478469~~.
 - 2) If the household contains a member who is elderly or disabled, as defined

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

at 7 CFR 271.2 (~~2012~~2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

- 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

of \$28; and

- C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$380~~³⁴⁵. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$226~~²⁶⁵. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$50~~⁵⁹. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
 - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
 - 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (~~20122008~~)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
 - 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6))

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(~~20122008~~). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (~~20122008~~)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$210 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by \$4 per month for all SNAP households.

(Source: Amended by peremptory rulemaking at 37 Ill. Reg. 16016, effective October 1, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Expedited Action</u>
104.205	Amendment
104.221	Amendment
104.244	Amendment
- 4) Date Proposal published in *Illinois Register*: December 28, 2012; 36 Ill. Reg. 18090
- 5) Date Adoption published in *Illinois Register*: July 24, 2013; 37 Ill. Reg. 12838
- 6) Date Request for Expedited Correction Published in *Illinois Register*: September 6, 2013; 37 Ill. Reg. 14302
- 7) Adoption Effective Date: July 24, 2013
- 8) Expedited Correction Effective Date: July 24, 2013
- 9) Reason for Approval of Expedited Correction: Corrective language fixes erroneous cross references to 89 Ill. Adm. Code 140.491(h) and meets the requirements and serves the purposes of Section 5-85(b) of the Illinois Administrative Procedure Act. The correct cross reference is 89 Ill. Adm. Code 140.491(j).

The full text of the Expedited Correction begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.74	Surety Bonds
104.75	Immediate Suspension of a Vendor
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 104.104 Tax Refunds or Other Joint Federal or State Payments
- 104.104 Conduct of Other Hearings
- 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
- 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section
- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.205 Notice of Appeal for Ground Ambulance Service Provider
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend, Exclude or Not Renew Provider Agreement or to Revoke Alternate Payee
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments and Release of Withholds
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation by Reference

SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
104.900	Unauthorized Use of Medical Assistance
104.910	Definitions
104.920	Applicability
104.930	Notice of Intent to Recover Money
104.940	Request for Hearing
104.950	Representation
104.960	Conduct of Hearings
104.970	Recommended Decision
104.980	Final Administrative Decision

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. 7530, effective May 7, 2012; amended at 36 Ill. Reg. 9086, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10195, effective July 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10172, effective June 27, 2013; amended at 37 Ill. Reg. 12838, effective July 24, 2013; expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

Section 104.205 Notice of Appeal for Ground Ambulance Service Provider

- a) Appeals filed by a Ground Ambulance Service Provider for the reasons set forth in 89 Ill. Adm. Code 140.491(j)(h) shall proceed pursuant to this Section.
- b) The appeal process is initiated by the Ground Ambulance Service Provider filing a written, signed request for appeal with the Department's Bureau of Comprehensive Health Services within 60 calendar days after the date of the decision rendered pursuant to 89 Ill. Adm. Code 140.491(j)(h) is received by the Ground Ambulance Service Provider.
- c) The request for appeal shall include:
 - 1) a copy of the decision issued by the Department or its agent;
 - 2) proof of the date the decision is received;
 - 3) a brief statement of the issue on appeal; and
 - 4) documentation supporting the appeal request. Any documentation that was not previously submitted to the Department or its agent prior to the decision rendered in 89 Ill. Adm. Code 140.491(j)(h) must be designated as not having been previously submitted.
- d) The Bureau of Comprehensive Health Services or its prior approval agent shall conduct an informal review of the request for appeal, including a review of all documentation submitted under subsection (c) and within 60 calendar days issue the Department's written decision (the 205(d) decision) to reverse, modify or affirm the Department's initial decision.
- e) If the Department's initial decision is affirmed, the Ground Ambulance Service Provider may request a hearing on the Department's 205(d) decision in accordance with Section 104.210 by filing a written, signed request for a hearing with the Office of General Counsel-Bureau of Administrative Hearings-Vendor Hearings Section and the Office of Inspector General-Bureau of Administrative Litigation.
 - 1) This request for hearing must be received by the Department within 10 days after the date on which the Department's 205(d) decision is received

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

by the Ground Ambulance Service Provider. If such a request is not received by the Department within 10 days, or is received but later withdrawn, the Department's 205(d) decision shall be a final and binding administrative determination.

- 2) Upon timely request for hearing, the Bureau of Administrative Hearings shall conduct an administrative hearing in accordance with Sections 104.220 through 104.295, as applicable.
- 3) Documentary evidence submitted for the hearing shall be limited to documents submitted to the Department or its prior approval agent for informal review in accordance with Section 104.205(d) unless good cause is shown.

(Source: Expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013)

Section 104.221 Issues at Hearings

- a) The sole issue at a hearing in which the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing in which the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he or she should be admitted to the Medical Assistance Program.
- c) Effective July 1, 2012, the only issues at a hearing in which the basis of the denial of an application is as set forth in:
 - 1) 89 Ill. Adm. Code 140.14(e)(1) shall be whether the applicant or any person with management responsibility for the applicant, an officer or member of the board of directors of the applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant, an owner of a sole proprietorship applicant, a partner in a partnership applicant, or a technical or other advisor to the applicant has a debt owed to the Department and/or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

whether payment arrangements acceptable to the Department have been made by the applicant.

- 2) 89 Ill. Adm. Code 140.14(e)(2) shall be whether the applicant or any person with management responsibility for the applicant, an officer or member of the board of directors of the applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant, an owner of a sole proprietorship applicant, a partner in a partnership vendor applicant, or a technical or other advisor to the applicant was a person with management responsibility, an officer or member of the board of directors of an applicant, an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, an owner of a sole proprietorship, a partner in a partnership vendor, or a technical or other advisor to a vendor during the period of time when the conduct of that vendor resulted in a debt owed to the Department and/or whether payment arrangements acceptable to the Department have been made by that vendor.
- 3) 89 Ill. Adm. Code 140.14(e)(3) shall be whether the allegation of the use, transfer or lease of assets of any kind to the applicant from a current or prior vendor who has a debt owed to the Department is credible, whether payment arrangements acceptable to the Department have been made by that vendor or the vendor's alternate payee, and/or whether the applicant knows or should have known of the debt.
- 4) 89 Ill. Adm. Code 140.14(e)(4) shall be whether the allegation of a transfer of management responsibilities, or direct or indirect ownership, to an applicant from a current or prior vendor who has a debt owed to the Department is credible, whether payment arrangements acceptable to the Department have been made by that vendor or the vendor's alternate payee, and/or whether the applicant knows or should have known of the debt.
- 5) 89 Ill. Adm. Code 140.14(e)(5) shall be whether the allegation of the use, transfer or lease of assets of any kind to an applicant who is a spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, relative by marriage, or relative of a current or prior

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

vendor who has a debt owed to the Department is credible and/or whether payment arrangements acceptable to the Department have been made.

- 6) 89 Ill. Adm. Code 140.14(e)(6) shall be whether the allegation that the applicant's previous affiliations with a provider of medical services that has an uncollected debt, a provider that has been or is subject to a payment suspension under a federal health care program, or a provider that has been previously excluded from participation in the Medical Assistance Program poses a risk of fraud, waste or abuse to the Department is credible.
- d) The sole issue at a hearing in which the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or authorization.
- e) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether the vendor has corrected the deficiencies on which the suspension was based.
- f) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- g) The only issue at a hearing initiated pursuant to 89 Ill. Adm. Code 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission.
- h) Effective July 1, 2012, the sole issue at a hearing requested by a person or entity with a debt due the State pursuant to Section 12-4.25(F-15)(3) of the Public Aid Code shall be whether the person or entity has failed to comply with judgment on which the debt is based.
- i) The only issue at a hearing initiated pursuant to Section 104.205 and 89 Ill. Adm. Code 140.491(j)(h) is whether the Department was in error when it denied a request for approval for payment of non-emergency transportation by means of ground ambulance service or granted a request for approval of non-emergency transportation by means of ground ambulance service at a level of service that

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

entitles the Ground Ambulance Service Provider to a lower level of compensation than the Ground Ambulance Service Provider would have received as compensation for the level of service requested.

(Source: Expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013)

Section 104.244 Burden of Proof

- a) Effective July 1, 2012, the burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.14 shall be on the Department if the application was denied because the vendor engaged in activities that constitute grounds for termination or was denied pursuant to 89 Ill. Adm. Code 140.14(c). The burden of proof shall be on the applicant if the application was denied because of:
 - 1) a determination that a previously terminated or barred vendor cannot reasonably be expected to meet the requirements of the Department;
 - 2) a determination that, based on the activities that served as the basis for terminating or barring a vendor, the application should not be approved; or
 - 3) denial of the eligibility of the applicant pursuant to 89 Ill. Adm. Code 140.14(e).
- b) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.15 or Subpart D of this Part shall be on the Department.
- c) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.16 shall be on the Department.
- d) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.32 shall be on the party seeking special permission, and in hearings conducted pursuant to 89 Ill. Adm. Code 140.19(b) shall be on the vendor.
- e) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect to that new matter shall be upon the party that alleges the new matter.
- f) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.491(j)(h) shall be on the Ground Ambulance Service Provider.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- g) The standard of proof with respect to all hearings conducted pursuant to this Part shall be a preponderance of the evidence.

(Source: Expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 24, 2013 through September 30, 2013. The rulemakings are scheduled for review at the Committee's October 22, 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>
11/7/13	<u>Office of the Attorney General</u> , Attorney General's Procurement (44 Ill. Adm. Code 1300)	8/9/13 37 Ill. Reg. 12696	10/22/13
11/7/13	<u>Department of Public Health</u> , Food Service Sanitation Code (77 Ill. Adm. Code 750)	7/26/13 37 Ill. Reg. 11867	10/22/13
11/7/13	<u>Department of Public Health</u> , Retail Food Store Sanitation Code (Repealer) (77 Ill. Adm. Code 760)	7/26/13 37 Ill. Reg. 11894	10/22/13
11/9/13	<u>Chief Procurement Officer for the Department of Transportation</u> , Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 Ill. Adm. Code 6)	8/9/13 37 Ill. Reg. 12620	10/22/13
11/10/13	<u>Department of Insurance</u> , Dissolution and Reestablishment of Inactive Police Pension Funds and Firefighters' Pension Funds (50 Ill. Adm. Code 4439)	6/14/13 37 Ill. Reg. 7871	10/22/13

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill Adm. Code 152
- 3) Section Number: 152.300 Proposed Action: Modification
- 4) Date Originally Published in the Illinois Register: August 16, 2013; 37 Ill. Reg. 13859
- 5) JCAR Statement of Objection Published in the Illinois Register: October 11, 2013; 37 Ill. Reg. 15752
- 6) Summary of Action Taken by the Agency: At its meeting September 17, 2013, the Joint Committee on Administrative Rules issued an Objection to the Department of Healthcare and Family Services' rulemaking entitled Hospital Services (89 Ill. Adm. Code 152) that was published on August 16, 2013 at 37 Ill. Reg. 13589. The Joint Committee stated as objectionable, the third sentence of Section 152.300(g)(5), because the Department was unable to substantiate the existence of any emergency situation that requires adoption of this provision in less time than required for adoption through the proposed rulemaking process.

The Department will meet the objection with modification to the emergency rulemaking by deleting the third sentence of Section 152.300(g)(5) referenced.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 41 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

35 - 680	15771
35 - 681	15799
20 - 1230	15841
20 - 1231	15859

ADOPTED RULES

44 - 6	9/27/2013	15878
68 - 1470	10/11/2013	15904
23 - 65	9/27/2013	15925
23 - 75	9/27/2013	15932
23 - 140	9/27/2013	15948
23 - 210	9/27/2013	15953

EMERGENCY RULES

89 - 110	10/1/2013	15968
89 - 120	10/1/2013	15976
89 - 123	10/1/2013	15993
89 - 125	10/1/2013	15997
89 - 152	9/27/2013	16003

PEREMPTORY RULES

89 - 121	10/1/2013	16016
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**APPROVAL OF EXPEDITED
CORRECTION**

89 - 104	7/24/2013	16034
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**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

89 - 152	16047
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