2013

ILLINOIS REGISTER

Rules of
Governmental Agencies

Volume 37, Issue 6

February 8, 2013

Pages 1365-1834

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. February — 90

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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
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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

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED 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)

Section Numbers:	Proposed Action:
6.40	Amend
6.125	Amend
6.140	Amend
6.160	Amend
6.170	Amend
6.200	Amend
6.210	Amend
6.220	Amend
6.300	Amend
6.410	Amend
6.610	Amend
6.830	Amend

4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705-600] 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)] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101]

5) A Complete Description of the Subjects and Issues Involved: Changes are being made to the Part to accommodate electronic bids (ebids) planned for Spring 2013 and for consistency with PA 97-895.

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

At Section 6.125, Small Business Set-Asides, the Department is revising subsection (a) for consistency with section 45-45 of the Code which authorizes the Chief Procurement Officer (CPO) to set aside procurements for small businesses. 49 CFR 26.39 (federal Disadvantaged Business Enterprises (DBE) regulations) allows the Department to use a race neutral small business set-aside program. Additionally, subsection (a) is being revised for consistency with US DOT's guidance document which does not allow the federal-aid small business set-aside program to be limited to Illinois firms. At subsection

(b), revisions are being made consistent with section 45-45(b) of the Code which authorizes the CPO to establish a detailed definition of a "small business". US DOT guidance defines a "small business concern". Finally in subsection (b), a provision is being added to prescribe that the contract proposal will clarify which definition – "small business" or "small business concern" will govern the contract.

At Section 6.140, Invitations for Bids, the Department is revising subsection (b)(1) to more accurately reflect that information is available to even those entities who do not place bids.

At Section 6.160, Preparation of Bids, the Department is revising subsection (c) to allow electronic signatures for electronically submitted bids in accordance with section 25-10(c) of the Electronic Commerce Security Act [5 ILCS 175/25-101(c)] and 14 Ill. Adm. Code 105.300.

At Section 6.170, Delivery of Bids, the Department is amending language to accommodate the acceptance of ebids under the ebid system.

At Section 6.210, Public Opening of Bids, the Department is clarifying language consistent with section 20-10(d) of the Code.

At Section 6.300, Execution of Contract, the Department is changing the timeframe for its execution of a contract to 30 days from 15 days to allow, consistent with section 5-30 of the Code, the Procurement Policy Board a 30 day period to review a proposed contract after the notice of award or letting of a contract.

At Section 6.410, Subject of the Protest, the Department is adding language to clarify that the protest procedures of Subpart G do not apply to the Department or CPO acting on information received by the Department from any person, entity or source regarding a contractor's responsibility to bid (see Section 30-22 of the Code). The protest procedures of Subpart G concern the solicitation process and not a contractor’s compliance with responsibility requirements.

At Section 6.610, Notice of Suspension, the Department is clarifying that the authority to impose a suspension or an interim suspension resides with the CPO and not the Secretary of Transportation or the Department.

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At Section 6.830, Target Market Remedial Actions, the Department is striking the word "bids" at subsection (a)(3) to expand the possible contract incentive actions the Department, in consultation with the CPO, may establish for achievement of minority-owned, female-owned or Disadvantaged Business Enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs.

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 proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

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

217/ 558-5434

JCAR requests, comments and concerns regarding this rulemaking shall be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

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NOTICE OF PROPOSED AMENDMENTS

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses doing business with or seeking to do business with the Department will be affected.

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 2012

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

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NOTICE OF PROPOSED 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

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CHIEF PROCUREMENT OFFICER FOR THE
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AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] 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)] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

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

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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. _____, effective _____.

SUBPART A: GENERAL

Section 6.40 Definitions

As used throughout this Part, terms defined in the Illinois Procurement Code have the same meaning as in the Code and as further defined in this Section. Each term listed in this Section has the meaning set forth as follows unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" – An offer made by a bidder in response to a contract item advertised in an Invitation for Bids.

"Bidder" – Any person or entity that in fact submits a bid.

"Change Order" – A formal, written directive issued to a contractor or an agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including but not limited to such matters as extra work, design changes or alterations to plans, or special provisions or specifications for which no provision is included in the original contract.

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

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Construction Agency" – The Illinois Department of Transportation for construction or maintenance of roads, highways, bridges and airports as an agency that enters into construction contracts as authorized by law or by delegation from the CPO. (See Section 1-15.25 of the Code.)

"Contract" – In addition to the definition of contract set forth in Section 1-15.30

of the Code, a contract is the written agreement entered into at the discretion of the SPO between the Department and the contractor comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.

"Contract Adjustment" – A written price adjustment that adds to or deducts from a contract in accordance with provisions included in the original contract, including but not limited to increases or decreases in quantities, incentives, changed conditions and the addition of missing pay items called for in the specifications.

"Contractor" means any person, firm, corporation, organization, partnership or association, however organized, and its affiliates, including its owners, directors, officers, partners, managers, key employees and others engaged in primary managerial or supervisory positions.

"Day" – A calendar day.

"Department" – The Illinois Department of Transportation.

"Emergency Affidavit" – The affidavit filed by the CPO with the Procurement Policy Board and the Auditor General setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. (See Section 20-30(c) of the Code.)

"Emergency Contract" – The initial written agreement for an emergency procurement.

"Germane" – In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract but that is not so substantial a departure from the original as to constitute a new contract.

"Multi-year Contract" – A multi-year contract is a contract with a time of performance of more than 12 months.

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"Offerors" – For purposes of this Part, the term "offerors" includes only persons or entities submitting proposals that are acceptable or potentially acceptable. The term does not include persons or entities who submitted unacceptable proposals.

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

"Procurement Compliance Monitor" or "PCM" − the person appointed under Section 10-15 of the Code.

"Proposal" – A response to a Request for Proposals.

"Purchasing Agency" – A State agency that enters into a contract at the direction of a State purchasing officer or a chief procurement officer. (See Section 1-15.70 of the Code.)

"Renewal" – An agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract.

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

"Responsive" – In the context of bidding procedures, the compliance in all meaningful, material respects with the Invitation for Bids.

"Special Provisions" – Additions and revisions to the Standard and Supplemental Specifications and Recurring Special Provisions applicable to an individual contract.

"Specifications" – The body of directions, provisions, and requirements for performance of prescribed work. Specifications includes and may be referred to as the Standard Specifications, which is a Department publication of specifications approved for general application and repetitive use.

"State Purchasing Officer" or "SPO" – The person appointed under Section 10-10 of the Code.

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"Subcontract" – A contractual agreement between a person or entity and a person or entity who has a contract subject to the Code and this Part, pursuant to which the subcontractor assumes obligation for performing specified work. (See Section 1-15.107 of the Code.)

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of $25,000 or more with a contractor who has a contract subject to the Code. (See Section 1-15.108 of the Code.)

"Supplemental Specifications" – Additions and revisions to the Department's Standard Specifications.

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

SUBPART C: METHODS OF PROCUREMENT

Section 6.125 Small Business Set-Asides

a) The CPO, in consultation with the Department, may determine categories of construction, supply, and service procurements that will be set aside for small businesses ~~located in Illinois~~. The set-aside designation may be made for current and future procurements for a fair proportion of a specific construction, supply, or service, or for a class of like construction, supplies or services. A fair proportion of construction contracts means no less than 25% nor more than 40% of the annual total contracts for construction. A set-aside designation may last indefinitely or for a stated period of time, as determined by the Department. (See Section 45-45(a) and (c) of the Code.)

b) A business that meets the State or federal definition of a small business on the day of bid or proposal opening will be considered a small business for the duration of the contract. The definition will be stated in the contract proposal. (See Section 45-45(e)(1) of the Code and 49 CFR 26.5 and 26.65.)

c) If the Department wishes to make a procurement covered by a small business set-aside designation, the solicitation will note that responses are limited to those from responsible small businesses. Bids or proposals received from businesses other than small businesses will be rejected as nonresponsive. (See Section 45-45(a) of the Code.)

d) If the Department determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Department will reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification will be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement will be conducted in accordance with the limitations of the Code and this Part. (See Section 45-45(d) of the Code.)

e) Unless the Department provides a definition for a particular procurement that reflects industrial characteristics or uses a federal standard, a small business is one:

1) Independently owned and operated.

2) Not dominant in its field of operations, which means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration will be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

3) With annual sales for most recently ended fiscal year no greater than:

A) $10,000,000 for wholesale business;

B) $10,000,000 for construction business; or

C) $6,000,000 for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-

time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, the annual sales for each component may not exceed the amounts shown in subsection (e)(3) of this Section. For example, a business that is both a retailer and wholesaler may not have total sales exceeding $16,000,000; the retail component may not exceed $6,000,000; and the wholesale component may not exceed $10,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4) of this Section.

6) When computing the size of a business, the number of employees and annual sales and receipts, as applicable, of the business and all affiliates will be considered. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or, when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration will be given to all appropriate factors, including the use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship will not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure. (See Section 45-45(b) of the Code.)

f) Contractors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses or small business concerns shall submit information verifying that the contractor qualifies as a small business ~~under the Code~~. The Department may establish procedures for verifying such information.

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

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Section 6.140 Invitations for Bids

a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)

b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.

1) Instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, certifications and assurances, mandatory disclosures, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.

3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions, including disclosure forms.

c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration found at 44 Ill. Adm. Code 650.

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d) In addition, each construction contract item will include but not be limited to the following minimum information and requirements enforceable in accordance with State or federal law through the terms and conditions of the contract.

1) Information concerning the location, limits and description of the construction work and the scope thereof contemplated by the contract.

2) An estimate of the various quantities of the type of work to be performed and the materials to be furnished in the performance of the contract.

3) The manner of bid price submission for a construction contract may include lump sum, a schedule of unit prices or a combination thereof based upon the estimate of quantities provided in the contract.

4) The manner of making changes in the quantities and such alterations in the work as necessary to satisfactorily complete the contract.

5) Provisions to assure that all work is performed in accordance with the contract requirements including but not limited to the following methods.

A) Limitations on subcontracting;

B) Qualifications and requirements for contractor supervisory personnel;

C) Engineering services to be provided by the contractor;

D) Department provided resident personnel and inspectors;

E) Performance and payment bond requirements;

F) Inspection and acceptance of the work requirements;

G) Restrictions, sources and quality requirements for all materials and testing or inspection procedures;

H) The method of determination and documentation of pay quantities and a record of the materials, supplies and labor furnished in

performance of the contract;

I) The manner of determining satisfactory prosecution of the work and progress to completion of the work in accordance with the time for completion set out in the contract including, when incorporated into the contract, provisions for liquidated damages and incentive payments for early completion; and

J) Provisions for the suspension of work and the termination of the contract.

6) All labor, employment and wage requirements applicable to the contract, and the manner of payroll recording, submission and inspection. (See the Prevailing Wage Act~~,~~ [820 ILCS 130].)

7) All procurement preferences made applicable to the contract. (See Article 45 of the Code.)

8) The manner of measuring the work for payment based upon the estimated quantities provided or upon the actual quantities of material and work measured and completed including but not limited to progress payments as the work proceeds, and final payment.

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

Section 6.160 Preparation of Bids

a) Bidders shall follow all instructions included in the Invitation for Bids and bid forms for submission of bids on the contract item for which bids are sought.

b) Bidders shall submit their bids in the manner required by the Invitation for Bids.

c) Unless otherwise provided, all prices shall be given in dollars and cents~~figures~~. Separate prices shall be entered for all pricing items indicated in the bid form. When alternate bids are sought for a particular contract item, the alternates will be identified in the bid form. A bid on every alternate is not required unless otherwise specifically provided. When required by the Invitation for Bids, the bidder shall indicate a unit price for each of the separate price items called for in

the bid form. The bidder may be required to show the products of the respective quantities and unit prices in a space provided for that purpose, and a gross sum shown in the place indicated in the bid form as the summation of those products. All writing shall be in a permanent, noneraseable form, except the signature of the bidder, which shall be written in permanent, noneraseable ink. Electronic signatures will be accepted for electronically submitted bids in accordance with the security standards established by the Department of Central Management Services (see 5 ILCS 175/25-101(c) and 14 Ill. Adm. Code 105.300).

d) When required by the Invitation for Bids, each bid shall be accompanied by a bid bond in the form provided by the Department with the bid form package. The bid bond shall be made and tendered by a surety acceptable to the CPO in the amount stated in the Invitation for Bids. The Department may~~CPO will~~ accept a bank cashier's check or a certified check in lieu of a surety bid bond.

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

Section 6.170 Delivery of Bids

Bids shall be sealed and submitted in the manner specified or allowed by the Invitation for Bids. When sent by mail, the sealed bid shall be addressed to the CPO at the address and in care of the official in whose office the bids are to be received. All bids shall be delivered and received by the CPO prior to the time and at the place specified in the Invitation for Bids. The date and time of receipt will be recorded. Bids will remain sealed and will be stored in a secure place until the date and time established for bid opening. The Department will not accept paper bids nor receive electronic bids after the time stated in the Invitation for Bids. ~~Bids received after the time specified will be returned to the bidder unopened.~~

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

Section 6.200 Pre-Bid Conferences

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They will be announced in the Bulletin. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with the project~~it~~, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference shall be binding. Nothing stated in the pre-bid conference shall change the Invitation for Bids unless a change is made by written

amendment to the Invitation for Bids. Minutes of the conference will be available upon request to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

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

Section 6.210 Public Opening of Bids

Bids will be opened and made public~~read publicly~~ at the time and place specified in the Invitation for Bids. (See Section 20-10(d) of the Code.) The name of each bidder and the price term of each bid will be read aloud and/or recorded in a tabulation of bids for each contract item advertised. After execution of the contract, the tabulation of bids in the total amount and unit price items, if applicable, of all bidders will be available for public inspection.~~ (See Section 15-25(b) of the Code.)~~

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

Section 6.220 Consideration of Bids

a) After the bids are opened~~, read~~ and recorded, the bids will be reviewed for responsiveness to the Invitation for Bids and conformity with all requirements prescribed in this Part. If unit prices are required, the bids will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices.

b) The right is reserved by the Department to reject any or all bids, to waive minor informalities or technicalities, to advertise for new bids, or to request confirmation or clarification from any bidder regarding information contained in a bid.

c) Reasons for rejection of all bids include but are not limited to:

1) The object of the contract being procured is no longer required.

2) The contract provisions require amendment.

3) The solicitation did not provide for consideration of all factors of significance to the Department.

4) The bid prices exceed available funds or the bid prices exceed the anticipated estimate of costs to the extent that, in the judgment of the Department, prices are unreasonable.

5) Evidence of collusion among bidders.

6) Actions or events beyond the control of the Department, such as strikes, acts of God, material shortages, acts of the public enemy or litigation, would have an adverse effect on the completion of the anticipated contract.

d) Reasons for rejection of any individual bids include but are not limited to:

1) More than one bid for the same contract item from a bidder under the same or different names.

2) Evidence of collusion among bidders.

3) Unbalanced bids in which the bid prices for some items are, in the judgment of the Department, out of proportion to the bid prices for other items.

4) If the bid does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.

5) If the bid form is other than that furnished or authorized by the Department, or if the form is altered or any part of the form~~thereof~~ is detached.

6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend, in the judgment of the Department, to make the bid incomplete, indefinite, or ambiguous as to its meaning.

7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.

8) If the bid is not accompanied by the proper bid bond or substitute guaranty.

9) If the bid is prepared in any manner other than as indicated in this Part or the Invitation for Bids making the bid not responsive.

10) If the bidder failed to incorporate relevant addenda or revisions.

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

Section 6.300 Execution of Contract

a) No contract subject to this Subpart D will be executed until the 30-day PPB notice period has expired or the Department has received a waiver of the 30-day notice period from the PPB. (See Section 5-30 of the Code.)

b) The bid form submitted by the bidders may be in such a form that the signature of the bidder on the form is also the signature of the bidder for purposes of contract execution. In such circumstances, the Department will, after acceptance and approval of the bid for contracting purposes, execute the contract and return a copy to the bidder.

c) If the contract as bid requires additional execution by the bidder, the contract shall be executed by the successful bidder and returned, together with any required contract bond, within 15 days after the contract has been mailed to the bidder. Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for the cancellation of the award and the forfeiture of the proposal guaranty. If the contract is not executed by the Department within 30~~15~~ days following receipt from the bidder of the properly executed contract and bond, the bidder shall have the right to withdraw the bid without penalty.

d) The CPO or the SPO will execute the contract to demonstrate approval of the procurement process.

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

SUBPART G: PROTESTS

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Section 6.410 Subject of the Protest

a) A protest may be filed regarding any phase of the solicitation process for a particular contract.

b) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.

c) Protest procedures of this Subpart G do not apply to issues of prequalification, lack of contractor responsibility, suspension or debarment.

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

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section 6.610 Notice of Suspension

a) Any contractor that the CPO~~Department~~ proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.

b) The notice will include the following:

1) The cause for suspension on which the proposed suspension is based.

2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.

3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.

c) A notice may be amended at any time.

d) If the CPO~~secretary~~ has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an

investigation, an ensuing legal proceeding or a hearing provided according to this Subpart I~~H~~.

e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.

f) For informational purposes, a copy of the written notice of suspension will be mailed to the Procurement Policy Board within 5~~five~~ days after contractor notification.

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

SUBPART K: TARGET MARKET PROGRAM

Section 6.830 Target Market Remedial Actions

a) Narrow Tailoring (See Northern Contracting, Inc. v. Illinois Department of Transportation, 473 F.3d 715 (7th Cir. 2007))
The procurement of contracts by the CPO to complete transportation construction projects undertaken by the Department is adversely affected by the presence of discrimination. In addition to goal-oriented remedial programs, target market remedial actions will be implemented to eliminate the effects of discrimination in the performance of transportation construction projects. The target market remedial measures selected to remedy egregious discrimination will be narrowly tailored to the evidence relied on to support the action. The selection will specify whether, and to what extent, the remedial measure is subject to geographic market areas and/or construction market areas based on the evidence. In addition, the selection will establish specific, definite duration limitations based on the evidence. Target market remedial measures may include, but are not limited to, the following actions selected on the basis of the evidence as the most narrowly appropriate to remedy the identified discrimination:

1) Contract Formation Actions

A) The Department, in consultation with the CPO, may designate specific contract work as reserved for performance solely by minority-owned businesses, female-owned businesses or Disadvantaged Business Enterprises, as determined by the funding

sources for the contract. This action removes some or all discretion from the bidding contractors or consultants as to the work to be performed by eligible minority, female or disadvantaged participants in the context of existing goal-oriented remedial programs. The contract and procurement documents will be drafted and advertised to require the contractor or consultant to make a good faith effort (see, e.g., 49 CFR 26.53) to have the identified reserved work performed by eligible minority, female or disadvantaged business participants.

B) The Department, in consultation with the CPO, may implement contract formation and bidding procedures designed to encourage and facilitate bidding and offers by minority-owned, female-owned and disadvantaged businesses. This action includes, but is not limited to, dividing procurements into units conducive to eligible business participation, scheduling contract lettings at alternative locations conducive to eligible business participation, providing for bidding documentation and submission procedures conducive to eligible business participation and removal of bid bond requirements to induce eligible business participation. (See Section 2705-600(2) of the Law.)

2) Contract Goal Actions
The Department, in consultation with the CPO, may advertise contracts for award or selection with separate minority-owned and female-owned business participation goals in the context of existing goal-oriented remedial programs. This action may provide for either minority-owned or female-owned business utilization goals, or both, applicable to a particular contract or contracts.

3) Contract Incentive Actions
The Department, in consultation with the CPO, may establish ~~bid~~ incentives for achievement of minority-owned, female-owned or Disadvantaged Business Enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs. This action may provide for an incentive advertised as applicable to eligible bidders making the highest commitment to eligible business participation that would reduce the price bid for purposes of price comparison and

determination of the lowest bid price for purposes of award.

4) Contract Set-Aside Actions
The Department, in consultation with the CPO, may advertise contracts for award or selection set-aside for minority-owned, female-owned or disadvantaged business enterprises exclusively. This action establishes a sheltered procurement process open only to eligible businesses determined to be responsible contractors in accordance with this Part.

b) Minimum Participation Availability
No contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract. The determination will be based on the DBE certifications and other attendant factors. (See Section 2705-600(3) of the Law.)

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

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1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Proposed Action:
140.2	Amendment
140.3	Amendment
140.5	Amendment
140.11	Amendment
140.12	Amendment
140.13	Amendment
140.14	Amendment
140.15	Amendment
140.16	Amendment
140.18	Amendment
140.19	Amendment
140.20	Amendment
140.30	Amendment
140.32	Amendment
140.44	Amendment
140.45	New Section
140.80	Amendment
140.405	New Section
140.413	Amendment
140.414	Amendment
140.417	Amendment
140.420	Amendment
140.425	Amendment
140.428	Amendment
140.440	Amendment
140.441	Amendment
140.442	Amendment
140.443	Amendment
140.445	Amendment
140.449	Amendment
140.457	Amendment
140.458	Amendment
140.469	Amendment
140.470	Amendment

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140.471	Amendment
140.472	Amendment
140.473	Amendment
140.474	Amendment
140.477	Amendment
140.498	Amendment
140.523	Amendment
140.TABLE D	Amendment
140.TABLE F	Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement changes, improvements and efficiencies to enhance Medicaid program integrity to prevent client and provider fraud; impose controls on use of Medicaid services to prevent over-use or waste; expand cost-sharing by clients; and make rate adjustments and reductions to update rates or reflect budget realities.

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, 36 Ill. Reg. 11329.

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

SectionNumbers:	Proposed Action:	*Illinois Register* Citation:
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012

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140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.491	Amendment	36 Ill. Reg. 15425; November 2, 2012
140.Table A	New Section	36 Ill. Reg. 15425; November 2, 2012
140.491	Amendment	36 Ill. Reg. 18105; December 28, 2012
140.462	Amendment	37 Ill. Reg. 18; January 4, 2013

11) Statement of Statewide Policy Objectives: This rulemaking does affect units of local government. It will have an impact on county government entities that own or operate nursing facilities enrolled in the Medical Assistance Program.

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

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

217/782-1233

HFS.Rules@illinois.gov

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded providers

B) Reporting, bookkeeping or other procedures required for compliance: Preparation, documentation and submission of facility's cost report.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2013

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
140.16 Termination, ~~or~~ Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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

SUBPART C: PROVIDER ASSESSMENTS

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140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust

	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
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140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
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140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
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140.375	Exemptions (Recodified)
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140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)

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

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

maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940

thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990;

amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment

suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective

September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective

November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days;

emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1330, effective January 15, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. _____, effective _____; emergency amendment at 37 Ill. Reg. _____, effective January 28, 2012 through June 30, 2013.

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs

a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7

for:

1) persons eligible for financial assistance under the Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and Temporary Assistance to Needy Families (TANF) programs (Medicaid-MAG);

2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid-MANG);

~~3) persons receiving financial assistance under the General Assistance (GA) program, either State Transitional Assistance or State Family and Children Assistance (GA-Medical);~~

3)~~4)~~ individuals under age 18 who do not qualify for TANF/TANF-MANG and infants under age one year (see Section 140.7);

4)~~5)~~ pregnant women who would not be eligible for TANF/TANF-MANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);

5)~~6)~~ persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois;

6)~~7)~~ noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure;

7)~~8)~~ persons eligible for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) program who reside in specified Supportive Living Facilities (SLFs), as described at 89 Ill. Adm. Code 146, Subpart B; and

8)~~9)~~ persons eligible for FamilyCare as described in 89 Ill. Adm. Code 120.32 ~~and 120.34 and 89 Ill. Adm. Code 118.600, Subpart F~~.

b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.

c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.

d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.

e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.

f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.

g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f) of this Section. The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are

assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card, which will apply to such services.

h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period, which gives the recipient a specified period of time in which to inform the Department if the recipient does not wish to re-enroll in the HMO for a new enrollment period. The recipient may then disenroll at the end of the enrollment period only if the recipient responds to the notice and indicates in writing a choice to disenroll. Failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.

i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the recipient who chooses to receive medical care through an HMO may choose to disenroll at any time, upon written notice.

j) The Department shall pay for services under the Maternal and Child Health Program, a primary health care program for pregnant women and children (see Subpart G).

k) Services covered for persons who are confined or detained as described in 89 Ill. Adm. Code 120.318(b) shall be limited as described in Section 140.10.

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

Section 140.3 Covered Services Under Medical Assistance Programs

a) As described in this Section, medical services shall be covered for:

1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), TANF (Temporary Assistance to Needy Families), or Refugee/Entrant/Repatriate programs;

2) recipients of medical assistance only under the AABD program (AABD-MANG);

3) recipients of medical assistance only under the TANF program (TANF-MANG);

4) individuals under age 18 not eligible for TANF (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);

5) disabled persons under age 21 who may qualify for Medicaid or in-home care under the Illinois Home and Community-Based Services Waiver for Medically Fragile Technology Dependent Children; and

~~6) recipients eligible under the State Transitional Assistance Program who are determined by the Department to be disabled; and~~

6)~~7)~~ Individuals 19 years of age or older eligible under the KidCare Parent Coverage Waiver as described at 89 Ill. Adm. Code 120.32 except for:

A) Services provided only through a waiver approved under section 1915(c) of the Social Security Act; and

B) Termination of pregnancy.

b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of

severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) EPSDT services pursuant to Section 140.485;

14) Dental services;

15) Chiropractic services;

16) Podiatric services;

17) Optical services and supplies;

18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

19) Hospice services;

20) Nursing care pursuant to Section 140.472;

21) Nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting pursuant to 89 Ill. Adm. Code 146, Subpart D; and

22) Telehealth services pursuant to Section 140.403.

c) The following medical services shall be covered for recipients age 21 or over who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) Subacute alcoholism and substance abuse services pursuant to Sections

140.390 through 140.396;

14) Hospice services;

15) Dental services, pursuant to Section 140.420;

~~16) Chiropractic services;~~

16)~~17)~~ Podiatric services, pursuant to Section 140.425 for individuals with a diagnosis of diabetes;

17)~~18)~~ Optical services and supplies; and

18)~~19)~~ Telehealth services pursuant to Section 140.403.

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

Section 140.5 Covered Medical Services Under General Assistance

This program is no longer in effect as of July 1, 2012.

~~a) The following medical services shall be covered for recipients of financial assistance under General Assistance for both the State Transitional Assistance Program and the State Family and Children Assistance Program:~~

~~1) Encounter rate clinic visits;~~

~~2) Physician services;~~

~~3) Vital pharmacy services (items necessary for life maintenance or to avoid life threatening situations);~~

~~4) Vital medical supplies and equipment;~~

~~5) Group care services, subject to prior approval;~~

~~6) Family planning services;~~

~~7) Laboratory and x-ray services;~~

~~8) Transportation to secure medical services;~~

~~9) Prostheses, orthoses (only when essential for employment or expediting hospital discharge);~~

~~10) Home health agency visits (only on a prior approval basis when the medical condition is documented by the physician as terminal);~~

~~11) Hospice services;~~

~~12) Dental services;~~

~~13) Chiropractic services;~~

~~14) Podiatric services; and~~

~~15) Optical services and supplies.~~

~~b) The following medical services shall be covered for recipients of financial assistance under General Assistance only for the State Family and Children Assistance Program, not the State Transitional Assistance Program, in addition to the services covered under subsection (a) above:~~

~~1) Inpatient hospital services. (Physical rehabilitation services and psychiatric services are not covered for General Assistance recipients age 18 or over);~~

~~2) Hospital outpatient and clinic services for surgical procedures, renal dialysis or cancer therapy; and~~

~~3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.~~

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.11 Enrollment Conditions for Medical Providers

a) In order to enroll for participation, providers shall:

1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;

2) Be certified for participation in the Title XVIII Medicare program where federal or State rules and regulations require such certification for Title XIX participation;

3) Be certified for Title XIX when federal or State rules and regulations so require;

4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;

5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and

6) Have a written provider agreement on file with the Department.

b) Approval of a corporate entity such as a pharmacy, laboratory, durable medical equipment and supplies provider, medical transportation provider, nursing home or renal satellite facility, as a participant in the Medical Assistance Program, applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.

c) Except for children's hospitals described at 89 Ill. Adm. Code 149.50(c)(3), hospitals providing inpatient care that are certified under a single Medicare number shall be enrolled as an individual entity in the Medical Assistance Program. A children's hospital must be separately enrolled from the general care hospital with which it is affiliated.

d) Upon notification from the Illinois Department of Public Health of a change of ownership, the Department shall notify the prospective buyer of its obligation under Section 140.12(l) to assume liability for repayment to the Department for overpayments made to the current owner or operator. Such notification shall inform the prospective buyer of all outstanding known liabilities due to the Department by the facility and of any known pending Department actions against the facility that may result in further liability. For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, the provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of correction, all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

e) For purposes of administrative efficiency, the Department may periodically require classes of providers to re-enroll in the Medical Assistance Program. Under such re-enrollments, the Department shall request classes of providers to submit updated enrollment information. Failure of a provider to submit such information within the requested time frames will result in the dis-enrollment of the provider from the Program. Such dis-enrollment shall have no effect on the future eligibility of the provider to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program. A dis-enrolled provider may reapply to the Program and all such re-applications must meet the requirements for enrollment.

f) For purposes of this Section, a vendor whose investor ownership has changed by 50 percent or more from the date the vendor was initially approved for enrollment in the Medical Assistance Program shall be required to submit a new application for enrollment in the Medical Assistance Program. All such applications must meet the requirements for enrollment.

g) Anything in this Subpart B to the contrary notwithstanding, enrollment of a ~~non-emergency transportation~~ vendor is subject to a provisional period and~~, as defined in Section 140.13,~~ shall be conditional for one year unless limited by the Department. During the period of conditional enrollment,~~180 days, during which time~~ the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the Medical Assistance Program without cause. Upon termination of a ~~non-emergency transportation~~ vendor under this subsection

(g), the following individuals shall be barred from participation in the Medical Assistance Program:

1) individuals with management responsibility;

2) all owners or partners in a partnership;

3) all officers of a corporation or individuals owning, directly or indirectly, five percent or more of the shares of stock or other evidence of ownership in a corporation; or

4) an owner of a sole proprietorship.

h) Unless otherwise specified, the termination~~Termination~~ of eligibility or vendor disenrollment, as described in subsection (g) of this Section, and resulting barrments are not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

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

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

a) Verify eligibility of recipients prior to providing each service;

b) Allow recipients the choice of accepting or rejecting medical or surgical care or treatment;

c) Provide supplies and services in full compliance with all applicable provisions of State and federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:

1) Full compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;

2) Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and

3) Without discrimination on the basis of religious belief, political affiliation, sex, age or disability;

d) Comply with the requirements of applicable federal and State laws and not engage in practices prohibited by such laws;

e) Provide, and upon demand present documentation of, education of employees, contractors and agents regarding the federal False Claims Act (31 USC 3729-3733) that complies with all requirements of 42 USC 1396a(a)(68). Providers subject to this requirement include a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of the form of business structure or arrangement by which it exists), whether for-profit or not-for-profit, that receives or makes payments totaling at least $5 million annually;

f) Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;

g) Furnish to the Department, in the form and manner requested by it, any information it requests regarding payments for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;

h) Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;

i) Accept as payment in full the amounts established by the Department.

1) If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which reimbursement would have been available from the Department if the provider had timely and properly billed the Department. For purposes of this subsection, "accepts" shall be deemed to include:

A) an affirmative representation to an individual that payment for services will be sought from the Department;

B) an individual presents the provider with his or her medical card and the provider does not indicate that other payment arrangements will be necessary; or

C) billing the Department for the covered medical service provided an eligible individual.

2) If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department.

j) Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department;

k) Complete an MCH (Maternal and Child Health) Primary Care Provider Agreement in order to participate in the Maternal and Child Health Program (see Section 140.924(a)(1)(D)); and

l) In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Liability of current and previous providers to the Department shall be joint and several. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. A current or previous owner or lessee may request from the Department a list of all known outstanding liabilities due the Department by the facility and of any known pending Department actions against a facility that may result in further liability. For purposes of this Section, "overpayment" shall include, but not be limited to:

1) Amounts established by final administrative decisions pursuant to 89 Ill. Adm. Code 104;

2) Overpayments resulting from advance C-13 payments made pursuant to Section 140.71;

3) Liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Sections 140.82, 140.84 and 140.94; and

4) Amounts identified during past, pending or future audits that pertain to audit periods prior to a change in ownership and are conducted pursuant to Sections 140.30 and 140.590. Liability of current owners or operators for amounts identified during such audits shall be as follows:

A) For past audits (audits completed before changes in ownership), liability shall be the amount established by final administrative decision.

B) For pending audits (audits initiated, but not completed prior to the change in ownership), liability shall be limited to the lesser of the amounts established by final administrative decision or two months of service revenue. Two months of service revenue is defined as the most recent two months of Medicaid patient days multiplied by the total Medicaid rate in effect on the date the new owner or operator is enrolled in the Program as a provider by the Department. The Medicaid rate in effect on the date of enrollment shall be used even if that rate is subsequently changed.

C) For future audits (audits initiated after the change in ownership but pertaining to an audit period prior to a change in ownership), liability shall be limited as described in subsection (l~~k~~)(4)(B) of this Section.

m) A provider that is eligible to participate in the 340B federal Drug Pricing Program under section 340B of the federal Public Health Service Act (47 USC 201 et seq.), shall enroll in that program. No entity participating in the federal Drug Pricing Program under section 340B of the federal Public Health Services Act may exclude Medicaid from their participation in that program. A provider enrolled in the 340B federal Drug Pricing Program must charge the Department no more than its actual acquisition cost for the drug product, plus the Department established dispensing fee. This requirement is effective October 1, 2012 for 340B providers who own and/or operate a pharmacy that bills the Department for drugs; July 1, 2013 for providers who are eligible to participate in the 340B program as Hemophilia Treatment Centers (HTCs) and for 340B providers for drugs billed to the Department by a contract pharmacy; and January 1, 2013 for all other 340B-

eligible providers who bill the Department for drugs.

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

Section 140.13 Definitions

"Abuse". For purposes of this Part and 89 Ill. Adm. Code 104, "abuse" means provider practices that are inconsistent with sound fiscal, business or medical practices and that result in an unnecessary cost to the Medical Assistance Program or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medical Assistance Program. Abuse does not include diagnostic or therapeutic measures conducted primarily as a safeguard against possible vendor liability.

"Alternate Payee". For purposes of this Part, "Alternate Payee" shall mean an entity that is registered as an alternate payee in the Medical Assistance Program. An individual practitioner may designate payments due the practitioner be made to an alternate payee.

"Code". For purposes of this Part, "Code" means the Public Aid Code [305 ILCS 5].

"Credible Allegation". For purposes of this Part, "credible allegation" includes an allegation from any source, including, but not limited to, fraud hotline complaints, claims data mining, patterns identified through provider audits, civil actions filed under the False Claims Act [740 ILCS 175], and law enforcement investigations. An allegation is considered to be credible when it has indicia of reliability.

"Credible Evidence". For purposes of this Part, "credible evidence" shall mean evidence that reasonable people would agree as being trustworthy and reliable.

"Department Policy". For purposes of this Part, "Department policy" shall mean the written requirements of the Department set forth in the Medical Assistance Program Handbooks, and the Department's written manuals, bulletins and releases. It shall also include any additional policy statements transmitted in writing to a vendor.

"Entity". For purposes of this Part, "entity" means any person, firm, corporation,

partnership, association, agency, institution, or other legal organization.

"Fraud". For purposes of this Part and 89 Ill. Adm. Code 104, "fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person. It includes any act that constitutes fraud under applicable federal or State law.

"Harm". For purposes of this Part and 89 Ill. Adm. Code 104, "harm" means physical, mental or monetary damage to recipients or to the Medical Assistance Program.

"Investor". For purposes of this Part, "investor" shall mean any entity that owns (directly or indirectly) five percent or more of the shares of stock or other evidences of ownership of a vendor, or holds (directly or indirectly) five percent or more of the debt of a vendor, or owns and holds (directly or indirectly) three percent or more of the combined debt and equity of a vendor.

"Management Responsibility". For purposes of this Part, a person with management responsibility includes a person vested with discretion or judgment who either alone or in conjunction with others, conducts, administers or oversees either the general concerns of the vendor or a portion of the vendor's concerns. A person with management responsibility shall specifically include the pharmacist in a pharmacy, the medical director of a laboratory, the administrator of a hospital or nursing home, the dispatcher in a transportation vendor, dispatchers and all individuals in charge of day to day operations of a non-emergency transportation vendor, the person or persons responsible for preparation and submittal of billings for services to the Department, and the manager of a group practice, clinic or shared health facility.

"Non-Emergency Transportation Vendor". For purposes of this Part, non-emergency transportation vendor shall mean any transportation provider identified in Section 140.490(a) other than those identified in Section 140.490(a)(1) and (a)(6).

"Technical or Other Advisor". For purposes of this Part, "technical or other advisor" shall mean any entity that provides any form of advice to a vendor regarding the vendor's business or participation in the Medical Assistance Program in return for compensation, directly or indirectly, in any form.

"Vendor". For purposes of this Part, "vendor" or "provider" shall mean a person, firm, corporation, association, agency, institution, or other legal entity that provides goods or services to a recipient or recipients, and is enrolled to participate in the Medical Assistance Program pursuant to 89 Ill. Adm. Code 140.11 and 140.12.

"Waste". For purposes of this Part and 89 Ill. Adm. Code 104, "waste" means the unintentional misuse of medical assistance resources, resulting in unnecessary cost to the Medical Assistance Program. Waste does not include diagnostic or therapeutic measures conducted primarily as a safeguard against possible vendor liability.

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

Section 140.14 Denial of Application to Participate in the Medical Assistance Program

a) The Department may deny an application to participate in the Medical Assistance Program if the vendor has engaged in activities which constitute grounds for termination, ~~or~~ suspension or exclusion under Section 140.16. If the activities were engaged in prior to December 1, 1977, they may be used as the basis for denial of an application only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

b) Denial of Application

1) The~~In addition to the above basis, the~~ Department may deny an application submitted by a vendor ~~that has been previously terminated, barred or denied participation~~ if:

A)~~1)~~ the~~such~~ vendor cannot reasonably be expected to meet the written requirements of the Department including those set forth in the Medical Assistance Program Handbooks and the Department's manuals, bulletins and releases; or

B)~~2)~~ the Department determines, after reviewing the activities that~~which~~ served as the basis for the earlier termination or barring, that the application should not be approved. Factors to be considered by the Department in making this determination shall include:

i)~~A)~~ length of time the vendor has not participated in the Medical Assistance Program;

ii)~~B)~~ magnitude and severity of the activities that~~which~~ led to the binding administrative decision which served as the basis for the vendor's termination, barring or denied participation;

iii)~~C)~~ mitigating circumstances presented by the vendor;

iv)~~D)~~ whether the deficiencies that~~which~~ served as the basis for the vendor to be terminated, barred or denied participation are corrected;

v)~~E)~~ whether the vendor demonstrates a fitness to participate in the Medical Assistance Program; and

vi)~~F)~~ the extent to which any legally enforceable debts owed to the Department by the applicant or an entity in which the applicant or his or her nominee held a substantial ownership interest have been paid.

2~~3~~) These factors must be established by submission of documentary evidence in support of the application.

c) The Department may deny an application of a previously terminated or barred applicant if the applicant, without special permission from the Department, has already become a vendor, an entity with management responsibility for a vendor, an incorporator, officer or member of the board of directors of a vendor, 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 vendor, a partner in a partnership vendor, a technical or other advisor to a vendor, or an investor in a vendor.

d) The Department shall deny an application to participate in the Medical Assistance Program of any person, firm, corporation, association, agency, institution or other legal entity:~~if the vendor does not have a necessary license, certificate or authorization.~~

1) immediately, if the vendor is not properly licensed, certified or authorized;

2) within 30 days after the date when the vendor's professional license, certification or other authorization has been refused renewal, restricted or revoked, suspended or otherwise terminated; or

3) if the vendor has been convicted of a violation of the Public Aid Code, as provided in Article VIIIA of the Code.

e) The Department may deny the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor if, after reasonable notice and opportunity for a hearing, the Department finds:

1) The applicant or any person with management responsibility for the applicant; 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 applicant; an owner of a sole proprietorship applicant; a partner in a partnership applicant; or a technical or other advisor to an applicant has a debt owed to the Department, and no payment arrangements acceptable to the Department have been made by the applicant.

2) The applicant or any person with management responsibility for the applicant; 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 applicant; an owner of a sole proprietorship applicant; a partner in a partnership vendor applicant; or a technical or other advisor to an applicant, during a period of time when the conduct of that vendor resulted in a debt owed to the Department and no payment arrangements acceptable to the Department have been made by that vendor, was:

A) a person with management responsibility;

B) an officer or member of the board of directors of an applicant;

C) an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor;

D) an owner of a sole proprietorship;

E) a partner in a partnership vendor; or

F) a technical or other advisor to a vendor.

3) There is a credible allegation, as defined in Section 140.13, of the use, transfer or lease of assets of any kind to an applicant from a current or prior vendor who has a debt owed to the Department, no payment arrangements acceptable to the Department have been made by that vendor or the vendor's alternate payee, and the applicant knows or should have known of the debt.

4) There is a credible allegation of a transfer of management responsibilities, or direct or indirect ownership, to an applicant from a current or prior vendor who has debt owed to the Department, and no payment arrangements acceptable to the Department have been made by the vendor or the vendor's alternate payee, and the applicant knows or should have known of the debt.

5) There is a credible 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, relative by marriage, nephew, cousin or relative of a current or prior vendor who has a debt owed to the Department and no payment arrangements acceptable to the Department have been made.

6) There is a credible 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.

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

Section 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties

a) The Department may suspend or deny payment, in whole or in part, to a vendor or the vendor's alternate payee if the payment would be improper or erroneous or would otherwise result in overpayment. The Department may recover money improperly or erroneously paid, or overpayments (see subsection (b) of this Section for exception to recovery of money), made to a vendor or vendor's alternate payee, either by setoff (deducting from Department obligations to the vendor or the designated alternate payee), deductions from future billings or by requiring direct repayment. Payments may be suspended, denied or recovered from a vendor or alternate payee:

1) for services rendered in violation of the Department's provider notices, statutes, rules and regulations;

2) for services rendered in violation of the terms and conditions prescribed by the Department in its vendor agreement;

3) for any vendor who fails to grant the Office of Inspector General of the Department timely access to full and complete records, including, but not limited to, records relating to recipients under the Medical Assistance Program for the most recent six years, in accordance with Section 140.28, and other information for the purpose of audits, investigations or other program integrity functions, after reasonable written request by the Inspector General; provided, however, that this subsection (a)(3) does not require vendors to make available the medical records of patients for whom services are not reimbursed under this Part or to provide access to medical records more than six years old;

4) when the vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program;

5) when the vendor previously rendered services while terminated, suspended or excluded from participation in the Medical Assistance Program or while terminated or excluded from participation in another state or federal medical assistance or health care program; or

6) for ground ambulance services rendered as the result of improper or false certification. Overpayments can be recovered from a vendor, including, but not limited to, from the discharging physician, the discharging facility,

and the ground ambulance service provider.

b) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee. Recoveries by the Department may be made against either party or both, at the Department's option.

c) The Department shall not recoup from any long term care provider any amounts subsequently determined to be owed by a client due to an error in the initial determination of medical eligibility.

d) If~~The Department shall recover interest on the amount of the overpayment at the rate of five percent per annum if~~ it is established through an administrative hearing that an~~the~~ overpayment resulted from a~~the~~ vendor or the designated alternate payee knowingly~~willfully~~ making, using, or causing to be made or used, a false record or statement to obtain payment or other benefit from~~or misrepresentation of a material fact in connection with billings and payments under~~ the medical assistance program, in addition to any other penalties that may be prescribed by law:~~.~~

1) the Department may recover interest on the amount of the overpayment or other benefit from the vendor or alternate payee at the rate of 5% per annum;

2) the vendor or alternate payee shall be subject to civil penalties consisting of an amount not to exceed three times the amount of payment or other benefit resulting from each false record or statement; and

3) the vendor or alternate payee shall be subject to payment of a penalty of $2,000 for each false record or statement for payment or other benefit.

e) For purposes of this Section, "knowingly""~~willfully"~~ means that a vendor or alternate payee, with respect to information, has the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.~~making a statement or representation with actual knowledge that it was false, or making a statement or representation with knowledge of facts or information that would cause a reasonable person to be aware that the statement or representation was false when made.~~

f) If a vendor has the same taxpayer identification number (assigned under section 6109 of the Internal Revenue Code of 1986) as is assigned to a vendor with past-due financial obligations to the Department, the Department may make any necessary adjustments to payments to that vendor in order to satisfy any past-due obligations, regardless of whether the vendor is assigned a different billing number under the Medical Assistance Program.

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

Section 140.16 Termination, ~~or~~ Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program

a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, ~~or~~ terminate or not renew a vendor's provider agreement, or exclude a person or entity from participation in the Medical Assistance Program, when it determines that, at any time:

1) The vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor, or with restrictions on participation imposed pursuant to Section 140.32(f);

2) The vendor, person or entity is not properly licensed, certified, authorized or otherwise qualified, or the vendor person's or entity's~~vendor's~~ professional license, certificate or other authorization has not been renewed or has been restricted, revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency. The termination, suspension or exclusion shall be immediately effective;

3) The vendor violates records requirements as set forth in statute or Department rules, provider handbooks or policies.

A) The vendor has failed to keep or timely make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department:

i) records required to be maintained by the Department or necessary to fully and completely disclose the extent of the services or supplies provided; or

ii) full and complete records required to be maintained by the Department regarding payments claimed for providing services.

B) This subsection (a)(3) does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;

4) The vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor or his or her agent, employer or employee;

5) The vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this subsection (a)(5), statements or representations made "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made;

6) The vendor has submitted claims for services or supplies that were not rendered or delivered by that vendor;

7) The vendor has furnished goods or services to a recipient that, when based upon competent medical judgment and evaluation, are determined to be:

A) in excess of ~~the recipient's~~ needs;~~,~~

B) harmful ~~to the recipient~~ (for the purpose of this subsection (a)(7)(B), "harmful" goods or services caused actual harm ~~to a~~

~~recipient~~ or placed an individual~~a recipient~~ at risk of harm, or of adverse side effects, that outweighed the medical benefits sought to be provided);~~,~~ or

C) of grossly inferior quality;

8) The vendor knew or should have known that a person with management responsibility for a vendor, an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, an investor in the vendor, a technical or other advisor of the vendor, an owner of a sole proprietorship that is a vendor, or a partner in a partnership that is a vendor was previously terminated, suspended, excluded or barred from participation in the Medical Assistance Program, or in another state or federal medical assistance or health care program;

9) The vendor has a delinquent debt owed to the Department;

10)~~9)~~ The vendor engaged in practices prohibited by federal~~Federal~~ or State law or regulation.

A) The vendor, a person with management responsibility for a vendor, an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor, an owner of a sole proprietorship that is a vendor, or a partner in a partnership that is a vendor, either:

i) has engaged in practices prohibited by applicable federal~~Federal~~ or State law or regulation; or

ii) was a person with management responsibility for a vendor at the time that the vendor engaged in practices prohibited by applicable federal~~Federal~~ or State law or regulation; or

iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time the vendor engaged in practices prohibited by applicable federal~~Federal~~ or State

law or regulation; or

iv) was an owner of a sole proprietorship or partner of a partnership that was a vendor at the time the vendor engaged in practices prohibited by applicable federal~~Federal~~ or State law or regulation;

B) For purposes of this subsection (a)(10~~9~~), "applicable federal~~Federal~~ or State law or regulation" includes, but is not limited to,~~shall include~~ licensing or certification standards contained in State or federal~~Federal~~ law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any federal~~Federal~~ or State laws or regulations related to the Medical Assistance Program;

C) For purposes of this subsection (a)(10~~9~~), conviction or a plea of guilty to activities violative of applicable federal~~Federal~~ or State law or regulation shall be conclusive proof that those activities were engaged in;

11)~~10)~~ The vendor, a person with management responsibility for a vendor, an officer or person 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 that is a vendor, or a partner in a partnership that is a vendor has been convicted in this or any other State, or in any Federal Court, of any offense~~felony~~ not related to the Medical Assistance Program, if the offense~~felony~~ constitutes grounds for disciplinary action under the licensing Act applicable to that individual or vendor;

12)~~11)~~ The vendor, a person with management responsibility for a vendor, an officer or person 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 that is a vendor, or partner in a partnership that is a vendor has been convicted in this or any other state, or in any Federal Court~~court~~, of:

A) ~~of~~ murder; ~~or~~

B) a Class X felony under the Illinois Criminal Code of 1961;

C) sexual misconduct that may subject recipients to an undue risk of harm;

D) a criminal offense that may subject recipients to an undue risk of harm;

E) a crime of fraud or dishonesty;

F) a crime involving a controlled substance;

G) a misdemeanor relating to fraud, theft, embezzlement or breach of fiduciary responsibility; or

H) other financial misconduct related to a health care program.

13)~~12)~~ The direct or indirect ownership of the terminated, suspended or excluded vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual ~~who is terminated or barred from participating as a vendor~~ to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin or relative by marriage.

b) The Department may suspend a vendor's eligibility to participate in the Medical Assistance Program if the vendor is not in compliance with State income tax requirements, child support payments in accordance with Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission. The vendor may prevent suspension of eligibility by payment of past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

c) The Department may terminate, suspend or exclude vendors who pose a risk of fraud, waste, abuse or harm, as defined in Section 140.13, from participation in the Medical Assistance Program.

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

Section 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons Associated with Vendor

a) Upon termination, suspension or exclusion of a vendor of goods or services from participation in the Medical Assistance Program, a person with management responsibility for such vendor during the time of any conduct that served as the basis for that vendor's termination, suspension or exclusion is barred from participation in the Medical Assistance Program.

b) Upon termination, suspension or exclusion of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct that served as the basis for that vendor's termination, suspension or exclusion are barred from participation in the Medical Assistance Program.

c) Upon termination, suspension or exclusion of a sole proprietorship or partnership, the owner or partners during the time of any conduct that served as the basis for that vendor's termination, suspension or exclusion are barred from participation in the Medical Assistance Program.

d) Upon revocation of an alternate payee pursuant to Section 140.1005, the owners, officers, and individuals with management responsibility for the alternate payee during the time of any conduct that served as the basis for that alternate payee's revocation may be prohibited from participation as an owner, an officer, or an individual with management responsibility for an alternate payee in the Illinois Medical Assistance Program.

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

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring

a) A vendor that has been terminated, suspended or excluded from the Medical Assistance Program may not apply to participate for at least one year after the date of the final administrative decision terminating, suspending or excluding eligibility, except that, if a vendor has been terminated, suspended or excluded based on a conviction of a violation of Article VIIIA of the Public Aid Code ~~[305 ILCS 5/Art. VIIIA]~~ or a conviction of a felony based on fraud or a willful

misrepresentation related to subsection (a)(1), (2)~~,~~ or (3)~~ or (4) of this Section~~, the vendor shall be barred from participation for five years or for the length of the vendor's sentence for that conviction, whichever is longer.

1) The Medical Assistance Program under Article V of the Public Aid Code ~~[305 ILCS 5/Art. V]~~;

2) A federal or another state's medical assistance or health care program~~ in another state that is the kind provided under Article V of the Public Aid Code~~; or

~~3) The Medicare program under Title XVIII of the Social Security Act; or~~

3)~~4)~~ The provision of health care services.

b) After one year, a vendor who has been terminated, suspended or excluded for any reason, other than for the reasons in subsections (a)(1) through (3)~~(4) of this Section~~, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for one year after the date of the final administrative decision denying his or her application for reinstatement.

c) A vendor whose termination, suspension or exclusion from participation in the Illinois Medical Assistance Program under Article V was based solely on an action by a governmental entity other than the Department may, upon reinstatement by that governmental entity or upon reversal of the termination, suspension or exclusion from participation in the Medical Assistance Program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under the Public Aid Code.

d)~~c)~~ At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.

e)~~d)~~ An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he or she is denied special permission under Section 140.32, he or she shall be barred from again applying for one year after the date of the final administrative decision denying his or her application or special permission.

f)~~e)~~ If a vendor has been terminated, suspended or excluded and reinstated to the Medical Assistance Program and the vendor is terminated, suspended or excluded a second or subsequent time from the Medical Assistance Program, the vendor shall be barred from participation for at least two years, except that, if a vendor has been terminated, suspended or excluded a second time based on a conviction of a violation of Article VIIIA of the Public Aid Code ~~[305 ILCS 5/Art. VIIIA]~~ or a conviction of a felony based on fraud or a willful misrepresentation related to subsection (a)(1), (2)~~,~~ or (3)~~ or (4) of this Section~~, the vendor shall be barred from participation for life.

g)~~f)~~ At the end of two years, a vendor who has been terminated, suspended or excluded for any reason, other than for the reasons in subsections (a)(1) through (3~~4~~)~~ of this Section~~, may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he or she shall be barred from again applying for reinstatement for two years after the date of the final administrative decision denying his or her application for reinstatement.

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

Section 140.20 Submittal of Claims

a) When claims for payment are submitted to the Department, providers shall:

1) Use Department designated billing forms or electronic format for submittal of charges;~~,~~ and

2) Certify that:

A) They have personally rendered the services and provided the items for which charges are being made;~~,~~

B) Payment has not been received, or that only partial payment has

been received;~~,~~

C) The charge made for each item constitutes the complete charge;~~,~~

D) They have not, and will not, accept additional payment for any item from any person or persons;~~,~~ and

E) They will not make additional charges to, nor accept additional payment from, any persons if the charges they present are reduced by the Department to conform to Department standards.

b) Statement of Certification

1) All billing statements shall contain a certification statement that must remain unaltered, and must be legibly signed and dated in ink by the provider, his or her designated alternate payee, or his or her authorized representative. A rubber stamp or facsimile signature is not acceptable.

2) An "authorized representative" may only be a trusted employee over whom the provider has direct supervision on a daily basis and who is personally responsible on a daily basis to the provider. The~~Such~~ representative must be specifically designated and must sign the provider's name and his or her own initials on each certification statement.

3) An alternate payee must be specifically designated by the provider and must sign the provider's name and alternate payee's authorized representative's initials on each certification statement.

c) To be eligible for payment consideration, a provider's vendor-payment claim or bill, either as an initial or resubmitted claim following prior rejection, that can be processed without obtaining additional information from the provider of the service or from a third party, must be received by the Department, or its fiscal intermediary, no later than 180 days~~12 months~~ after the date on which medical goods or services were provided, with the following exceptions: ~~exception. The Department must receive a claim after disposition by Medicare or its fiscal intermediary no later than 24 months after the date on which medical goods or services were provided.~~

1) The Department must receive a claim after disposition by Medicare or its

fiscal intermediary no later than 24 months after the date on which medical goods or services were provided.

2) In the case of a provider whose enrollment is in process by the Department, the 180-day period shall not begin until the date on the written notice from the Department that the provider enrollment is complete.

3) In the case of errors attributable to the Department or any of its claims processing intermediaries that result in an inability to receive, process or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

4) In the case of a provider for whom the Department initiates the monthly billing process.

5) For claims for rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible.

6) For claims for which the Department is not the primary payer, claims must be submitted to the Department within 180 days after the final adjudication by the primary payer.

7) In the case of long term care facilities, admission documents shall be submitted within 30 days after an admission to the facility through the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System, or shall be submitted directly to the Department of Human Services using required admission forms. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

8) For hospital inpatient claims, the 180 days is measured from the date of discharge.

d) Claims that are not submitted and received in compliance with the foregoing

requirements will not be eligible for payment under the Department's Medical Assistance Program, and the State shall have no liability for payment of the claim.

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

Section 140.30 Audits

a) Whether pre-payment or post-payment, all~~All~~ services for which charges are made to the Department are subject to audit. During a review audit, the provider shall furnish to the Department or to its authorized representative, pertinent information regarding claims for payment. If records are maintained by a designated alternate payee, it is the provider's responsibility to obtain the records and furnish them to the Department. Should an audit reveal that incorrect payments were made, or that the provider's records do not support the payments that were made, or should the provider or designated alternate payee fail to furnish records to support payments that were made, the provider or designated alternate payee shall make restitution.

b) The Department's procedure for auditing providers may involve the use of sampling and extrapolation. Under such a procedure, the Department selects a statistically valid sample of the cases for which the provider or designated alternate payee received payment for the audit period in question and audits the provider's records for those cases. All incorrect payments determined by an audit of the cases in the sample are then totaled and extrapolated to the entire universe of cases for which the provider or designated alternate payee has been paid during the audit period. The provider or designated alternate payee shall be required to pay the Department the entire extrapolated amount of incorrect payments calculated under this procedure after notice and opportunity for hearing pursuant to 89 Ill. Adm. Code 104.210.

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

Section 140.32 Prohibition on Participation, and Special Permission for Participation

a) Prohibition on Participation by Terminated, Suspended, Excluded or Barred Entities

1) Upon being terminated, suspended, excluded or barred, and while the~~such~~ disability from Medical Assistance Program participation remains in

effect, an entity:

A) Cannot be a vendor, assume management responsibility for a vendor, own (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership of a corporate vendor, become an owner of a sole proprietorship that is a vendor, become a partner of a vendor or become an officer of a corporate vendor;

B) Cannot be an employer of a vendor; a person with management responsibility for an employer of a vendor; an officer of an employer of a vendor; an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in an employer of a vendor; an owner of a sole proprietorship that employs a vendor; or a partner of a partnership that employs a vendor;

C) Cannot order goods or services from a vendor when payment for such goods or services will be made in whole or in part by the Department;

D) Cannot render goods or services as an employee of a vendor or as an independent contractor with a vendor for which payment will be made in whole or in part by the Department;

E) Cannot, directly or indirectly, serve as a technical or other advisor to a vendor;

F) Cannot, directly or indirectly, be an incorporator or member of the board of directors of a vendor;

G) Cannot, directly or indirectly, be an investor in a vendor; and

H) Cannot own (directly or indirectly) a 5% or greater interest in any premises or equipment leased by a vendor.

2) An individual who is terminated or barred from participation in the Medical Assistance Program cannot transfer the direct or indirect ownership of a vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or

ownership of 5% or more of the shares of stock or other evidences of ownership in a ~~corporate~~ vendor) to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

3) A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor who owes a debt to the Department, if that vendor has not made payment arrangements acceptable to the Department, shall not transfer his or her ownership interest in that vendor, or vendor assets of any kind, to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin or relative by marriage.

4)~~3)~~ After the provision of written notice to the affected parties, the Department may deny payment for goods or services rendered or ordered by an entity that violates the provisions of subsection~~subsections~~ (a)(1)(A), (B), (C) or (D)~~ of this Section~~. The Department may also pursue the imposition of all criminal and civil penalties as may be available and necessary.

5)~~4)~~ Whenever an entity violates the provisions of subsection~~subsections~~ (a)(1)(E), (F), (G) or (H) ~~of this Section~~ the Department may refer the matter for filing of an appropriate civil suit by the Attorney General or the State's Attorney to recover all benefits obtained improperly as well as treble damages or $10,000.00 for each such violation whichever amount is greater, in accordance with Section 11-27 of the Public Aid Code~~ [305 ILCS 5/11-27]~~.

b) Special Permission for Continuation or Reinstatement of Medical Assistance Program Participation for Barred Entities

1) Any entity barred pursuant to Section 140.18 may seek special permission to continue participation in the Medical Assistance Program or for reinstatement in the Program.

2) Special permission shall be granted only if the entity seeking such action demonstrates to the Department that it had no part in, and no knowledge of, the conduct which led to the decision to terminate upon which the barring was based or that it had no part in, and notified the Department as

soon as it gained knowledge of, the conduct.

3) In deciding whether to authorize the continued participation by, or reinstatement of, an entity that meets the conditions of this subsection (b) the Director shall consider the following factors:

A) Whether the entity requesting special permission demonstrates a fitness to participate in the Medical Assistance Program;

B) The extent to which any legally enforceable debts owed to the Department by the applicant or an entity in which the applicant or his nominee held a substantial ownership interest have been paid;

C) Any other circumstances reasonably related to the issue of whether the special permission should be granted.

4) Any entity that seeks special permission to continue or reinstate benefits shall submit a written request to the Director. Upon receipt of such a request, the Director or his designee shall review the request and any supporting documentation which accompanies it, and shall notify the entity of the decision within 60 days after~~of~~ receipt of the request, where practicable. In reviewing the request, the Director may require the entity to appear before and cooperate with a peer review committee of the Department.

5) An entity may request special permission only once. An entity that has been denied special permission may not apply for readmission under Section 140.14 for one year after the final decision to deny special permission. An entity that has been denied readmission under Section 140.14 or has an application under Section 140.14 pending with the Department may not apply for special permission.

6) Whenever a barred entity is readmitted to the Medical Assistance Program pursuant to this Section, the Director may make the vendor's continued participation contingent upon compliance with specified restrictions, including, but not limited to:

A) Limiting the participation by the entity as to the location, type, volume or category of goods or services to be provided;

B) Requiring that the entity obtain continuing education, or additional licenses or authorizations; and

C) Any other terms or conditions which may be appropriate or required under the circumstances.

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

Section 140.44 Withholding of Payments Due to Fraud or Misrepresentation

a) Payments on pending and subsequently submitted bills may be withheld, in whole or in part, to a provider or alternate payee, when there is credible~~upon receipt by the Department of~~ evidence from State or federal~~Federal~~ law enforcement or federal~~Federal~~ oversight agencies or from the results of a preliminary Department audit~~ and determined by the Department to be credible,~~ that the circumstances giving rise to the need for a withholding of payments may involve fraud or willful misrepresentation under the Illinois Medical Assistance Program. ~~For purposes of this Section, "credible evidence" is defined as evidence that reasonable people would agree as being trustworthy and reliable.~~ Payments may be withheld without first notifying the provider or alternate payee of its intention to withhold the payments.

b) The Department must send notice of its withholding within 5 days after taking that action. The notice must set forth the general allegations as to the nature of the withholding, but need not disclose any specific information concerning the ongoing investigation. The notice must also state the following:

1) The payments are being withheld in accordance with Section 12-4.25(K) of the Public Aid Code~~305 ILCS 5/12-4.25 (K)~~.

2) The withholding is for a temporary period; the notice shall cite the circumstances under which withholding will be terminated.

3) When appropriate, the type of claim for which withholding is effective.

4) The provider or alternate payee has the right to submit written evidence for reconsideration of the withholding of payments by the Department.

5) A written request may be made to the Department for full or partial release of withheld payments and the request may be made at any time after the Department first withholds the payments.

c) All withholding of payment actions under this Section shall be temporary and shall not continue after any of the following:

1) The Department or the prosecuting authorities determine that there is insufficient evidence of fraud or willful misrepresentation by the provider or alternate payee.

2) Legal proceedings related to the provider's or alternate payee's alleged fraud, willful misrepresentation, or violations of Article V of the Illinois Public Aid Code ~~[305 ILCS 5/Art. V]~~ or violations of 89 Ill. Adm. Code: Chapter I are completed. If the Department commences an administrative proceeding that seeks the termination of the provider or revocation of the alternate payee, withholding will continue in conformance with 89 Ill. Adm. Code 104.272.

3) The withholding of payments for a period of 3 years.

d) The provider or alternate payee request for reconsideration of payment withholding, or request for full or partial release of payments withheld, must be in writing, set out the reasons for the request, and be sent to the Department's Office of Inspector General at 404 North Fifth Street, Springfield, Illinois 62706, or by e-mail to oigwebmaster@illinois.gov. The request may include documentation that the allegations of fraud or willful misrepresentation involving the Medical Assistance Program did not take place.

e) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General of the Department, when it is in the best interest of the recipients of medical assistance. This may include, but not be limited to, access to medical services for recipients or the potential movement of patients from long term care settings.

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

Section 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate

a) The Department may withhold payments, in whole or in part, to a provider or alternate payee upon:

1) initiation of an audit;

2) quality of care review;

3) investigation in which there is a credible allegation of fraud; or

4) the provider or alternate payee is demonstrating a clear failure to cooperate with the Department, giving rise to the need for a withholding of payments.

b) The Department may withhold payments without first notifying the provider or alternate payee of its intention to withhold payments.

c) A provider or alternate payee may request a hearing or a reconsideration of payment withholding, and the Department must grant the request.

d) The Department must send notice of its withholding of payments within five days after taking the action. The notice shall:

1) Set forth the general allegation as to the nature of the withholding action; however, the notice need not disclose any specific information concerning an ongoing investigation.

2) State that payments are being withheld in accordance with Section 12-4.25(K-5) of the Code.

3) State that the withholding is for a temporary period, as specified in subsection (g), and cite the circumstances under which withholding will be terminated.

4) Specify, when appropriate, which type or types of claims are withheld.

5) Inform the provider or alternate payee of the right to request a hearing or a reconsideration of the withholding by the Department, including the ability to submit written evidence.

6) Inform the provider or alternate payee that a written request may be made to the Department for a hearing or reconsideration for the full or partial release of withheld payments and that such requests may be made at any time after the Department first withholds payments.

e) A provider or alternate payee may request reconsideration of payment withholding for the purpose of a full or partial release of payments withheld pursuant to Section 12-4.25(K-5) of the Code. The provider or alternate payee shall submit a written request for reconsideration and the reasons for the reconsideration to the Department's Inspector General at:

Office of Inspector General
404 North Fifth Street
Springfield, Illinois 62706

Or by e-mail to: oigwebmaster@illinois.gov.

1) The request may include documentation to contest a credible allegation of fraud or failure to cooperate with the Department.

2) Partial or full release of payments on pending and subsequently submitted bills may be granted, at the discretion of the Inspector General, when it is in the best interest of Medical Assistance Program recipients. Factors in this decision may include, but are not limited to, recipients' access to medical services or the potential transport of patients from long term care settings.

f) A provider or alternate payee may request a hearing on the issue of a withholding of payments pursuant to Section 12-4.25(K-5) of the Code. The only issue at hearing will be whether a partial or full release of funds is properly based on the following factors:

1) Whether there is a credible allegation of fraud;

2) Whether the provider or alternate payee demonstrated a clear failure to cooperate with the Department, giving rise to the need for a withholding of payments;

3) Whether a release is in the best interest of the recipients of medical assistance based on access to medical services for recipients; and

4) The potential movement of patients from long term care settings.

g) All withholding of payment actions under this Section shall be temporary and shall not continue after either of the following:

1) The Department determines that there is insufficient evidence of fraud, or the provider or alternate payee demonstrates clear cooperation with the Department, as determined by the Department, so that the circumstances do not give rise to the need for withholding of payments; or

2) the withholding of payments has lasted for a period in excess of three years.

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

SUBPART C: PROVIDER ASSESSMENTS

Section 140.80 Hospital Provider Fund

a) Purpose and Contents

1) The Hospital Provider Fund (Fund) was created in the State Treasury on February 3, 2004 (see 305 ILCS 5/5A-8). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Sections ~~305 ILCS 5/~~5A-4 and 12 of the Code.

3) The Fund shall consist of:

A) All monies collected or received by the Department under subsection (b)~~ of this Section~~;

B) All federal matching funds received by the Department as a result

of expenditures made by the Department that are attributable to monies deposited in the Fund;

C) Any interest or penalty levied in conjunction with the administration of the Fund;

D) Monies transferred from another fund in the State treasury;

E) All other monies received for the Fund from any other source, including interest earned on those monies.

b) Provider Assessments

1) An annual assessment on hospital inpatient services is imposed on each hospital provider in an amount equal to the hospital's occupied bed days multiplied by $84.19 for State fiscal years 2004 and 2005, if the payment methodologies required under 305 ILCS 5/5A-12 and the waiver created under 42 CFR 433.68 are approved with an effective date prior to July 1, 2004; or the assessment will be imposed for fiscal year 2005 only, if the payment methodologies required under 305 ILCS 5/5A-12 and the waiver created under 42 CFR 433.68 are approved with an effective date on or after July 1, 2004. The Department shall use the number of occupied bed days as reported, by February 3, 2004 (the date of enactment of Public Act 93-0659), by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health to calculate the hospital's annual assessment. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals or if there are data errors in the reported sum of a hospital's occupied bed days as determined by the Department, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

2) Subject to the provisions of 305 ILCS 5/5A-3 and 5A-10, for the privilege of engaging in the occupation of hospital provider, beginning August 1, 2005, an annual assessment is imposed on each hospital provider for State fiscal years 2006, 2007 and 2008, in an amount equal to 2.5835 percent of the hospital provider's adjusted gross hospital revenue for inpatient

services and 2.5835 percent of the hospital provider's adjusted gross hospital revenue for outpatient services. If the hospital provider's adjusted gross hospital revenue is not available, then the Department may obtain the hospital provider's adjusted gross hospital revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

3) Subject to Sections 5A-3, ~~and~~ 5A-10 and 5A-15 of the Public Aid Code, for State fiscal years 2009 through 2014 and the portion of State fiscal year 2015 that ends December 31, 2014, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to $218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days. For State fiscal years 2009 through 2014 and the portion of State fiscal year 2015 that ends December 31, 2014, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

c) Payment of Assessment Due

1) For State fiscal years through 2008, the annual assessment shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year on the 14th business day of September, December, March and May. The assessment imposed by Section 5A-2 for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payments of an assessment shall be due and payable, however, until after:

A) The Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year, have been approved by CMS and any waiver necessary under 42 CFR 433.68 has been granted by CMS; and

B) For State fiscal years through 2008, the hospital has received payments required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year. For State fiscal year 2009 and each subsequent State fiscal year, the Comptroller has issued payments required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, whichever is applicable for that fiscal year.

2) Assessment payments postmarked on the due date will be considered as paid on time. Upon notification to the Department of approval of the payment methodologies to hospitals required under 305 ILCS 5/5A-12, 5A-12.1 or 5A-12.2, and any waiver necessary under 42 CFR 433.68 has been granted by the CMS, all installments otherwise due prior to the date of notification shall be due and payable to the Department upon written direction from the Department and the receipt of the payments required under Section 5A-12, 5A-12.1 or 5A-12.2.

3) Any assessment amount that is due and payable to the Department more frequently than once per calendar quarter shall be remitted to the Department by the hospital provider by means of electronic funds transfer. The Department may provide for remittance by other means if the amount due is less than $10,000 or electronic funds transfer is unavailable for this purpose.

4) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Notice Requirements, Penalty, and Maintenance of Records

1) The Department shall send a notice of assessment to every hospital provider subject to an assessment under subsection (b) of this Section, except that no notice shall be sent until the Department receives written notice that the payment methodologies to hospitals required under 305

ILCS 5/5A-12, 5A-12.1 or 5A-12.2 have been approved and the waiver under 42 CFR 433.68 has been granted by CMS.

2) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, a separate notice shall be sent for each hospital.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b) ~~of this Section~~, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) ~~of this Section~~ by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate or maintain a hospital, the person shall pay the assessment for the year as adjusted (to the extent not previously paid).

2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b) ~~of this Section~~, upon notice by the Department, shall pay the assessment under subsection (d) ~~of this Section~~ as computed by the Department in installments on the due dates stated on the notices and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment notice. For State fiscal years 2006 through 2008, in determining the annual assessment amount for the provider, the Department shall develop hypothetical adjusted gross hospital revenue for the hospital's first full fiscal year, which may be based on the annualization of the provider's actual revenues for a portion of the year, or revenues of a comparable hospital for the year, including revenues realized by a prior hospital provider of the same hospital during the year. For State fiscal years 2009 through 2014 and the portion of State fiscal year 2015 that ends December 31, 2014, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2005, the assessment for that State fiscal year shall be computed on the basis of

hypothetical occupied bed days for the full calendar year as determined by the Department. The assessment determination made by the Department is final.

3) Partial Calendar Year Operation Adjustment. For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the State fiscal year shall be annualized based on the provider's actual adjusted gross hospital revenue information for the portion of the reporting period the hospital was operational (dividing adjusted gross hospital revenue by the number of days the hospital was in operation and then multiplying the amount by 365). Adjusted gross hospital revenue information reported by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.

4) Change in Ownership and/or Operators. The full quarterly installment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1)~~ of this Section~~.

f) Penalties

1) Any hospital that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5%~~five percent~~ of the amount of the installment not paid on or before the due date, plus 5%~~five percent~~ of the portion~~ thereof~~ remaining unpaid on the last day of each monthly period thereafter, not to exceed 100 percent of the installment amount not paid on or before the due date. Waiver due to reasonable cause may include but is not limited to:

A) provider has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs.

B) provider can demonstrate to the Department's satisfaction that a payment was made prior to the due date.

C) provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.

2) Within 30 days after the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any interest and penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1)~~ of this Section~~ will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Medicaid Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Hospitals
The Department may establish delayed payment of assessments and/or waive the

payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:

1) The State delays payments to hospitals due to problems related to State cash flow; or

2) A cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.

h) Delayed Payment – Individual Hospitals
In addition to the provisions of subsection (g)~~ of this Section~~, the Department may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c)~~ of this Section~~. The request must be received by the Department prior to the due date of the assessment.

1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:

A) The provider has experienced an emergency that necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2)~~ of this Section~~ would impose severe and irreparable harm to the clients served. Circumstances that may create these~~such~~ emergencies include, but are not limited to, the following:

i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;

ii) Cash flow problems encountered by a provider that are

unrelated to Department technical system problems and that result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.

B) The provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:

i) A hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital (DSH) under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(5); or qualifies as a Medicare DSH hospital under the current federal guidelines.

ii) A government-owned facility that meets the cash flow criterion under subsection (h)(1)(A)(ii)~~ of this Section~~.

iii) A hospital that has filed for Chapter 11 bankruptcy and that meets the cash flow criterion under subsection (h)(1)(A)(ii) ~~of this Section~~.

C) The provider must ensure that a delay of payment request, as defined under subsection (h)(3)(A)~~ of this Section~~, is received by the Department prior to the payment due date, and the request must include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

i) The ratio of current assets divided by current liabilities is greater than 2.0.

ii) Cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be

used in this calculation.

D) The provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.

E) The provider must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

i) Specific reasons for institution of the delayed payment provisions;

ii) Specific dates on which payments must be received and the amount of payment that must be received on each specific date described;

iii) The interest or a statement of interest waiver as described in subsection (h)(5)~~ of this Section~~ that shall be due from the provider as a result of institution of the delayed payment provisions;

iv) A certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;

v) A certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and

vi) Other~~Such other~~ terms and conditions that may be required by the Department.

2) A hospital that does not meet the above criteria may request a delayed payment schedule. The Department may approve the request,

notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, providers must ensure their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received by the date designated by the Department. Providers will be notified, in writing, as to the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:

i) An explanation of the circumstances creating the need for the delayed payment provisions;

ii) Supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C)~~ of this Section~~, a denial of application to borrow the assessment as defined in subsection (h)(1)(D)~~ of this Section~~ and an explanation of the risk of irreparable harm to the clients; and

iii) Specification of the specific arrangements requested by the provider.

B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received

by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2)~~ of this Section~~ may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B)~~ of this Section~~, the~~such~~ penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and the~~such~~ penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E)~~ of this Section~~. The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C)~~ of this Section~~, is 1.5 or less and the hospital meets the criteria in subsections (h)(1)(A) and (B)~~ of this Section~~. Any ~~such~~ waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E)~~ of this Section~~.

6) Subsequent Delayed Payment Arrangements. Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4)~~ of this Section~~ shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
The Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this

State. The Department shall administer and enforce Sections~~305 ILCS 5/~~5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code and collect the assessments and penalty assessments imposed under Sections~~305 ILCS 5/~~5A-2 and 4 of the Code. The Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties~~,~~ and rights:

1) The Department may initiate either administrative or judicial proceedings, or both, to enforce the provisions of Sections~~305 ILCS 5/~~5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code. Administrative enforcement proceedings initiated shall be governed by the Department's rules at 89 Ill. Adm. Code 104.200 through 104.330. Judicial enforcement proceedings initiated shall be governed by the rules of procedure applicable in the courts of this State.

2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than three years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Department and the hospital provider before the expiration of this limitation period.

3) Any unpaid assessment under Section~~305 ILCS 5/~~5A-2 of the Code shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of the real property and improvements, the machinery and equipment, or the furniture or fixtures of any hospital that is subject to the provisions of Sections~~305 ILCS 5/~~5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code, the seller or transferor shall pay the Department the amount of any assessment, assessment penalty, and interest (if any) due from it under Sections~~305 ILCS 5/~~5A-2 and 4 of the Code up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of the~~such~~ asset shall be liable for the amount of the assessment, penalties~~,~~ and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Department a certificate showing that the~~such~~ assessment,

penalty~~,~~ and interest have been paid or a certificate from the Department showing that no assessment, penalty~~,~~ or interest is due from the seller or transferor under Sections~~305 ILCS 5/~~5A-2, 4 and 5 of the Code.

4) Payments under Section~~305 ILCS 5/~~5A-4 of the Code are not subject to the Illinois Prompt Payment Act [30 ILCS 540]. Credits or refunds shall not bear interest.

5) In addition to any other remedy provided for and without sending a notice of assessment liability, the Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Department to the hospital provider.

j) Exemptions
The following classes of providers are exempt from the assessment imposed under Section~~305 ILCS 5/~~5A-4 of the Code unless the exemption is adjudged to be unconstitutional or otherwise invalid:

1) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.

2) A hospital provider that is a county with a population of less than 3,000,000 or a township, municipality, hospital district, or any other local governmental unit.

3) For State fiscal years 2004 through 2014 and the portion of State fiscal year 2015 that ends December 31, 2014, a hospital provider, described in section 1903(w)(3)(F) of the Social Security Act, whose hospital does not charge for its services is exempt from the assessment imposed by Section 5A-2 of the Public Aid Code.

4) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a psychiatric hospital.

5) For State fiscal years 2004 and 2005, a hospital provider whose hospital is licensed by the Department of Public Health as a rehabilitation hospital.

6) For State fiscal years 2004 and 2005, a hospital provider whose hospital is not a psychiatric hospital, rehabilitation hospital, or a children's hospital and has an average length of inpatient stay greater than 25 days.

k) Nothing in Section~~305 ILCS 5/~~5A-4 shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before February 3, 2004.

l) Definitions.
As used in this Section, unless the context requires otherwise:

1) "Adjusted gross hospital revenue for inpatient services" means inpatient gross revenue less Medicare gross inpatient revenue, which shall be determined using the most recent data available from each hospital's 2003 Medicare cost report as contained in the HCRIS file for the quarter ending December 31, 2004, without regard to any subsequent adjustments or changes to that data.

2) "Adjusted gross hospital revenue for outpatient services" means outpatient gross revenue less Medicare gross outpatient revenue, which shall be determined using the most recent data available from each hospital's 2003 Medicare cost report as contained in the HCRIS file for the quarter ending December 31, 2004, without regard to any subsequent adjustments or changes to such data.

3) "CMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

4) "Department" means the Illinois Department of Healthcare and Family Services.

5) "Fund" means the Hospital Provider Fund.

6) "HCRIS" means the federal Centers for Medicare and Medicaid Services Healthcare Cost Report Information System.

7) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and

whether organized for profit or not-for-profit.

8) "Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association~~,~~ or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

9) "Inpatient Gross Revenue" means total inpatient gross revenue, as reported on the HCRIS Worksheet C, Part 1, Column 6, Line 101, less the sum of the following lines (including any subset lines of these lines):

A) Line 34: Skilled Nursing Facility.

B) Line 35: Other Nursing Facility.

C) Line 35.01: Intermediate Care Facility for the Mentally Retarded.

D) Line 36: Other Long Term Care.

E) Line 45: PBC Clinical Laboratory Services – Program Only.

F) Line 60: Clinic.

G) Line 63: Other Outpatient Services.

H) Line 64: Home Program Dialysis.

I) Line 65: Ambulance Services.

J) Line 66: Durable Medical Equipment – Rented.

K) Line 67: Durable Medical Equipment – Sold.

L) Line 68: Other Reimbursable.

10) "Medicare bed days" means, for each hospital, the sum of the number of days that each bed was occupied by a patient who was covered by Title XVIII of the Social Security Act, excluding days attributable to the routine services provided to persons receiving skilled or intermediate long term care services. Medicare bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

11) "Medicare Gross Inpatient Revenue" means the sum of the following:

A) The sum of the following lines from the HCRIS Worksheet D-4, Column 2 (excluding the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit or swing beds):

i) Line 25: Adults and Pediatrics.

ii) Line 26: Intensive Care Unit.

iii) Line 27: Coronary Care Unit.

iv) Line 28: Burn Intensive Care Unit.

v) Line 29: Surgical Intensive Care Unit.

vi) Line 30: Other Special Care Unit.

B) From Worksheet D-4, Column 2, the amount from Line 103 less the sum of Lines 60, 63, 64, 66, 67 and 68 (and any subset lines of these lines).

C) The amount from Worksheet D-6, Part 3, Column 3, Line 53.

12) "Medicare Gross Outpatient Revenue" means the amount from the HCRIS Worksheet D, Part V, Line 101, Columns 5, 5.01, 5.02, 5.03 and 5.04 less the sum of Lines 45, 60, 63, 64, 65, 66 and 67 (and any subset lines of these lines).

13) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds, excluding beds classified as long term care beds and assessed a licensed bed fee during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

14) "Outpatient Gross Revenue" means the amount from the HCRIS Worksheet C, Part I, Column 7, Line 101 less the sum of lines 45, 60, 63, 64, 65, 66, 67 and 68 (and any subset lines of these lines).

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.405 Non-Institutional Rate Reductions~~SeniorCare Pharmaceutical Benefit (Repealed)~~

Notwithstanding any provisions to the contrary in this Part, effective for dates of service on or after July 1, 2012, reimbursement rates and other payments to non-institutional providers shall be reduced by an additional 2.7% from the rates or payments that were otherwise in effect on June 30. 2012, except that the reductions shall not apply to:

a) Rates or payments for physician services, dental services, services reimbursed through an encounter rate, services provided under the Medicaid Rehabilitation Option of the Illinois Title XIX State Plan.

b) Rates or payments, or the portion thereof, paid to a provider that is operated by a unit of local government or State University that provides some or all of the non-federal share of the services.

c) Pharmacy services, which are reduced pursuant to Sections 140.414 and 140.445.

(Source: Old Section repealed at 30 Ill. Reg. 10370, effective May 26, 2006, and new Section added at 37 Ill. Reg. _____, effective _____)

Section 140.413 Limitation on Physician Services

a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:

1) Termination of pregnancy – only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification that the procedure is necessary for preservation of the life of the woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of the mother or her unborn child.

2) Sterilization

A) Therapeutic sterilization – only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury that would authorize this procedure.

B) Nontherapeutic sterilization – only for recipients age 21 or older and mentally competent. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent, except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.

3) Surgery for morbid obesity – Covered only with prior approval by the Department. The Department shall approve payment for this service only in those cases in which the physician determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, endocrine disorders have been ruled out, and the body mass index (BMI) is 40 or higher, or 35 to 39.9 with serious medical complications. The medical record must contain the following documentation of medical necessity:

A) Documentation of review of systems (history and physical);

B) Client height, weight and BMI;

C) Listing of co-morbidities;

D) Patient participation in a six month consecutive medically supervised weight loss program working in conjunction with a registered dietician and or physician within two years prior to the surgery, with at least four documented visits within the consecutive six months;~~weight loss attempts;~~

E) Current and complete psychiatric evaluation indicating the patient is an appropriate candidate for weight loss surgery; and

F) Documentation of nutritional counseling.

4) Psychiatric services

A) Treatment – when the services are provided by a physician who has been enrolled as an approved provider with the Department. ~~Psychiatric treatment services are not covered services for recipients of General Assistance.~~

B) Consultation – only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.

C) Group Psychotherapy – payment may be made for up to two group sessions per week, with a maximum of one session per day. The following conditions must be met for group psychotherapy:

i) documentation maintained in the patient's medical record must indicate the person participating in the group session has been diagnosed with a mental illness as defined in the International Classification of Diseases (ICD-9-CM) or the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). The allowable diagnosis code ranges will be

specified in the Handbook for Practitioners Rendering Medical Services~~Physicians~~; and

ii) beginning 1/1/10, the entire group psychotherapy service is directly performed by a physician licensed to practice medicine in all its branches who has completed an approved general psychiatry residency program or is providing the service as a resident or attending physician at an approved or accredited residency program; and

iii) the group size does not exceed 12 patients, regardless of payment source; and

iv) the minimum duration of a group session is 45 minutes; and

v) the group session is documented in the patient's medical record by the rendering physician, including the session's primary focus, level of patient participation, and begin and end times of each session; and

vi) the group treatment model, methods, and subject content have been selected on evidence-based criteria for the target population of the group and follows recognized practice guidelines for psychiatric services; and

vii) the group session is provided in accordance with a clear written description of goals, methods and referral criteria; and

viii) group psychotherapy is not covered for recipients who are residents in a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Health Rehabilitation Act [210 ILCS 48].~~if the patient is a resident of a long term care facility, the provider of the group psychotherapy must maintain documentation in the patient's medical record demonstrating the coordination of services and the sharing with the long term care facility of information related to the patient's needs and the implementation and effectiveness of the patient's plan of~~

~~care.~~

5) Services provided to a recipient in his or her home – only when the recipient is physically unable to go to the physician's office.

6) Services provided to recipients in group care facilities by a physician other than the attending physician – only for emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.

7) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility) – only when occasioned by an emergency due to acute illness or unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.

8) Maternity care – Payment shall be made for pre-natal and post-natal care only when the following conditions are met:

A) the physician, whether based in a hospital, clinic or individual practice, retains hospital delivery privileges, maintains a written referral arrangement with another physician who retains such privileges, or has been included in the Maternal and Child Health Program as a result of having entered into an appropriate Healthy Moms/Healthy Kids Program provider agreement;

B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and

C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric-Gynecologic Services" (1989 Edition), 409 12th Street, S.W., Washington, D.C. 20024-2188.

9) Physician services to children under age 21

A) Payment shall be made only when the physician meets one or more of the following conditions. The physician:

i) has admitting privileges at a hospital; or

ii) is certified or is eligible for certification in pediatrics or family practice by the medical specialty board recognized by the American Board of Medical Specialties; or

iii) is employed by or affiliated with a Federally Qualified Health Center; or

iv) is a member of the National Health Service Corps; or

v) has been certified by the Secretary of the Department of Health and Human Services as qualified to provide physician services to a child under 21 years of age; or

vi) has current, formal consultation and referral arrangements with a pediatrician or family practitioner for the purposes of specialized treatment and admission to a hospital. The written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; or

vii) has entered into a Maternal and Child Health provider agreement or has otherwise been transferred in from the Healthy Moms/Healthy Kids Program;

B) The physician shall certify to the Department the way in which he or she meets the above criteria; and

C) Services to children shall be delivered in a manner consistent with the standards of the American Academy of Pediatrics and rules published by the Illinois Department of Public Health (77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examination Code; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening).

10) Hysterectomy – only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgment of receipt of the information. The Department will not pay for a hysterectomy that would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

11) Selected surgical procedures, including:

A) Tonsillectomies or Adenoidectomies

B) Hemorrhoidectomies

C) Cholecystectomies

D) Disc Surgery/Spinal Fusion

E) Joint Cartilage Surgery/Meniscectomies

F) Excision of Varicose Veins

G) Submucous Resection/Rhinoplasty/Repair of Nasal System

H) Mastectomies for Non-Malignancies

I) Surgical procedures that generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he or she will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

12) Mammography screening

A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast cancer under the following guidelines:

i) a baseline mammogram for women 35 through 39 years of age; and

ii) a mammogram once per year for women 40 years of age or older.

B) As used in this subsection (a)(12), "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

13) Pap tests and prostate-specific antigen tests – coverage is provided for the following:

A) An annual cervical smear or Pap smear test for women.

B) An annual digital rectal examination and a prostate-specific antigen test, upon the recommendation of a physician licensed to practice medicine in all its branches, for:

i) asymptomatic men age 50 and over;

ii) African-American men age 40 and over; and

iii) men age 40 and over with a family history of prostate cancer.

14) Coronary artery by-pass grafts – Covered only with prior approval by the Department.

b) In cases in which a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the

examination. Physicians will be subject to this requirement for six months, after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

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

Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescibers

For the purpose of this Section, "prescriber" shall mean any person who, within the scope of his or her professional licensing requirements, may prescribe or dispense drugs.

a) Prescriptions

1) A prescriber may prescribe any pharmacy item, not otherwise excluded, that, in the prescriber's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's present symptoms. The Department may require prior approval of any drug except as outlined in Section 140.442(a)(9).

2) A prescriber shall:

A) Use a tamper-resistant prescription form, as defined at Section 140.443(b)(2), for non-electronic prescriptions. Non-electronic prescriptions are defined at Section 140.443(b)(1). In addition, the prescriber shall ensure the prescription form is compliant with Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23); and

B) Enter on the form all data elements required under Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23), as well as one of the following data elements identifying the prescriber:

i) Drug Enforcement Administration (DEA) Number; or

ii) National Provider Indentifier (NPI); or

iii) Medical Assistance Program Provider Number; or

iv) Illinois State License Number.

3) The prescriber shall not charge for writing a prescription.

4) Items that shall not be prescribed are listed in Section 140.441.

b) Dispensed Items

1) A participating prescriber may dispense pharmacy items subject to the Department's coverage policies. The prescriber shall not charge for any samples dispensed or anesthesia agents administered for office surgical procedures.

2) Effective July 1, 2012~~February 1, 2012~~, the Department shall pay for covered outpatient drug items dispensed or administered by a non-pharmacy provider at a rate equal to the lowest of the provider's usual and customary charge to the public; or

A) The Average Sales Price (ASP) plus 6 percent. ASP means the ASP as defined in the Social Security Act, Title XVIII, section 1847A(c) (42 USC 1395 w-3a(c)) and calculated by the federal Centers for Medicare and Medicaid Services (CMMS); or

B) The State upper limit.

3)~~B)~~ In cases in which ASP is not available and no State upper limit has been developed, the Department's lowest maximum allowable price for all covered NDCs assigned to the HCPCS billing code (the methodology for determining the Department's maximum prescription prices is specified in Section 140.445(b)(1) and (b)(2)).

4)~~3)~~ Reimbursement rates for drugs dispensed or administered by non-pharmacy providers shall be updated no less frequently than twice per calendar year.

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

Section 140.417 Limitations on Optometric Services

Payment for the following optometric services and materials shall be made subject to the following limitations:

a) Payment shall be made for single vision lenses only when the following conditions are met:

1) The power is at least 0.75 diopters in either the sphere or cylinder component; or

2) The difference between the old and new prescription is at least 0.75 diopters in either the sphere or cylinder component.

b) Payment shall be made for bifocal lenses only when the following conditions are met:

1) For first bifocals, the power of the bifocal addition is at least 1.00 diopter.

2) For a change in bifocal lenses, the power of the bifocal addition is changed by at least 0.50 diopters or the distance power represents a change of at least 0.75 diopters.

c) Payment shall be made for more than one examination per year only when the vendor documents the need for the additional examination.

d) Payment shall be made for one pair of eyeglasses or set of lenses for adults in a 24-month period. Payment shall be made for more than one pair of eyeglasses or set of lenses per year for children through age 20 only when the physician or optometrist documents:

1) that:

A) the most recent pair of eyeglasses or set of lenses was lost or destroyed for reasons beyond the control of the recipient; or

B) there is a change in the prescription that meets the requirements in subsection (a)(2) or (b)(2) ~~of this Section~~; and

2) that the additional pair is medically necessary.

e) Payment for optometric materials dispensed by a supplier other than a physician or optometrist, except for replacement and repair items, shall be made only when they are prescribed by a licensed physician or optometrist.

f) Prior approval pursuant to Section 140.40 is required for the services and materials described in this subsection (f). Approval shall be given when, in the judgment of a Department consultant, the requested item or service is appropriate.

1) Contact lenses and related contact lens services;

~~2) A third pair of eyeglasses in one year for adults 21 years of age or older;~~

2)~~3)~~ Custom made artificial eyes;

3)~~4)~~ Low vision devices; and

4)~~5)~~ Any item or service not specifically included in the schedule of procedures for optical services and supplies.

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

Section 140.420 Dental Services

a) Payment for dental services shall be made only to enrolled licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of those~~such~~ services.

b) Except as~~for the "services not covered"~~ specified in subsections~~subsection~~ (c) and (d)~~of this Section~~, payment shall be made for covered dental services as described in subsections (b)(1) and (b)(2) and as listed in Table D~~that are~~:

1) Necessary to relieve pain or infection, preserve teeth, or restore adequate dental function;

2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D~~ of this Part~~); and

3) Performed by the dentist or under the direct supervision of the dentist.

c) Payment~~Services for which payment~~ shall not be made for experimental dental care and procedures performed only for cosmetic reasons.~~include:~~

~~1) Routine or periodic examinations other than clinical oral examinations (see Table D(a)(1));~~

~~2) Experimental dental care;~~

~~3) Procedures performed only for cosmetic reasons;~~

~~4) Dental prophylaxis for individuals 21 years and older;~~

~~5) Topical fluoride treatment and sealants for individuals age 21 years and older;~~

~~6) Space maintainers for individuals age 21 years and older;~~

~~7) Acrylic crown;~~

~~8) Prefabricated stainless steel crown for primary tooth for individuals age 21 years and older;~~

~~9) Therapeutic pulpotomy for individuals age 21 years and older;~~

~~10) Bicuspid and molar root canals, apexification, and apicoectomy procedures for anterior teeth, bicuspids, and permanent first molars for individuals age 21 years and older;~~

~~11) Periodontics for individuals age 21 years and older;~~

~~12) Partial dentures for adults age 21 years and older;~~

~~13) All dentures placed prior to five year expiration (see Section 140.421(c));~~

~~14) Bridgework for individuals age 21 years and older;~~

~~15) Surgical exposure to aid eruption for individuals age 21 years and older;~~

~~16) Alveoloplasty for individuals age 21 years and older;~~

~~17) Frenulectomy for individuals age 21 years and older; and~~

~~18) Orthodontics for individuals age 21 years and older.~~

d) Effective for dates of service on or after July 1, 2012, notwithstanding other provisions of this Section or Section 140.421, dental services rendered to recipients age 21 years and older shall be limited to those dental services that are medically necessary to treat pain, infection, swelling, uncontrolled bleeding, or traumatic injury that can be treated by extraction and dental services that are medically necessary as a prerequisite for necessary medical care.

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

Section 140.425 Podiatry Services

a) Payment for podiatry services shall be made only to licensed podiatrists.

b) Payment shall be made for those podiatric services provided to recipients under the age of 21 or recipients age 21 and over who have been diagnosed with diabetes as defined in the International Classification of Diseases. The allowable diagnosis code ranges will be specified in the Handbook for Providers of Podiatric Services.~~that are:~~

c) Payment shall be made for those podiatric services that are:

1) Limited to recipients under the age of 21 or recipients age 21 and over who have been diagnosed with diabetes as defined in the International Classification of Diseases.

2~~1~~) Essential for the diagnosis and treatment of conditions of the feet.

3~~2~~) Listed in the Current Procedural Terminology (CPT) for podiatric office visits, diagnostic radiology, pathology, or orthomechanical procedures included in the Department's schedule of podiatric services.

43) Performed by the podiatrist or under the direct supervision of the podiatrist.

54) Routine foot care services (trimming of nails, treatment of calluses, corns, and similar services) when a participant is under active treatment for diabetes mellitus. or has a systemic condition that has resulted in severe circulatory impairment or an area of desensitization in the legs or feet and a routine type of foot care is required. These services may not be provided at less than 60 day intervals.

de) Payment shall not be made for the following services:

1) Making a referral, obtaining a specimen, handling a specimen for analysis, or ordering a laboratory test;,

2) Visits and services provided to recipients eligible for Medicare benefits if the services are determined not medically necessary by Medicare;,

3) Services provided to recipients in group care facilities by a podiatrist who derives direct or indirect profit from total or partial ownership of the facility;,

4) Routine foot care, except as described in subsection (cb)(54); of this Section,

5) Screening for foot problems;,

6) Provider transportation costs;,

7) X-rays, and laboratory procedures performed at a location other than the podiatrist's own office;,

8) X-rays, laboratory work or similar services not specifically required by the condition for which the recipient is being treated;,

9) Routine post-operative visits.

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

Section 140.428 Chiropractic Services

a) Payment shall be made only to chiropractors.

b) Payment shall only be made for chiropractic services provided to recipients under the age of 21.

c~~b~~) Payment shall be made for only one chiropractic service: manual manipulation of the spine to correct a subluxation of the spine which has resulted in a neuromusculoskeletal condition for which the~~such~~ manipulation is an appropriate treatment.

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

Section 140.440 Pharmacy Services

a) Payment shall be made only to pharmacies.

b) The following conditions apply to pharmacy participation:

1) The pharmacy must hold a current Drug Enforcement Administration (DEA) registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301 et seq.), as well as a current controlled substances license issued by the Illinois Department of Financial and Professional Regulation (see Controlled Substances Act [720 ILCS 570]) prior to enrolling with the Department.

2) Licensed Pharmacy Requirements

A) A licensed pharmacy located in and/or administratively associated with a group practice or long-term facility must:

i) provide the same scope of general pharmacy and professional services as a pharmacy not so affiliated; and

ii) be retail in nature, open and accessible to the general public.

B) The pharmacy shall not limit prescriptions filled to those written

by practitioners connected with the group or facility for persons receiving care or services from the group or facility.

3) A hospital pharmacy that~~which~~ provides pharmaceutical services and supplies for inpatients, outpatient clinic patients and emergency room patients of the hospital may not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (Division 5 license).

4) Effective August 1, 2012, in order to dispense blood factor, a pharmacy must sign a standards of care agreement with the Department.

5) A pharmacy billing the Department for 340B-purchased drugs shall charge the Department no more than the 340B entity's actual acquisition cost (AAC) for the drug product plus the Department's established dispensing fee, unless the Department has calculated an allowable amount specific to 340B-purchased drugs for that drug. In that case, the pharmacy may bill the Department its usual and customary charges. For a pharmacy provider owned or operated by a Hemophilia Treatment Center, this requirement does not become effective until July 1, 2013.

c) The Department shall pay for the dispensing of pharmacy items, subject to the provisions of subsection (d) ~~below~~ and Section 140.443, which are prescribed by a physician, dentist or podiatrist within the scope of their professional practice.

d) Beginning with drugs dispensed on or after April 1, 1991, Department coverage shall be limited to those drug manufacturers having rebate agreements in effect as provided under Section 1927 of Title XIX of the Social Security Act (42 USC~~U.S.C.~~ 1396s). The Department shall provide all interested parties with an updated list of drug manufacturers having rebate agreements in effect.

e) The Department may require approval for the reimbursement of any drug except as provided in Section 140.442. When reviewing requests for prior authorization, approval decisions shall be medically based. The Department's electronic claims processing system shall be the mechanism for identification of whether a prescribed drug requires prior authorization to dispensing pharmacists. A printed listing of prescribed drugs available without prior approval shall be provided to other interested parties upon request.

f) An approved request does not guarantee payment. The recipient for whom the services/items are approved must be eligible at the time they are provided. In addition, a valid, current prescription for the requested medication must be on file and maintained by the pharmacy in accordance with the Pharmacy Practice Act of 1987 [225 ILCS 85].

g) For purposes of Sections 140.440 through 140.448, pertaining to reimbursement for drugs, the following definitions apply:

1) Nursing facility means any facility that~~which~~ provides medical group care services as defined in Section 140.500.

2) Generic drug means those legend drugs that~~which~~ are multiple source drugs marketed or sold by two or more labelers, marketed or sold by the same labeler under two or more different proprietary names or marketed both under a proprietary name and without such a name.

3) Brand name drug means single-source innovator drugs and innovator multiple-source drugs when prior authorization has been obtained for reimbursing the innovator product.

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

Section 140.441 Pharmacy Services Not Covered

Items excluded from coverage include the following:

a) Drug products manufactured by drug manufacturers not meeting the rebate requirements of Section 140.440(d);

b) Anorectic drugs or combinations including such drugs;

c) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

d) Any vaccine, drug or serum which is provided primarily for preventive purposes,~~;~~ e.g., influenza vaccine;

e) Drugs for injection in a practitioner's office unless the cost of the drug per

injection (excluding administration) exceeds $25.00;

f) Drugs that have been classified by the Food and Drug Administration (FDA) as ineffective or unsafe in a final order;

g) Drugs that the Food and Drug Administration has proposed in a notice of opportunity for hearing to withdraw labeled indications (~~[~~pursuant to section~~Section~~ 107(c)(3) of the Drug Amendments of 1962 (P.L. 87-781) and section~~Section~~ 505(e) of the Federal Food, Drug and Cosmetic Act (21 USC 355(e))~~]~~ and any identical, related or similar drug products (~~[~~determined by the FDA in accordance with 21 CFR 310.6)~~]~~;

h) Items identified as Group Care Restricted Items (see Section 140.449(b)) are not covered when provided to recipients living in licensed long-term care facilities;

i) Sickroom Needs and Medical Equipment Items are not covered as pharmacy items. A pharmacy that~~which~~ desires to provide the~~such~~ items must enroll as a provider of medical equipment; and

j) Miscellaneous supplies that~~Supplies which~~ are stocked and dispensed by some pharmacies are not covered. These items include, but are not limited to, dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, proprietary food supplements or substitutes, sugar or salt substitutes, household products, or infant formula for routine feeding.

k) Blood factor, when a patient has not had a comprehensive examination at a federally-funded Hemophilia Treatment Center during the 365 days preceding the date of service.

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

Section 140.442 Prior Approval of Prescriptions

a) The Department may require prior approval for the reimbursement of any drug, except as provided in this Section. Determinations of whether prior approval for any drug is required shall be made in the following manner:

1) The Department shall consult with individuals or organizations that~~which~~

possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.

2) The Department shall consult with a panel from the~~such~~ organizations (the panel is selected by the~~such~~ organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs that~~which~~ shall be available without prior approval.

3) Upon U.S. Food and Drug Administration approval of a new drug, or when post-marketing information becomes available for existing drugs requiring prior approval, the manufacturer shall be responsible for submitting materials to the Department which the Department and the consulting organization shall consider in determining whether reimbursement for the drug shall require prior approval.

4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(e)) shall be available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this Section.

5) Upon receipt of the final agenda established for each meeting of the panel created under subsection (a)(2), the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist the panel in its review of the products on the agenda. The Department shall make comments and, within ten working days after receipt of the agenda, transmit such comments either in person or in writing to the panel. This shall be done for each meeting of the above described panel.

6) The consulting organization shall transmit its recommendations to the Department in writing.

7) Upon receipt of this transmittal letter, the Department shall, within 15 business days, notify all interested parties, including pharmaceutical product manufacturers, of all recommendations of the consulting organization accepted or rejected by the Director. Notifications to pharmaceutical manufacturers of the Director's decision to require prior approval shall include reasons for the decision. Decisions requiring prior approval of new drug products not previously requiring prior approval shall become effective no sooner than ten days after the notification to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.

8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The drug~~Drug~~ manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the expert panel created under subsection (a)(2) convened by the consulting organization.

9) The Department shall provide that the following types of drugs are available without prior approval:

~~A)~~ ~~Drugs for the treatment of Acquired Immunodeficiency Syndrome (AIDS) which the Federal Food and Drug Administration has indicated is subject to a treatment investigational new drug application;~~

A~~B~~) Contraceptive drugs and products; and

~~C)~~ ~~Oncolytic drugs; and~~

B~~D~~) Non-innovator products, listed in the State of Illinois Drug Product Selection Program's current Illinois Formulary, when the innovator

product is available without prior approval.

b) Prior~~Except as provided in subsection (c), prior~~ approval shall be given for drugs requiring ~~such~~ authorization if:

1) The drug is a legend item (requires a prescription); and

2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and

3) Either:

A) The drug is necessary to prevent a higher level of care, such as institutionalization; or

B) The prescriber has determined that the drug is medically necessary.

~~c) For recipients covered by the General Assistance Medical Program, prior approval shall be given for drugs requiring such authorization if:~~

~~1) The drug is a legend item (requires a prescription); and~~

~~2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and~~

~~3) The physician has documented that the requested item is necessary to prevent a life threatening situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening situation.~~

c~~d~~) Decisions on all requests for prior approval by telephone or other telecommunications device and, upon the Department's receipt of the~~such~~ request, shall be made by the same time of the Department's next working day. In an

emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.

d~~e~~) In accordance with subsection (d)~~(e)~~(2), the Department may require prior approval prior to reimbursement for a brand name prescription drug if the patient for whom the drug is prescribed has already received three brand name prescription drugs in the preceding 30-day period~~,~~ and is 21 years of age or older.

1) For purposes of this subsection (d~~e~~), brand name prescription drugs in the following therapeutic classes shall not count towards the limit of three brand name prescription drugs and shall not be subject to prior approval requirements because a patient has received three brand name prescription drugs in the preceding 30 days.

A) Antiretrovirals;

B) Antineoplastics; and

C) Anti-Rejection Drugs.~~;~~

~~D) Antipsychotics;~~

~~E) Anticonvulsants;~~

~~F) Insulin; and~~

~~G) Anti-Hemophilic Factor Concentrates.~~

2) Brand name prescription drugs are exempt from the prior approval requirements of this subsection (d~~e~~) if:

A) there are no generic therapies for the condition treated within the same therapeutic drug class; or

B) the Department determines that the brand name prescription drug is cost effective.

e) The Department may require prior approval prior to reimbursement for a prescription drug if the patient for whom the drug is prescribed has already

received four prescription drugs in the preceding 30-day period. For purposes of subsection (d), prescription drugs in the following therapeutic classes shall not count towards the limit of four prescription drugs and shall not be subject to prior approval requirements because a patient has received four prescription drugs in the preceding 30 days:

1) Antiretrovirals;

2) Antineoplastics; and

3) Anti-Rejection Drugs.

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

Section 140.443 Filling of Prescriptions

a) The prescription must contain the information required under Section 3(e) of the Pharmacy Practice Act of 1987 [225 ILCS 85/3(e)], 68 Ill. Adm. Code 1330 and 42 USC 1936(i)(23) and also contain the prescriber's:

1) Drug Enforcement Administration (DEA) Number; or

2) National Provider Identifier (NPI); or

3) Medical Assistance Program Provider Number; or

4) Illinois State License Number.

b) To the extent required by federal law, effective with new prescriptions executed on or after April 1, 2008, for clients covered under Title XIX of the Social Security Act, a non-electronic prescription must be written on a tamper-resistant prescription pad to be eligible for reimbursement. This requirement applies to all prescriptions regardless of whether the Department is the primary payor.

1) Non-electronic prescriptions are prescriptions that are not transmitted from the prescriber to the pharmacy via telephone, telefax, electronic prescribing (e-prescribing) mechanism, or other means of electronic transmission.

2) Effective April 1, 2008, a prescription form is considered tamper-resistant when it contains any of the following characteristics and, effective October 1, 2008, to be considered tamper-resistant, a prescription form must contain all of the following characteristics:

A) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank form;

B) one or more industry-recognized features to prevent the erasure or modification of information written on the prescription by the prescriber;

C) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

3) If a patient presents at a pharmacy with a prescription written on a prescription pad that is not tamper-resistant, and the pharmacist contacts the prescriber via telephone, telefax, or other electronic communication device, and the prescriber or the prescriber's agent verifies the validity of the prescription, the prescription is then considered "electronic" and, therefore, exempt from the requirement that the prescription be written on a tamper-resistant pad. In such cases, the pharmacist shall note on the original prescription that the prescriber was contacted and the prescriber or the prescriber's agent verified the validity of the prescription.

4) If a patient presents at a pharmacy with a non-electronic prescription written on a pad that is not tamper-resistant, and the pharmacist is unable to contact the prescriber or the prescriber's agent to verify the validity of the prescription, and the pharmacist, in using his or her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may fill the prescription and the Department will reimburse for the prescription, provided that the patient is eligible for coverage of the drug and provided that the drug is covered by the Department. The pharmacist must obtain from the prescriber or the prescriber's agent a verbal, faxed, electronic or compliant written prescription within 72 hours after the date on which the prescription was filled.

c) Pharmacies shall not accept blank, presigned prescription forms.

d) If a drug is available by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product unless prior authorization has been obtained for reimbursement based upon the innovator product, or unless the Department determines that the innovator product, reimbursed at the brand name pricing methodology, is more cost-effective than the generic equivalent.

e) The Department shall not pay for dispensed items in excess of the maximum quantity established by the Department, unless prior approval has been granted to dispense an amount in excess of the maximum. The Department shall pay for no more than one month's supply of the item dispensed.

f) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law.

g) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and federal~~Federal~~ laws. The total quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.

h) Effective January 1, 2013, brand-name, solid, oral drugs dispensed to clients residing in any facility that provides medical group care services as defined in Section 140.500, except Intermediate Care Facilities for the Developmentally Disabled (ICF/DD), must be dispensed in 14-day supplies. Exceptions: Solid oral doses of antibiotics and drugs that are dispensed in their original container as indicated in the Food and Drug Administration Prescribing Information or are customarily dispensed in their original packaging to assist patients with compliance (for example, oral contraceptives), may be dispensed in supplies for greater than 14 days.

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

Section 140.445 Legend Prescription Items (Not Compounded)

~~Effective February 1, 2012, for legend (prescription) drugs, the Department shall pay the lower of:~~

a) Effective July 1, 2012, for legend (prescription) drugs, the Department shall pay

the lower of:

1) the pharmacy's usual and customary charge to the general public; ~~or~~

2~~b~~) the Department's maximum price plus the established dispensing fee of $5.50~~$6.35~~ for generic drugs and $2.40~~$3.40~~ for brand name drugs. The Department shall pay only one dispensing fee per 30 days' supply for those drugs dispensed in accordance with Section 140.443(h);~~If the generic dispensing rate during the quarter ending June 30, 2014 is not 2% higher than the generic dispensing rate during the quarter ending December 31, 2011, then effective January 1, 2015, the dispensing fee shall be $4.60 for generic drugs and $3.40 for brand name drugs.~~

3~~1~~) For generic drugs, the Department's maximum price is calculated as the lowest of:

A) Wholesale Acquisition Cost (WAC); or~~Suggested Wholesale Price (SWP) minus 25%; or~~

B) the Federal upper limit as established under section 1927(e)(4) of the Social Security Act (42 USC 1396r-8(e)(4)); or

C) the State upper limit; or~~.~~

4~~2~~) For brand name drugs, the Department's maximum price is calculated as the lower~~lowest~~ of:

A) WAC~~ plus 1%~~; or

B) the State upper limit.

b) Effective February 1, 2013, for generic and brand name drugs purchased under the federal drug pricing program established under Section 340B of the federal Public Health Services Act, the Department shall pay the actual acquisition cost for the drug, as billed by the provider, or the Department's established 340B allowable reimbursement rate for the drug, plus a dispensing fee of $12.00 for brand and generic drugs.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 140.449 Payment of Pharmacy Items

a) The Department shall pay no more for charges submitted than the maximum permitted by federal~~Federal~~ regulations.

b) Explanation of Drug Restrictions~~drug restrictions~~

1) Group Care ~~and General Assistance~~ Restricted − The drug is available to all recipient categories except ~~recipients of General Assistance and~~ individuals residing in a nursing home.

2) The nursing home must provide the following listed drugs to resident recipients at no charge to the recipient:

Acetaminophen Drops 80mg/0.8ml

Acetaminophen Drops 120mg/2.5ml

Acetaminophen Elixir/Syrup 120mg/5ml

Acetaminophen Tab/Cap 325mg

Acetaminophen Tab/Cap 500mg

Acetaminophen Tab/Cap 650mg

Acetaminophen Tablet Chewable 80mg

Acetaminophen Tablet Chewable 120mg

Aspirin Tab Buffered 325mg

Aspirin Tab Buffered 600mg

Aspirin Tab EC 300mg

Aspirin Tab EC 600mg

Aspirin Tab Pediatric

Aspirin Tab 300mg

Aspirin Tab 600mg

Glucola Liquid

Milk of Magnesia Liquid

Milk of Magnesia Tablet

Zinc Oxide Ointment

c) No restrictions – The drug is available to all recipient categories, including nursing home residents and recipients of basic health coverage.

d) Group Care Restricted – The drug is available to all recipients except recipients residing in nursing homes. The nursing home must provide the following listed items to resident recipients at no charge to the recipient:

Acetest Reagent Tablets

Albustix Strips

Chemstrip BG Strips

Chemstrip GP Chemstrip K Papers

Chemstrip Test Kit

Chemstrip UG Strips

Chemstrip UGK Strips

Chemstrip 5

Clinistix Strip

Clinitest (2 Drop)

Clinitest Analysis Set

Clinitest Analysis Set (2 Drop)

Clinitest Tablet

Clinitest Tablet Foil

Combistix

Dextrostix Reagent Strips

Dextrostix Reagent Strips Foil

Diascan Dual Pad Strips

Diastix Strips

Exactech Test Strips

Glucofilm Test Strips

Glucoscan Test Strips

Glucostix Strips

Hema-Combistix

Hemastix Strips

Hematest Tablet

Keto-Diastix

Keto-Diastix 5

Ketostix Strips

Labstix

Lancet for Diabetic Use, Sterile

N-Uristix

One Touch Test Strips

TES-Tape

Tracer BG Strips

Trendstrips

Uristix

Visidex II Reagent Strips

Any product equivalent to those on the above list or any other nonlisted diabetic testing supply

e) Group care limited – The drug is available only to recipients residing in nursing homes.

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

Section 140.457 Therapy Services

Therapy Covered Services: Physical, occupational and speech/language services are provided for clients because of illness, disability or infirmity and in accordance with a plan established by a physician and reviewed by the physician every 90 days with a maximum of 20 visits allowed per discipline per State fiscal year for adults age 21 and over. Payment may be made for therapy services provided by:

a) A physical, speech or occupational therapist who is qualified as follows:

1) A physical therapist must be licensed by the Department of Financial and Professional Regulation.

2 A speech/language therapist must be licensed by the Illinois Department of Financial and Professional Regulation.

3) An occupational therapist must be licensed by the Department of Financial and Professional Regulation.

b) A community health agency.

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

Section 140.458 Prior Approval for Therapy Services

a) Prior approval is required for the provision of services by an independent speech/language, physical or occupational therapist or by a community health agency, unless:

1) the individual is eligible for services under Medicare; or

2) the individual is under the age of 21.~~services are provided in accordance with initial treatment guidelines outlined in the provider manual; or~~

~~3) the individual has been hospitalized within the past 30 days and was, while hospitalized, receiving therapy services; or~~

~~4) therapy services are being provided as a result of a Healthy Kids diagnosis and referral (89 Ill. Adm. Code 140.485).~~

b) Approval will be granted when, in the judgment~~judgement~~ of a consulting physician and/or professional staff of the Department, the services are medically necessary and appropriate to meet the individual's medical needs.

c) The decision to approve or deny a request for prior approval will be made within 21 days after~~of~~ the date the request and all necessary information is received.

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

Section 140.469 Hospice

a) Hospice is a continuum of palliative and supportive care, directed and coordinated by a team of professionals and volunteer workers who provide care to terminally ill persons to:

1) reduce or abate pain or other symptoms of mental or physical distress;~~,~~ and

2) meet the special needs arising out of the stresses of terminal illness, dying or bereavement.

b) Hospice care is a covered service for all eligible clients, including residents of intermediate and skilled care facilities, when provided by a Medicare certified hospice provider and in accordance with provisions contained in section 1902(a)(13)(B) of the Social Security Act (42 USC 1396a(a)(13)(B)).

c) Covered services include:

1) Nursing care;~~,~~

2) Physician services;~~,~~

3) Medical social services;~~,~~

4) Short term inpatient care;~~,~~

5) Medical appliances, supplies and drugs;~~,~~

6) Home health aide services;~~,~~

7) Occupational, physical and speech-language therapy services to control symptoms;~~,~~ and

8) Counseling services.

d) Reimbursement shall be at the established Medicare rate for the specific level of care into which each day of care is classified. The four levels of care are:

1) Routine Home Care. The hospice will be paid the routine home care rate for each day the patient is at home, under the care of the hospice, and not

receiving continuous home care. This rate is paid without regard to the volume or intensity of routine home care services provided on any given day.

2) Continuous Home Care. The continuous home care rate will be paid when continuous home care is provided. The continuous home care rate is divided by 24 hours in order to arrive at an hourly rate. A minimum of eight hours must be provided. For every hour or part of an hour of continuous care furnished, the hourly rate will be reimbursed to the hospice up to 24 hours a day.

3) Inpatient Respite Care. The inpatient rate will be paid each day on which the beneficiary is in the approved inpatient facility and is receiving respite care. Payment for respite care may be made for a maximum of five days at a time, including the date of admission, but not counting the date of discharge. Payment for the sixth day and any subsequent days is to be made at the routine home care rate.

4) General Inpatient Care. The inpatient rate will be paid when general inpatient care is provided. None of the other fixed payment rates (i.e., routine home care) will be applicable for a day on which the patient receives hospice inpatient care except for the day of discharge from an inpatient unit. In which case, the appropriate home care rate is to be paid unless the patient dies as an inpatient.

e) When the individual resides in an ICF or SNF facility, the Department shall provide payment of an add-on amount to the hospice on routine home care and continuous home care days. The add-on amount will constitute a portion of the facility rate the State would be responsible for as mandated by 42 CFR 418.1 through -418.205. The add-on amount for county-owned/operated nursing facilities shall be based on the rates established pursuant to Section 140.530(c)(1).

f) The hospice shall receive an add-on amount for other physician services such as direct patient care when physician services are provided by an employee of the hospice or under arrangements made by the hospice unless those services are performed on a volunteer basis. These add-on amounts will be utilized when determining the hospice cap amount.

g) Medicaid payment to a hospice provider for care furnished over the period of a

year shall be limited by a payment cap as set forth in 42 CFR 418.309. Any overpayment shall be refunded by the hospice provider.

h) Effective with dates of service on and after July 1, 2012, the following services will not be covered outside of the hospice program benefit for patients 21 years of age and older electing hospice care. The following services will not be paid separately:

1) Dental services;

2) Optometric services and eyewear;

3) Nursing services provided by registered nurses and licensed practical nurses;

4) Physical therapy services;

5) Occupational therapy services;

6) Speech therapy services;

7) Audiology services;

8) General clinic services;

9) Psychiatric clinic Type A services;

10) Psychiatric clinic Type B services;

11) Hospital outpatient physical rehabilitation;

12) Healthy Kids services;

13) Mental health rehabilitation option;

14) Alcohol and substance abuse rehabilitation services;

15) Medical equipment;

16) Medical supplies;

17) Social work services;

18) Psychological services;

19) Home health services;

20) Homemaker services; and

21) Palliative drugs.

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

Section 140.470 Eligible Home Health Care, Nursing and Public Health Providers

~~The Department will reimburse the following as home health care providers:~~

a) The following classes of providers may enroll with the Department as home health care providers:

1) A Medicare-certified home health agency licensed by the Department of Public Health;

2) A home nursing agency licensed by the Department of Public Health;

~~b) A home health agency certified by the Department of Public Health as Medicare certifiable or as meeting the requirements of Medicare;~~

3~~e~~) A self-employed nurse ~~who is~~ licensed by the Department of Financial and Professional Regulation as a registered nurse as defined by the Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65], when there is no home health agency in the area available to provide needed services; or

4~~d~~) A health department certified by the Department of Public Health.~~;~~

b) Home health care providers must implement an auditable electronic service verification.

~~e) A community health agency; or~~

~~f) A nursing agency approved by the University of Illinois at Chicago, Division of Specialized Care for Children to provide services for children and adolescents under 21 years of age.~~

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

Section 140.471 Description of Home Health Care Services

a) Home health services are services provided for participants in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home.

b) Services provided shall be of a curative or rehabilitative nature and demonstrate progress toward goals outlined in a plan of care. Services shall be provided for individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days.

c) For purposes of this Section, "residence" does not include a hospital, a skilled nursing facility, an intermediate care facility, a specialized mental health rehabilitation facility or a supportive living facility. The term "residence" includes an intermediate care facility for the mentally retarded only to the extent that home health services are not required to be provided under 89 Ill. Adm. Code 144.

d) To be eligible for reimbursement by the Department, initial certification of intermittent skilled nursing services or therapy services must have documentation that a face-to-face encounter was conducted by the practitioner requesting services. The following conditions must be met for the face-to-face encounter:

1) The physician responsible for performing the initial certification must document that the face-to-face patient encounter, which is related to the primary reason the patient requires home health services, has occurred no more than 90 days prior to the home health start of care date or within 30 days after the start of the home health care by including the date of the encounter and including an explanation of why the clinical findings of the

encounter support that the patient is in need of either intermittent skilled nursing services or therapy services as defined in Section 140.472.

2) The face-to-face encounter must be performed by the certifying physician, a nurse practitioner, a clinical nurse specialist who is working in collaboration with the physician in accordance with State law, a certified nurse midwife as authorized by State law, a physician assistant under the supervision of the physician, or, for patients admitted to home health immediately after an acute or post-acute stay, the physician who cared for the patient in an acute or post-acute facility and who has privileges at the facility. The documentation of the face-to-face encounter must be a separate and distinct section of, or an addendum to, the certification and must be clearly titled, dated and signed by the certifying physician.

A) If the certifying physician does not perform the face-to-face encounter personally, the nonphysician practitioner or the physician who cared for the patient in an acute or post-acute facility performing the face-to-face encounter must communicate the clinical findings of that face-to-face patient encounter to the certifying physician.

B) If a face-to-face patient encounter occurred within 90 days prior to the start of care but is not related to the primary reason the patient requires home health services, or the patient has not seen the certifying physician or allowed nonphysician practitioner within the 90 days prior to the start of the home health episode, the certifying physician or nonphysician practitioner must have a face-to-face encounter with the patient within 30 days after the start of the home health care.

C) The face-to-face patient encounter may occur through telehealth, in compliance with Section 140.403.

D) The physician responsible for certifying the patient for home care must document the face-to-face encounter on the certification itself, or as an addendum to the certification (as described in subsection (d)(1)) that the condition for which the patient was being treated in the face-to-face patient encounter is related to the primary reason the patient requires home health services, and why

the clinical findings of the encounter support that the patient is in need of either intermittent skilled nursing services or therapy services as defined in Section 140.472. The documentation must be clearly titled, dated and signed by the certifying physician.

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

Section 140.472 Types of Home Health Care Services

The types of services for which payment can be made are:

a) Intermittent skilled nursing in the home for the purpose of completing an assessment, evaluation or administration.

b) Shift nursing care in the home for the purpose of caring for a participant under 21 years of age who has extensive medical needs and requires ongoing skilled nursing care.

c) Home health aide.~~Health Aid.~~

d) ~~Speech~~ Therapy services: Speech, occupational and physical therapy services are limited to a maximum of 20 visits per State fiscal year for participants who are age 21 and over. These services require prior approval by the Department.

~~e) Occupational Therapy.~~

~~f) Physical Therapy.~~

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

Section 140.473 Prior Approval for Home Health Care Services

a) Prior approval is required for the provision of home health services described in Section 140.472. The decision to approve or deny a request for prior approval will be made within 21 days after the date the request is received or within 21 days after receipt of additional information, whichever occurs later. Prior approval is also required for participants needing more than one skilled nursing visit per day.

b) Prior approval is required for the provision of all home health services to terminally ill participants covered under the Transitional Assistance Program and the Family and Children Assistance Program.

c) Prior approval is not required for intermittent skilled nursing services provided by a home health agency provider for participants within the first 60 days after discharge~~of service provided by a home health agency provider for participants discharged~~ from an acute care or rehabilitation hospital when services are initiated within 14 days after discharge.

d) Prior approval is required for all in-home shift nursing for children who are under 21 years of age. The decision to approve or deny a request for prior approval will be made within 21 days after the date the request is received or within 21 days after receipt of additional information, whichever occurs later. Review of services for children eligible for in-home shift nursing under the Illinois Home and Community-Based Services Waiver for Medically Fragile, Technology Dependent Children will be made in accordance with 89 Ill. Adm. Code 120.530.

e) Approval will be granted when, in the judgment of a consulting physician and subject to the review of the professional staff of the Department, the services are medically necessary and appropriate to meet the participant's medical needs.

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

Section 140.474 Payment for Home Health Care Services

a) Except for services described in subsection~~subsections~~ (b)~~ and (c) of this Section~~, home health agencies shall be paid an all inclusive, per visit rate which shall be the lowest of the:

1) Agency's~~the agency's~~ usual and customary charge for the service;

2) Agency's~~the agency's~~ Medicare rate; or

3) ~~the~~ Department's maximum allowable rate of as identified in the Home Health Fee Schedule (see the Department's website)~~ $65.25~~. Beginning with the State fiscal year 2002, the maximum allowable rate may be adjusted annually in consideration of the appropriation of funds by the General Assembly.

b) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for those~~such~~ services as determined for each case at the time prior approval is given.

c) Payment for in-home shift nursing for children who are under 21 years of age under Section 140.472(b) shall be at the Department's established hourly rate to an agency licensed to provide these services. The hourly rate for in-home shift nursing care may be adjusted in consideration of the appropriation of funds by the General Assembly.

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

Section 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices

a) Prior approval for the purchase, repair or rental of certain medical equipment, prosthetic devices and orthotic devices is required except when:

1) The client is a Medicare beneficiary and the item requested has been reimbursed under the Medicare program; or

~~2) Repair costs do not exceed 75 percent of the purchase price and the item is not covered by a warranty; or~~

2~~3~~) The item is being loaned pending repair or replacement of the recipient's own item.

b) Replacement of covered equipment, prosthetic devices and orthotic devices is subject to all policies that apply to an original purchase of the same item. Replacements will not be reimbursed by the Department if the original item is under a warranty that would cover the necessary repairs or replacement. If the item requires prior approval and if the item was purchased by the Department for the same client within the past 12 months, the Department's original determination of medical necessity will be deemed adequate for the replacement purchase. In this case, the request for prior approval must contain an explanation of the need for replacement. The Department may deny payment for replacement of equipment if evidence indicates that breakage or loss has resulted from abuse of the equipment.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Section 140.498 Fingerprint-Based Criminal Background Checks

~~a) Non-Emergency Transportation~~

a)~~1)~~ Vendors who pose a risk of fraud, waste, abuse or harm~~Non-emergency transportation vendors~~, as defined in Section 140.13, and applicants of the Medical Assistance Program shall submit to a fingerprint-based criminal background check on current and future information available in the State system for criminal background checks, and current information available through the Federal Bureau of Investigation's fingerprint system, by submitting all necessary fees and information in the form and manner prescribed by the Illinois State Police. New vendor applicants must submit to fingerprint-based criminal background checks within 30 days after the submission of the application. When~~At such times as~~ the Department initiates~~may initiate~~ a re-enrollment of all classes of~~non-emergency transportation~~ vendors pursuant to Section 140.11(e), the Department may require the~~such~~ vendors to re-submit to fingerprint-based criminal background checks as provided in this Section. Fingerprint-based criminal background checks requested pursuant to Section 140.11(e) must be submitted within 60 days after the submission of the~~such~~ updated enrollment information. Vendors shall be responsible for the payment of the costs of fingerprint-based criminal background checks.

b)~~2)~~ The following individuals shall be subject to the fingerprint-based background check:

1)~~A)~~ In the case of a vendor that is a corporation, all officers and individuals owning, directly or indirectly, five percent or more of the shares of stock or other evidence of ownership in a corporate vendor.

2)~~B)~~ In the case of a vendor that is a partnership, every partner.

3)~~C)~~ In the case of a vendor that is a sole proprietorship, the sole proprietor.

4)~~D)~~ Each officer and each individual with management responsibility of the vendor.

c)~~3)~~ All individuals required to submit to a fingerprint-based criminal background check must submit their fingerprints to a fingerprint vendor approved by the Illinois State Police. The Department shall provide a list of all approved fingerprint vendors.

d)~~4)~~ Within 30 days after any individual identified in subsection (b)~~(a)(2) of this Section~~ acquiring an ownership interest, pursuant to subsection (b)(1), (b)(2) or (b)(3)~~(a)(2)(A), (B) or (C) of this Section~~, or assuming management responsibility, pursuant to subsection (b)(4)~~(a)(2)(D) of this Section~~, the vendor must notify the Department of the~~such~~ change and the individual must submit to a fingerprint-based criminal background check within 30 days after ~~such~~ notification.

e)~~5)~~ The failure of any individual identified in subsection (b)~~subsections (a)(2)(A), (B), (C) and (D) of this Section~~ to submit to a fingerprint-based criminal background check, as provided for in this Section, or to provide notification as required in subsection (d)~~(a)(4) of this Section~~, will result in the denial of an application or re-application (pursuant to Section 140.11(e)) to participate in the Medical Assistance Program or may result in disenrollment~~dis-enrollment~~, termination or suspension of an enrolled vendor.

f)~~6)~~ This Section does not apply to:

1)~~A)~~ Vendors owned or operated by government agencies; and

2)~~B)~~ Private automobiles.

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

Section 140.523 Bed Reserves

a) Effective for dates of service on or after July 1, 2012, no payments for bed reserve days will be made to a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Rehabilitation Act [210 ILCS 48].~~Nursing Facilities~~

~~1) All payable bed reserves must:~~

~~A) be authorized by a physician;~~

~~B) have post payment approval from Bureau of Long Term Care staff based on satisfying the requirements of this Section;~~

~~C) be limited to residents who desire to return to the same facility; and~~

~~D) be limited to facilities having a 93 percent or higher occupancy level and, of that occupancy level, 90 percent or higher shall be Medicaid eligible. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bed reserve days as occupied beds.~~

~~2) The Department shall make payment for resident absences due to hospitalization. In such instances, bed reserve is limited to ten days per hospital stay. In accordance with the Nursing Home Care Act [210 ILCS 45/3-401.1], a recipient or applicant shall be considered a resident in the nursing facility during any hospital stay totaling ten days or less following a hospital admission. The day the resident is transferred to the hospital is the first day of the reserve bed period.~~

~~3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to seven consecutive days in a billing month or ten non-consecutive days in a billing month. The day after the resident leaves the facility for a therapeutic home visit is the first day of the payable or nonpayable reserve bed period. Home visits may be extended with the approval of the Department.~~

~~4) Bureau of Long Term Care staff will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to ten days per month are valid for a period not exceeding six months.~~

~~5) Payment for approved bed reserves is a daily rate at 75 percent of an individual's current Medicaid per diem.~~

~~6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number~~

~~of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.~~

b) ICF/MR Facilities (including ICF/DD and SNF/Ped licenses)

1) All bed reserves must:

A) be authorized by the interdisciplinary team (IDT); ~~and~~

B) be limited to residents who desire to return to the same facility; and~~.~~

C) be for persons who are under 21 years of age.

2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.

3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

4) Payment may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:

A) 100%~~percent~~ of a facility's current Medicaid per diem for the first 10~~ten~~ days of an admission to a hospital;

B) 75%~~percent~~ of a facility's current Medicaid per diem for days 11 through 30 of the admission;

C) 50%~~percent~~ of a facility's current Medicaid per diem for days 31 to 45 of the admission.

5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the

resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:

A) 100% ~~percent~~ of a facility's current Medicaid per diem for a period not to exceed 10~~ten~~ days per State fiscal year;

B) 75% ~~percent~~ of a facility's current Medicaid per diem for a period which exceeds 10~~ten~~ days per State fiscal year.

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

Section 140.TABLE D Schedule of Dental Procedures

a) Diagnostic Services

1) Clinical Oral Examinations

A) Periodic oral evaluation, ages 0-20 years, once every 12 months

B) Limited oral examination – problem focused in conjunction with an emergency visit

C) Comprehensive oral examination, once per patient, per lifetime, per dentist or group

2) Clinical oral examinations for adults age 21 and older are limited oral examination-problem focused in conjunction with an emergency visit.

3)~~2)~~ Radiographs

A) Intraoral, complete series (including bitewings), once per 36 months, complete series every 36 months

B) Intraoral – periapical – first film, maximum of one per day, per provider or group

C) Intraoral – periapical – additional film, maximum of five per day

D) Bitewing – single film

E) Bitewings – two films

F) Bitewings – four films

G) Vertical bitewings – 7-8 films

H) Panoramic film, one per 36 months

b) Preventive Services

1) Prophylaxis, ages 2-20 years, once every 6 months

2) Topical application of fluoride, ages 2-20 years, once every 12 months

3) Sealant – per tooth, ages 5-17 years, occlusal surfaces of the permanent first and second molars, once per lifetime

4) Space maintainer – fixed unilateral, ages 2-20 years

5) Space maintainer – fixed bilateral, ages 2-20 years

6) Space maintainer – removable bilateral type, ages 2-20 years

7) Recementation of space maintainer, ages 2-20 years

c) Restorative Services

1) Amalgam Restorations

A) Amalgam – 1 surface, primary

B) Amalgam – 2 surfaces, primary

C) Amalgam – 3 surfaces, primary

D) Amalgam – 4 plus surfaces, primary

E) Amalgam – 1 surface, permanent

F) Amalgam – 2 surfaces, permanent

G) Amalgam – 3 surfaces, permanent

H) Amalgam – 4 plus surfaces, permanent

2) Composite Restorations

A) Resin-based composite – 1 surface, anterior

B) Resin-based composite – 2 surfaces, anterior

C) Resin-based composite – 3 surfaces, anterior

D) Resin-based composite – 4 or more surfaces, or including the incisal edge

E) Resin-based composite – 1 surface, posterior, primary

F) Resin-based composite – 2 surfaces, posterior, primary

G) Resin-based composite – 3 or more surfaces, posterior, primary

H) Resin-based composite – 1 surface, posterior, permanent

I) Resin-based composite – 2 surfaces, posterior, permanent

J) Resin-based composite – 3 surfaces, posterior, permanent

K) Resin-based composite – 4 or more surfaces, posterior, permanent

3) Other Restorative

A) Crown – porcelain/base metal

B) Crown – full cast base metal

C) Prefabricated stainless steel crown, primary tooth, ages 2-20 years

D) Prefabricated stainless steel crown, permanent tooth, ages 2 years and over

E) Prefabricated resin crown, ages 2 years and over

F) Sedative fillings

G) Pin retention – per tooth

H) Prefabricated post and core

I) Recement inlays

J) Recement crown

d) Endodontic Services

1) Therapeutic pulpotomy, primary teeth only, ages 2-20 years

2) Root canal therapy (including exam, clinical procedure, necessary radiographs and follow up)

A) Anterior root canal (excluding final restoration), ages 2 years and over

B) Bicuspid root canal (excluding final restoration), ages 2-20 years

C) Molar root canal (excluding final restoration), ages 2-20 years

D) Apexification/recalcification, initial visit, ages 2-20 years

E) Apexification/recalcification, interim visit, ages 2-20 years

F) Apexification/recalcification, final visit, ages 2-20 years

G) Apicoectomy/periradicular surgery – per tooth, first root, ages 2-20 years

e) Periodontic Services
Periodontal Treatment

1) Gingivectomy or gingivoplasty – per quadrant, ages 0-20 years

2) Gingivectomy or gingivoplasty – per tooth, ages 0-20 years

3) Gingival flap procedure, including root planing – per quadrant, ages 0-20 years

4) Osseous surgery – per quadrant, ages 0-20 years

5) Bone replacement graft – first site in quadrant, ages 0-20 years

6) Bone replacement graft – each additional site in quadrant, ages 0-20 years

7) Pedicle soft tissue graft, ages 0-20 years

8) Free soft tissue graft, ages 0-20 years

9) Subepithelial connective tissue graft procedure, ages 0-20 years

10) Distal or proximal wedge procedure, ages 0-20 years

11) Provisional splinting, intracoronal, ages 0-20 years

12) Provisional splinting, extracoronal, ages 0-20 years

13) Periodontal scaling and root planing – per quadrant, ages 0-20 years

14) Periodontal maintenance procedure, ages 0-20 years

f) Removable Prosthodontic Services (every five years based on age of prior placement)

1) Complete Dentures – including six months' post delivery care

A) Complete denture – maxillary

B) Complete denture – mandibular

C) Immediate denture – maxillary

D) Immediate denture – mandibular

2) Partial Dentures – including six months' post delivery care

A) Maxillary partial denture – resin base, ages 2-20 years

B) Mandibular partial denture – resin base, ages 2-20 years

C) Maxillary partial denture – cast metal framework, ages 2-20 years

D) Mandibular partial denture – cast metal framework, ages 2-20 years

3) Repairs to Dentures

A) Repair complete denture

B) Replace missing or broken teeth, complete denture (each tooth)

C) Repair partial denture base

D) Repair cast framework

E) Repair or replace broken clasp

F) Replace broken teeth, per tooth

G) Add tooth to existing partial

4) Denture Reline Procedures (covered once every 24 months)

A) Reline complete maxillary denture, chairside

B) Reline complete mandibular denture, chairside

C) Reline maxillary partial denture, chairside

D) Reline mandibular partial denture, chairside

E) Reline complete maxillary denture, laboratory

F) Reline complete mandibular denture, laboratory

G) Reline maxillary partial denture, laboratory

H) Reline mandibular partial denture, laboratory

5) Maxillofacial Prosthetics

A) Facial moulage – sectional

B) Facial moulage – complete

C) Nasal prosthesis

D) Auricular prosthesis

E) Orbital prosthesis

F) Ocular prosthesis

G) Facial prosthesis

H) Nasal septal prosthesis

I) Ocular prosthesis, interim

J) Cranial prosthesis

K) Facial augmentation implant prosthesis

L) Nasal prosthesis, replacement

M) Auricular prosthesis, replacement

N) Orbital prosthesis, replacement

O) Facial prosthesis, replacement

P) Obturator prosthesis, surgical

Q) Obturator prosthesis, definitive

R) Obturator prosthesis, modification

S) Mandibular resection, prosthesis with guide flange

T) Mandibular resection, prosthesis without guide flanges

U) Obturator prosthesis, interim

V) Trismus appliance

W) Feeding aid

X) Speech aid prosthesis

Y) Palatal augmentation prosthesis

Z) Palatal lift prosthesis, definitive

AA) Palatal lift prosthesis, interim

BB) Palatal lift prosthesis, modification

CC) Speech aid prosthesis, modification

DD) Surgical stent

EE) Radiation carrier

FF) Radiation shield

GG) Radiation cone locator

HH) Fluoride gel carrier

II) Commissure splint

JJ) Surgical splint

KK) Unspecified maxillofacial prosthesis

g) Fixed Prosthetic Services

1) Bridge Pontics

A) Pontic – porcelain fused to predominantly base metal, ages 2-20 years

B) Pontic – resin with predominantly base metal, ages 2-20 years

2) Bridge Retainer Crowns

A) Crown – resin with predominantly base metal, ages 2-20 years

B) Crown – porcelain with predominantly base metal, ages 2-20 years

3) Other Prosthetic Services

A) Recement fixed partial denture

B) Prefabricated post and core in addition to fixed partial denture retainer, ages 2-20 years

h) Oral and Maxillofacial Services

1) Simple Extractions

A) Single tooth extraction

B) Each additional extraction

C) Root removal, exposed roots

2) Simple Extractions for Adults Age 21 and Older
Single tooth extraction

3)~~2)~~ Surgical Extractions

A) Surgical removal of erupted tooth

B) Removal of impacted tooth – soft tissues

C) Removal of impacted tooth – partially bony

D) Removal of impacted tooth – completely bony

E) Surgical removal of residual roots

4) Surgical Extractions for Adults Age 21 and Older
Surgical removal of residual roots

5)~~3)~~ Other Surgical Procedures
Surgical exposure to aid eruption, ages 2-20 years

6)~~4)~~ Alveoloplasty

A) Alveoloplasty in conjunction with extractions, ages 2-20 years

B) Alveoloplasty not in conjunction with extractions, ages 2-20 years

7)~~5)~~ Removal of Cysts and Neoplasms

A) Removal of odontogenic cyst or tumor, up to 1.25 cm

B) Removal of odontogenic cyst or tumor, over 1.25 cm

C) Removal of non-odontogenic cyst or tumor, up to 1.25 cm

D) Removal of non-odontogenic cyst or tumor, over 1.25 cm

E) Incision and drainage of abscess

8)~~6)~~ Treatment of Fractures – Simple

A) Maxilla – open reduction, teeth immobilized

B) Maxilla – closed reduction, teeth immobilized

C) Mandible – open reduction, teeth immobilized

D) Mandible – closed reduction, teeth immobilized

9)~~7)~~ Treatment of Fractures – Compound

A) Maxilla – open reduction

B) Maxilla – closed reduction

C) Mandible – open reduction

D) Mandible – closed reduction

10)~~8)~~ Reduction of Dislocation

A) Open reduction of dislocation

B) Closed reduction of dislocation

11)~~9)~~ Other Oral Surgery
Frenulectomy – separate procedure (frenectomy or frenotomy), ages 2-20 years

i) Orthodontic Services – for ages 2-20 years

1) Initial examination, records, study models, radiographs, and facial photographs, ages 2-20 years

2) Initial orthodontic appliance placement, ages 2-20 years

3) Monthly adjustments, ages 2-20 years

4) Initial orthodontic evaluation/study models, ages 2-20 years (for cases that fail to reach 42 points on the Modified Salzmann Index).

j) Adjunctive General Services

1) Unclassified Treatment

A) Palliative (emergency) treatment of dental pain – minor procedures

B) General anesthesia

C) Analgesia, anxiolysis, inhalation of nitrous oxide

D) Intravenous sedation

2) Unclassified Treatment for Adults Age 21 and Older

A) Analgesia, anxiolysis, inhalation of nitrous oxide

B) Non-Intravenous Conscious Sedation

3)~~2)~~ Professional Consultation
Consultation (narrative; diagnostic services provided by dentist other than practitioner providing treatment)

4)~~3)~~ Drugs

A) Therapeutic drug injection

B) Other drugs and medicaments

5)~~4)~~ Miscellaneous Services

A) Unspecified procedures~~procedure~~ by report to be described by statement of attending dentist

B) Dental procedures otherwise not covered for adults age 21 and older when determined by the Department to be a necessary prerequisite for required medical care.

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

Section 140.TABLE F Podiatry Service Schedule (Repealed)

~~a) Podiatric Medical Visits~~

~~1) Office Visits~~

~~A) Visit office – (new patient) evaluation, history, examination, with treatment~~

~~B) Visit office – (established patient) examination, evaluation and/or treatment, same or new illness~~

~~2) Home Visits~~

~~A) Visit home~~

~~B) Evaluation, history, examination and treatment~~

~~3) Hospital Visits~~

~~A) Visit hospital – (new or established patient) history and physicial examination, including treatment~~

~~B) Extended Care Facilities, Convalescent Hospital Nursing Home, and Boarding Home Visits~~

~~C) Visit facility – (first patient seen) history and physical examination, including care or treatment~~

~~D) Visit facility – (coinciding visit) history and physicial examination, including treatment of additional patient (e.g., a patient that is seen concurrently with other patient(s) during the doctor's visit at the facility).~~

~~4) Consultations~~
~~*Consultation of unusual complexity requiring review of prior medical records, the compilation and assessment of data and preparation of special report, at home, office or hospital~~

~~b) Podiatric Diagnostic Radiology – Definitions~~

~~1) Foot, single, limited, two views – 1 plate~~

~~2) Feet, both limited, two views – 2 plates~~

~~3) Foot and ankle, complete, minimum of three views – 3 plates~~

~~c) Podiatric Pathology~~

~~1) Urinalysis~~

~~2) Urinalysis, routine, complete~~

~~3) Chemistry~~

~~4) Sugar (glucose), blood~~

~~5) Uric acid, blood, chemical~~

~~6) Hematology~~

~~7) Bleeding time~~

~~8) Blood count, complete (includes rbc, wbc, hgb, differential)~~

~~9) Coagulation time (Lee and White)~~

~~10) Sedimentation rate (esr)~~

~~11) Immunology~~

~~12) Latex fixation, rheumatoid factor~~

~~13) Microbiology~~

~~14) Microbial analysis, microscopic examination, stain for bacteria, fungi, parasites, inclusion bodies, etc.~~

~~15) Microbial analysis, fungi, microscopic and macroscopic (culture)~~

~~d) Physical Medicine~~
~~Any of the accepted physical therapy modalities when used in combination with an office visit.~~

~~e) Surgical Procedures~~

~~1) Integumentary System~~

~~A) Incision~~

~~B) Incision and drainage of subcutaneous abscess~~

~~C) Incision and drainage of onychia or paronychia with partial or total excision or avulsion of nail and with or without excision of granulation tissue~~

~~D) Incision and removal of foreign body, subungual or subcutaneous issues~~

~~E) Benign Lesions~~

~~F) **Excision of small neoplastic, cicatricial, inflammatory or congenital lesion of skin or subcutaneous tissue (e.g. verrucae, plantar keratosis, fibroma, etc.)~~

~~G) Nails~~

~~H) **Avulsion or excision of nail plate, partial or complete, simple~~

~~I) Excision of nail, nail bed, and/or nail fold with excision of matrix and plasty (onychectomy with plasty or onychoplasty), partial~~

~~J) Onychoplasty (onychectomy with plasty) total~~

~~K) Excision, complete (total) of nail bed and/or nail fold, with excision of matrix and with partial ostectomy of distal phalanx and plasty of toe (onychectomy with dactyloplasty or terminal Symes)~~

~~L)~~ ~~Destruction of nail root and matrix with partial excision of avulsion of nail using one of the following methods: Negative galvanism, electrocoagulation, fulguration or dessication, phenolization, cryocautery (CO2, N2), or with power surgical drill or burr~~

~~M)~~ ~~Same as above – total nail~~

~~N)~~ ~~Introduction~~

~~O)~~ ~~Injection of a corticosteroid solution to lesion(s)~~

~~P)~~ ~~Repair – Simple~~

~~Q)~~ ~~*Wound, repair of, (e.g., suture of, etc.)~~

~~R)~~ ~~Destruction~~

~~S)~~ ~~**Electrosurgical destruction, with or without surgical currettement of small, single lesion, (e.g., verruca, nevus, keratosis, etc.)~~

~~2)~~ ~~Specific~~

~~A)~~ ~~Incision~~

~~B)~~ ~~Tenotomy, subcutaneous, corrective~~

~~C)~~ ~~Tenoplasty for lengthening or shortening of tendon of toe, unilateral, (independent procedure)~~

~~D)~~ ~~Excision~~

~~E)~~ ~~Excision of peripheral neuroma (Morton's neuroma, neurofibroma, Schwannoma, etc.) of digit or interdigital regions of lesser toes, single~~

~~F)~~ ~~Excision of lesion of tendon or fibrous sheath or capsule (e.g., cyst~~

~~or ganglion, etc.) from the foot~~

~~G)~~ ~~Excision of chondroma, exostosis, osteochondroma, osteoma, etc., from a tarsal bone, other than the calcaneus or talus, by open reduction.~~

~~H)~~ ~~Same as item above – from the calcaneus, by open reduction~~

~~I)~~ ~~Same as item above – from a calcaneus, by subcutaneous (percutaneous) technique using rasp or drill~~

~~J)~~ ~~Same as item above – from a phalangeal bone, subcutaneous method~~

~~K)~~ ~~Ostectomy, partial excision of fifth metatarsal head (e.g., bunionette, independent procedure)~~

~~L)~~ ~~Ostectomy, partial excision of metatarsal head (e.g., metatarsectomy, partial, such as a condylectomy or excision of head of metatarsal)~~

~~M)~~ ~~Ostectomy, partial excision of a phalanx (phalangectomy, partial such as condylectomy or excision or head or phalanx)~~

~~N)~~ ~~Ostectomy, partial, of calcaneus for Haglund's deformity~~

~~O)~~ ~~Phalangectomy, lesser toe, total~~

~~P)~~ ~~Sesamoidectomy (independent procedure and not part of a procedure for the repair of a hallux valgus)~~

~~Q)~~ ~~Capsulotomy, open, for contracture, metatarsophalangeal joint, with or without tenorrhaphy (independent procedure)~~

~~R)~~ ~~Same as item above – subcutaneous ("percutaneous") procedure (e.g., capsulotomy, with or without tentomy of a metatorsophalangeal joint)~~

~~S)~~ ~~Hallux valgus, correction by exostectomy (e.g., Silver Type~~

~~procedure or any modification thereof, etc.) unilateral~~

~~T)~~ ~~Same as item above – McBride or any modification thereof~~

~~U)~~ ~~Arthroplasty, metatarsophalangeal joint of great toe, (e.g., hallux valgus repair by Keller, Mayo, or Stone, etc., procedures with or without use of implant)~~

~~V)~~ ~~Osteotomy (e.g., cutting, division or transection of bone, with or without fixation. Independent procedure and/or part of a repair procedure for hallux valgus) for shortening or angular correction, (e.g., dorsal wedge osteotomy with internal fixation, base wedge osteotomy, extension osteoarthrotomy, etc.) of first metatarsal bone~~

~~W)~~ ~~Same as item above – for a lesser metatarsal bone, single, unilateral~~

~~X)~~ ~~Subcutaneous ("percutaneous") metaphyseal osteotomy (osteoclasis), first metatarsal, for shortening, angular, or rotational correction~~

~~Y)~~ ~~Same as item above - for a lesser metatarsal, single (percutaneous)~~

~~Z)~~ ~~Fracture and/or dislocation~~

~~AA)~~ ~~*Tibia or Fibula, ankel, closed (simple), without reduction~~

~~BB)~~ ~~*OS Calcis, fracture, closed (simple), without reduction~~

~~CC)~~ ~~*Astragalus talus, fracture, closed (simple), without reduction~~

~~DD)~~ ~~*Tarsal bone(s) (except astragalus or os calcis), fracture(s), closed (simple), without reduction~~

~~EE)~~ ~~*Metatarsal fracture, first metatarsal bone, closed (simple), without reduction~~

~~FF)~~ ~~Metatarsal(s) (other than first metatarsal bone) fracture(s), closed (simple), without reduction~~

~~GG)~~ ~~*Phalanx or phalanges, fracture great toe, closed (simple), without reduction~~

~~HH)~~ ~~*Same as item above – other than great toe, without reduction~~

~~II)~~ ~~Metatarsal – phalangeal joint, dislocation, closed (simple), manipulative reduction requiring anesthesia~~

~~JJ)~~ ~~Interphalangeal joint, dislocation, closed (simple), manipulative reduction, requiring anesthesia~~

~~KK)~~ ~~Strapping~~

~~LL)~~ ~~Unna Boot~~

~~f)~~ ~~Orthomechanical Procedures~~

~~1)~~ ~~Metal Foot Plates~~

~~2)~~ ~~Shaeffer plate (custom made to model), pair~~

~~3)~~ ~~Roberts Foot plate (custom made to model), pair~~

~~4)~~ ~~Whitman Foot plate or brace (custom made to model), pair~~

~~5)~~ ~~Themoplastic Plates, (Biomechanical)~~

~~6)~~ ~~Stabilization and/or mobilization of foot by use of a thermoplastic orthotic (custom made to model and biomechanically), with forefoot post, pair~~

~~7)~~ ~~Molded Inlays (Balance (Inlays)~~

~~8)~~ ~~The stabilization, balance and mobilization of the foot, partial or total by use of a full extension or partial molded inlay made to foot models with an evaluation up to ¾" and with a matching insert as an interior show modification. Removable type. (All types of balance inlays, Bergmann,~~

~~Levy, Brachman, Contura, Molded Latex, etc.) Single with matching insert or a pair~~

~~9) Shoes~~

~~10) Custom made, to models, of contour or space shoes with interior modifications, pair~~

~~11) Shoe Modifications (exterior)~~

~~12) Stabilization and/or mobilization of foot by use of exterior modifications to shoes, such as orthopedic heals, comma bars, heel or sole wedges, etc., pair~~

~~13) Shoe Modifications, Interior (Shoe padding, etc.)~~

~~14) The stabilizaiton and removal of pressure from the affected areas of the feet by use and application of accommodative shoe paddings to the interior of the shoes, pair~~

~~15) Insole Extra (e.g., "Spenco", "Ailplast" cork, "Celastex" Kwik-Mold, Styrofoam, Leather, etc.)~~

~~16) Splints, Mechanical~~

~~17) Mobilization and/or partial immobilization of joint motions in foot and leg, by use of splints attached to shoes and adjusted as indicated for the specific deformity~~

~~18) Protective Devices~~

~~19) Protective devices for the alleviation or dispersion of pressure, such as from digital deformities, foot deformities, and skin lesions such as ulcers, clavi, hyperkeratoses, etc. Latex bunion~~

~~20) Same as above but for a latex hammer-toe shield, single~~

~~*AGENCY NOTE: Report must accompany billing statement~~
~~**AGENCY NOTE: With use of local anesthesia~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Abandoned Residential Property Municipality Relief Program

2) Code Citation: 47 Ill. Adm. Code 381

3)

Section Numbers:	Proposed Action:
381.101	New Section
381.102	New Section
381.103	New Section
381.104	New Section
381.105	New Section
381.106	New Section
381.107	New Section
381.108	New Section
381.109	New Section
381.110	New Section
381.111	New Section
381.112	New Section
381.201	New Section
381.202	New Section
381.203	New Section
381.204	New Section
381.205	New Section
381.206	New Section
381.207	New Section
381.208	New Section
381.209	New Section

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.31(a) of the Illinois Housing Development Act [20 ILCS 3805/7.31(a)]

5) A Complete Description of the Subjects and Issues Involved: The Illinois Housing Development Authority is the designated administrator for the Abandoned Residential Property Municipality Relief Program in Illinois. The purpose of the Program is to use moneys appropriated for the program to make grants to municipalities and counties to assist with costs incurred by the municipality or county for securing and maintaining abandoned residential property.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

6) Published Studies or reports, and sources of underlying data, used to compose the 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 proposed rule contain incorporations by reference? No

10) Are there any proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: Rulemaking does not create or expand any State mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Kristi S. Poskus, Esq.
Deputy General Counsel
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Municipalities and counties throughout Illinois may receive grants under the program.

B) Reporting, bookkeeping or other procedures required for compliance: Quarterly reports documenting all expenses of program funds will be required.

C) Types of Professional skills necessary for compliance: No new professional skills required.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was included on the January 2013 Regulatory Agenda.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 381
ABANDONED RESIDENTIAL PROPERTY MUNICIPALITY RELIEF PROGRAM

SUBPART A: GENERAL RULES

Section:

381.101 Authority
381.102 Purpose and Objectives
381.103 Definitions
381.104 Compliance with Federal and State Law
381.105 Forms and Procedures for the Program
381.106 Fees and Charges
381.107 Authority Administrative Expenses
381.108 Amendment
381.109 Severability
381.110 Gender and Number
381.111 Non-Discrimination
381.112 Titles and Captions

SUBPART B: GRANTS TO MUNICIPALITIES AND COUNTIES

Section:

381.201 Grants to Municipalities and Counties
381.202 Abandoned Residential Property
381.203 Eligible Uses of Grant Funds
381.204 Application Cycle
381.205 Application Requirements
381.206 Review of Applications
381.207 Grant Administration
381.208 Funding of Grants
381.209 Reporting Requirements

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.31(a) of the Illinois Housing Development Act [20 ILCS 3805/7.31(a)].

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

SUBPART A: GENERAL RULES

Section 381.101 Authority

The Illinois Housing Development Authority is the designated administrator for the Abandoned Residential Property Municipality Relief Program in Illinois, which was established by Section 7.31 of the Illinois Housing Development Act [20 ILCS 3805/7.31].

Section 381.102 Purpose and Objectives

The purpose of the Program is to use moneys appropriated from the Abandoned Residential Property Municipality Relief Fund, and any other funds appropriated for this purpose, to make grants to municipalities and counties to assist with costs incurred by the municipality or county for the securing and maintenance of abandoned residential property as defined in Section 381.202. Under the Program, the Authority will make grants to the municipalities and counties for eligible uses as set forth in Section 381.203.

Section 381.103 Definitions

The following definitions apply to terms used in this Part:

"Abandoned Residential Property": Shall have the meaning set forth in Section 381.202

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Applicant": A municipality or county making an application for a grant.

"Application": An application to an agency on the agency's form for a grant completed by a prospective applicant.

"Appropriation": The annual appropriation of funds, from the Abandoned Residential Property Municipality Relief Fund to the Illinois Department of Revenue for the Authority, by the Illinois General Assembly for the Program and any other funds appropriated for this purpose.

"Attorney General": The Attorney General of the State of Illinois.

"Auditor General": The Auditor General of the State of Illinois.

"Authority": The Illinois Housing Development Authority.

"City": The City of Chicago.

"Collar Counties": The counties of DuPage, Kane, Lake, McHenry and Will in Illinois.

"Commitment": A contract executed by the Authority and the applicant under which the Authority agrees to make a grant to the applicant. Each commitment shall contain a provision to the effect that the Authority shall not be obligated to provide funds under the commitment if the Authority has not received sufficient funds from an appropriation.

"Eligible Uses": Shall have the meaning set forth in Section 381.203.

"Fund": The Foreclosure Prevention Program Fund created in the State treasury for the collection of certain fees as set forth in Section 15-1504.1 of the Illinois Code of Civil Procedure [735 ILCS 5/15-1504.1] paid by a plaintiff at the time of a filing of a foreclosure complaint in connection with residential real estate.

"Grant": The portion of the appropriation granted by the Authority to an applicant for eligible uses under the Program.

"Pests": Undesirable arthropods (including certain insects, spiders, mites, ticks and related organisms), wood infesting organisms, rats, mice and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act [510 ILCS 70], "animals" as that term is defined in the Illinois Diseased Animals Act [510 ILCS 50], or animals protected by the Wildlife Code [520 ILCS 5].

"Program": The Abandoned Residential Property Municipality Relief Program authorized by Section 7.31 of the Act.

"Rehabilitation": The rehabilitation of an abandoned residential property that is strictly limited in scope to address exterior building safety concerns such as repairing of the roof, windows, doors, masonry or walkway of an abandoned residential property.

"State": The State of Illinois.

Section 381.104 Compliance with Federal and State Law

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal and State law.

Section 381.105 Forms and Procedures for the Program

The Authority may prepare, use, prescribe, supplement and amend forms, agreements and other documents and procedures as may be necessary to implement the Program.

Section 381.106 Fees and Charges

The Authority may not charge an application fee for the Program.

Section 381.107 Authority Administrative Expenses

The Authority shall be entitled to deduct from each appropriation, prior to making any grants, an amount not to exceed 9% of each appropriation for expenses associated with the administration of the Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the Program; expenses incurred in performing outreach activities and providing technical assistance to the applicants; the use of the Authority's equipment for Program purposes; the cost of office space and utilities incurred in connection with the Program; and any other expenses incurred in the administration of the Program. The Authority shall maintain a detailed accounting of its administrative expenses, which shall be available to the public for review.

Section 381.108 Amendment

This Part may be supplemented amended or repealed by the Authority from time to time and in a manner consistent with the Illinois Administrative Procedure Act [5 ILCS 100], this Part, the Act, and other applicable laws. This Part shall not constitute or create any contractual rights.

Section 381.109 Severability

If any clause, sentence, paragraph, subsection, Section or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair or invalidate

the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section or Subpart to which the judgment is rendered.

Section 381.110 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number, as the context may require.

Section 381.111 Non-Discrimination

The applicants shall comply with the applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and the regulations promulgated under that Act, the federal Fair Housing Act (42 USC 3601), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Illinois Environmental Barriers Act [410 ILCS 25], the Illinois Accessibility Code (71 Ill. Adm. Code 400), and all other applicable State and federal law concerning discrimination and fair housing.

Section 381.112 Titles and Captions

Titles and captions of Subparts, Sections and subsections are used for convenience and reference and are not a part of the text.

SUBPART B: GRANTS TO MUNICIPALITIES AND COUNTIES

Section 381.201 Grants to Municipalities and Counties

The Authority shall distribute funds from annual appropriations in accordance with the following priorities:

a) To the Authority for its administrative expenses.

b) After distributing the amount necessary for the purposes of subsection (a), the Authority shall make grants to municipalities and counties for use in connection with Abandoned Residential Property Program as follows:

1) 30% of the moneys remaining in the Fund that have been appropriated shall be used to make grants to municipalities in the County of Cook (other than the City) and to the County of Cook.

2) 25% of the moneys remaining in the Fund that have been appropriated shall be used to make grants to the City of Chicago.

3) 30% of the moneys remaining in the Fund that have been appropriated shall be used to make grants to the municipalities in the Collar Counties and to the Collar Counties.

4) 15% of the moneys remaining in the Fund that have been appropriated shall be used to make grants to municipalities in the State (other than the municipalities in the Collar Counties), and to the other counties in the State (other than the County of Cook and the Collar Counties). The grants made pursuant to this subsection (b)(4) shall be based proportionately on the amount of fees paid to the respective clerks of the court in the affected counties and other factors as deemed appropriate by the Authority.

Section 381.202 Abandoned Residential Property

Abandoned residential property shall mean residential real estate that:

a) Either:

1) Is not occupied by any mortgagor or lawful occupant as a principal residence; or

2) Contains an incomplete structure if the real estate is zoned for residential development, when the structure is empty or otherwise uninhabited and is in need of maintenance, repair or securing; and

b) With respect to which, either:

1) Two or more of the following conditions are shown to exist:

A) Construction was initiated on the property and was discontinued prior to completion, leaving a building unsuitable for occupancy, and no construction has taken place in 6 months;

B) Multiple windows on the property are boarded up, closed off or smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

C) Doors on the property are smashed through, broken off, unhinged or continuously unlocked;

D) The property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

E) Gas, electrical or water services to the entire property have been terminated;

F) One or more written statements of the mortgagor or the mortgagor's personal representative or assigns, including documents of conveyance, indicate a clear intent to abandon the property;

G) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the property in the last 6 months;

H) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

I) The local police, fire or code enforcement authority has requested the owner or other interested or authorized party to secure or winterize the property due to the local authority declaring the property to be an imminent danger to the health, safety and welfare of the public;

J) The property is open and unprotected and in reasonable danger of significant damage due to exposure to the elements, vandalism or freezing; or

K) Other evidence indicates a clear intent to abandon the property; or

2) The real estate is zoned for residential development and is a vacant lot that is in need of maintenance, repair and securing.

Section 381.203 Eligible Uses of Grant Funds

Eligible Uses of Grant Funds by Municipalities and Counties
Municipalities and counties shall use grant funds in connection with abandoned residential property as follows:

a) cutting of neglected weeds or grass;

b) trimming of trees or bushes and removal of nuisance bushes and trees;

c) extermination of pests or prevention of the ingress of pests;

d) removal of garbage, debris and graffiti;

e) boarding up, closing off or locking windows or entrances or otherwise making the interior of a building inaccessible to the general public;

f) surrounding part or all of an abandoned residential property's underlying parcel with a fence or wall or otherwise making part or all of the abandoned residential property's underlying parcel inaccessible to the general public;

g) demolition of abandoned residential property;

h) rehabilitation of abandoned residential property.

Section 381.204 Application Cycle

The Authority will supply interested applicants with an application. Applications under the Program will be accepted periodically until the appropriation is disbursed.

Section 381.205 Application Requirements

Each application shall include the information required by this Section and any additional information the Authority may require to promote the efficient administration of the Program.

a) Qualifications. Each applicant shall document qualifications to complete the Program activities.

b) Applicant's Capacity. Each applicant shall document its capacity to administer Program funds for eligible uses.

c) Activities to be Undertaken. Each applicant shall list which eligible uses are to be undertaken with Program funds, including, without limitation, those activities outlined in Section 385.203.

d) Time for Expending. Each applicant shall include a budget and timeline schedule for performing the eligible uses of Program funds outlined in the application.

Section 381.206 Review of Applications

a) Application Screening. The Authority will review all applications to confirm that all elements of the application package have been addressed. Applicants may be notified of deficiencies in applications and may, at the option of the Authority, be given the opportunity to correct those deficiencies. Completed applications will be reviewed and evaluated by Authority staff in accordance with subsections (b) through (e).

b) Basic Eligibility Evaluation. Each application will be reviewed to assure that the applicant is a municipality or county.

c) Willingness to Perform. The applicant must commit to remain ready, willing and able to expend Program funds for eligible uses in a timely manner.

d) Costs. The applicant must demonstrate that the costs identified in the application are eligible uses under Section 381.203.

e) Capacity. The applicant must demonstrate that the proposed activities identified in the application can be accomplished.

Section 381.207 Grant Administration

a) Commitment. If awarded grant funds, a municipality or county shall enter into a commitment with the Authority. The grant may be less than the amount requested in the application. The term of commitment shall not exceed 2 years, subject to the availability of funds from an appropriation.

b) Record Retention. Each municipality and county shall maintain records in connection with the grant under the commitment for 5 years after the date of termination of the commitment.

c) Monitoring. The Authority, the Auditor General and the Attorney General shall have the right to monitor all municipality and county books and records relating to the grant and the Program. Each municipality and county shall make all records relating to its grant and the Program available for inspection, examination and copying by the Authority, the Auditor General and the Attorney General upon reasonable prior notice, as the Authority, the Auditor General or the Attorney General may reasonably require. The required documentation may include, but is in no way limited to, a copy of the municipality's or county's application to the Authority; all records relating to the eligible uses of grant funds under the Program, as set forth in Section 381.203; and any other documentation required by the Authority, the Auditor General and the Attorney General.

Section 381.208 Funding of Grants

Subject to the terms of the commitment with the Authority and the related documents evidencing the grant, the Authority will provide funds to the awarded municipalities and counties when the appropriation is made available and as set forth in Sections 381.201 and 203.

Section 381.209 Reporting Requirements

Each awarded municipality and county shall provide reports to the Authority, on forms provided by the Authority, at the end of each quarter of the term of its commitment. The municipality or county shall identify, at a minimum, evidence and back-up documentation of expenses for eligible uses, including, but not limited to, receipts, ledgers, invoices, before and after pictures, addresses or geographic coordinates, number of abandoned residential properties served, and any other information requested by the Authority.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Mentoring Program for New Principals

2) Code Citation: 23 Ill. Adm. Code 35

3) Section Number: 35.20 — Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.53a

5) A Complete Description of the Subjects and Issues Involved: 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 are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 35
MENTORING PROGRAM FOR NEW PRINCIPALS

Section

35.10 Purpose and Applicability
35.20 Annual Program Planning; Fiscal Provisions
35.30 Requirements of the Program
35.40 Eligibility of Mentors
35.50 Training for Mentors
35.60 Approval and Role of Providers
35.70 Alternate Arrangements

AUTHORITY: Implementing and authorized by Section 2-3.53a of the School Code [105 ILCS 5/2-3.53a].

SOURCE: Emergency rules adopted at 31 Ill. Reg. 7160, effective April 25, 2007, for a maximum of 150 days; adopted at 31 Ill. Reg. 14039, effective September 20, 2007; amended at 32 Ill. Reg. 17768, effective October 30, 2008; amended at 34 Ill. Reg. 7763, effective May 21, 2010; amended at 37 Ill. Reg. _____, effective _____.

Section 35.20 Annual Program Planning; Fiscal Provisions

a) No later than June 1 of each year, each district superintendent shall report to the State Superintendent of Education, or to the State Superintendent's designee, the following information:

1) the number of first-year principals who are expected to be working in the district in the coming school year and required to participate in the mentoring program;~~,~~ and

2) the number of second-year principals for whom a second year of mentoring is being requested.

b) No later than June 1, each district superintendent shall provide to the State Superintendent or designee the names, professional educator license~~administrative~~

~~certificate~~ numbers, and assigned schools of first-year principals, as defined in Section 35.10(a) of this Part, who are employed or under contract with the district and eligible for the mentoring program. Each superintendent shall continue to submit this information in a timely way for any first-year principal whose information was not included on the initial submission. Submissions after June 1 shall occur either immediately after the individual's employment begins or a contract is signed, but no later than December 30.

c) Based on the number of first-year principals expected statewide and the level of available funding foreseen, the State Superintendent shall determine whether the appropriation is likely to be sufficient to require operation of the mentoring program in the coming year for all first-year principals. This calculation shall be based on a cost figure of $2,000 for each first-year principal in the program plus the cost of delivering the required training, coordinating the mentors' assignments, and providing the other necessary structure and support for the program. The program for first-year principals shall be implemented in a given year only if sufficient funds are available based on these cost factors.

d) If the State Superintendent determines under subsection (c) of this Section that the appropriation is sufficient to serve all first-year principals, then the State Superintendent shall determine if sufficient funding exists to support the operation of the mentoring program for second-year principals who request mentoring services.

1) The initial calculation shall be based on a cost figure of $1,000 for each second-year principal requesting participation in the program plus the cost of delivering the required training, coordinating the mentors' assignments, and providing the other necessary structure and support for the program.

2) In years in which the number of second-year principals who request mentoring services exceeds the number who can be accommodated with available funding based on the cost figure outlined in subsection (d)(1) of this Section, then the cost figure used will be between $1,000 and no less than $500 for each second-year principal requesting participation plus the cost of delivering the required training, coordinating the mentors' assignments, and providing the other necessary structure and support for the program.

3) In any year in which the appropriation is insufficient based on the cost figures set in subsection (d)(1) or (d)(2) of this Section, the State

Superintendent or designee shall inform districts that a program for second-year principals will not be held.

4) Second-year principals not able to participate in a second year of mentoring in the year immediately following their first year of mentoring shall be ineligible for further participation in the mentoring program.

e) If funding is insufficient to serve all first-year principals based on the cost figure outlined in subsection (c) of this Section, but sufficient funds exist to serve all second-year principals, as determined in subsection (d)(1) or (d)(2) of this Section, then a program for second-year principals only shall be established. No mentoring program shall be implemented in years in which funding is inadequate to serve either all first-year principals or all second-year principals.

f) As soon as possible after the level of the appropriation for a given year has been established, the State Superintendent shall notify all districts and the providers approved under Section 35.60 of this Part regarding whether the program will operate in the coming year and whether mentoring will be provided for first-year principals only, both first-year and second-year principals, or second-year principals only.

g) No later than May 30 prior to a school year during which the program will be in operation, each experienced principal who desires to serve as a mentor shall submit an application to a provider approved under Section 35.60 of this Part, supply the required documentation of eligibility (see Section 35.40 of this Part), and, if employed in a school or in a regional office of education, provide verification in a format specified by the State Superintendent of supervisory approval for his or her participation. The State Superintendent or designee shall publicize the list of approved providers so that experienced principals can make application to the provider and complete the required training to be included in the pool of available mentors.

h) When verification is received in accordance with the requirements of Section 35.30(f) of this Part that a mentor has provided the service required under this Part, the State Superintendent of Education or designee shall make a payment in the amount of $2,000 for each first-year principal served or $1,000 for each second-year principal served, subject to limitations set forth in subsection (d)(2) of this Section. Payment shall be made either to the approved provider that facilitated the mentoring relationship for disbursement to the mentor or directly to the mentor if requested by the provider.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Student Records

2) Code Citation: 23 Ill. Adm. Code 375

3)

Section Numbers:	Proposed Action:
375.10	Amendment
375.30	Amendment
375.40	Amendment

4) Statutory Authority: 105 ILCS 10 and 105 ILCS 5/2-3.13a

5) A Complete Description of the Subjects and Issues Involved: Part 375 implements the Illinois School Student Records Act [105 ILCS 10], which sets forth procedures specific to retention, maintenance and transfer of educational records of students in public elementary and secondary schools, including state-funded preschools and daycare centers. The primary purpose of this rulemaking is to allow parents an opportunity to determine which of their students' scores from college entrance examinations will appear on the academic transcript (see Sections 375.10 "Student Permanent Record" and Section 375.30(d)). Other proposed changes provide additional clarity about health-related information, consideration of video recordings as a student record and maintaining records in a secure manner (see Sections 375.10 "Health-related Information" and "School Student Record" and Section 375.40(g)).

College Entrance Examinations. Since Part 375 was first promulgated in 1976, school districts have been required to include on the academic transcript scores from college entrance examinations. Until just recently, students had had the option of determining whether to send the scores received on any of those tests to their respective high school. As a part of measures taken to guard against fraud (i.e., having someone else take a test for an individual), however, test publishers now provide to a student's high school the results from each examination a student has taken, along with a copy of the test-taker's photograph. Under the requirement of the rules, schools must include each of these scores on a student's transcript, which may result in the academic transcript having one or more scores from a single college entrance exam. The proposed rule establishes a process by which parents could request, in writing, the removal of certain scores from their student's academic transcript. School districts would be required to notify all parents upon their student's initial enrollment or transfer of the parents' right to ask that scores be removed. This process will help those students who have taken a particular exam multiple times to record on the transcript the score or scores that best reflect their academic achievements and skills.

Health-related Information. P.A. 97-204, effective July 28, 2011, requires school districts to adopt policies addressing concussions and to include the policy in any contract, agreement, etc., that parents are required to sign for their students' athletic participation. At the time the law was enacted, its clear language resulted in staff's determination that no rulemaking was necessary to implement the law's provisions. Since that time, however, staff have received an inquiry from the local records commission about whether any documentation regarding parents' notification would be retained in the student records. It would be appropriate for this documentation to be included as part of health-related information that is required to be placed in the temporary record.

Law Enforcement Records. P.A. 97-1104, effective January 1, 2013, amended the Juvenile Court of 1987 to restrict access to law enforcement records (as defined in Section 22-20 of the School Code [105 ILCS 5/22-20]) of minors who have been arrested or taken into custody before they turn 17 to school officials only in situations where "there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds". Additionally, any information provided to school officials about a student who is under investigation for a matter directly related to school safety shall be presented orally only and is not to be included in the student's school record. Acknowledgement of this statutory provision is being added to the rule.

Certain videos or other electronic recordings, however, may become part of a student's school record under specified circumstances. The proposed amendments at Section 375.10, "School Student Record", define those instances when the content of a video or other electronic recording may become part of a student's school record and reminds schools of their obligation to protect the confidentiality of those records, in accordance with the Illinois School Student Records Act and the Family Educational Rights and Privacy Act (20 USC 1232g).

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section

375.10 Definitions
375.20 Rights of Students
375.30 Notification
375.40 Maintenance and Destruction of School Student Records
375.50 Cost for Copies of Records
375.60 Emergency Release of Information
375.70 Release of Information
375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80 Directory Information
375.90 Challenge Procedures
375.100 Implementation
375.110 Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 375.10 Definitions

"Accident Report" means documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or

requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth (as defined by 42 USC 11434a) has followed through on that request.

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Health Record" means medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].

"Health-related Information" means current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgement of the district's concussion policy adopted pursuant to Sections 10-20.53 and 34-18.45 of the School Code [105 ILCS 5/10-20.53 and 34-18.45], and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

"Official Records Custodian" means the individual appointed in each school in accordance with Section 4 of the Act [105 ILCS 10/4] who has responsibility for the *maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.*

"School Student Record" shall have the meaning set forth in Section 2(d) of the Act [105 ILCS 10/2(d)], except that school student records shall not include:

> Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes; ~~and~~

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3]; and.

Any information, either written or oral, received pursuant to Section 22-20 of the School Code [105 ILCS 5/22-20] and Sections 1-7 and 5-905 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7 and 5-905].

The content of a video or other electronic recording may become part of a school student record to the extent school officials create, use and maintain this content, or it becomes available to them by law enforcement officials for disciplinary or special education purposes regarding a particular student. Video security content that becomes part of a student's school record shall not be a public record and shall be released only in conformance with Section 6(a) of the Act and the federal Family Educational Rights and Privacy Act (20 USC 1232g).

"Special Education Records" means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14], to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Academic transcript, including:

grades, class rank, graduation date and, grade level achieved;,

scores on college entrance examinations, except that a parent may request, in writing, the removal from the academic transcript of any score received on college entrance examinations (also see Section 375.30(d) of this Part); and

the unique student identifier assigned and used by the Student Information System established pursuant to Section 1.75 of rules governing Public Schools Evaluation, Recognition and Supervision (see 23 Ill. Adm. Code 1.75);

Attendance record;

Health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

If not maintained in the temporary record, may also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

The completed home language survey form (see 23 Ill. Adm. Code 228.15);

Information regarding serious disciplinary infractions (i.e., those

involving drugs, weapons, or bodily harm to another) *that resulted in expulsion, suspension or the imposition of punishment or sanction*;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)];

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34];

Health-related information;~~ and~~

Accident Reports; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education records;

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.); and

Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student.

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

Section 375.30 Notification

a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parents of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.

b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability. All notifications shall be in a manner that is accessible to parents with disabilities.

c) This notification may be delivered by any means likely to reach the parents, including direct mail or email, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.

d) The notification shall consist of:

1) The types of information contained in the permanent and temporary records;

2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying these records;

3) The right to control access and release of school student records, except to the extent the records are authorized by law to be released without

consent, and the right to request a copy of information released;

4) The rights and procedures for challenging the contents of the school student record;

5) The right to request removal from the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be removed;

6)~~5)~~ The persons, agencies or organizations having access to student records without parental consent;

7)~~6)~~ The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying this information;

8)~~7)~~ The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of this information;

9)~~8)~~ A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record that the individual may obtain through the exercise of any right secured under the Act or this Part;

10)~~9)~~ The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and

11)~~10)~~ Any policies of the school relating to school student records that are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.

e) *The principal of each school or the person with like responsibilities or his or her*

designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

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

Section 375.40 Maintenance and Destruction of School Student Records

a) The provisions within the Act and this Part requiring the official records custodian to separate school student records into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that this categorization occur; and

2) The official records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 or 6 of the Act or by court order* [105 ILCS 10/4(f)]. For the purposes of this Part, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney or an administrative agency official shall not be considered a court order unless signed by a judge.

b) Pursuant to Section 4(g) of the Act [105 ILCS 10/4(g)~~5/4(g)~~], student temporary records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part. The records review is required in any given school year at the time a student first changes attendance centers within a district, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of the student's records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent,

name of official records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as applicable.

d) Upon graduation or permanent withdrawal of a student with a disability, as defined in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), special education records, and other information contained in the student temporary record that may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).

f) Any final finding report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives a request from the Department has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the Department's request to the receiving school, which shall comply with this subsection (f). No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the school student record.

g) School student records shall be maintained for at least the period of time set forth in Section 4 of the Act.

1) The official records custodian shall take all reasonable measures to protect school student records through administrative, technical and security safeguards against risks, such as unauthorized access, release or use.

2) With the exception of material eliminated in accordance with subsections (b), (d) and (f) of this Section, the destruction or disposal of any records or information contained in those records shall be subject to the provisions of the Act and authorization by the appropriate Local Records Commission (see Section 7 of the Local Records Act).

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Payments to Certain Facilities under Section 14-7.05 of the School Code

2) Code Citation: 23 Ill. Adm. Code 405

3) Section Number: 405.40 Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: P.A. 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 are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

In addition to modifications to the use of "certification" and related terms, one other change is being proposed in Section 405.40(a)(2)(C) to match this Section to proposed amendments to 23 Ill. Adm. Code 25 that the State Board considered last month (i.e., the elimination of the short-term emergency approval on September 1, 2015).

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 enlarge a state mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

(217)782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 405
PAYMENTS TO CERTAIN FACILITIES UNDER
SECTION 14-7.05 OF THE SCHOOL CODE

Section
405.10 Purpose and Applicability
405.20 Definitions
405.30 Procedural Requirements
405.40 Satisfactory Proof
405.50 Quarterly Attendance Reports
405.60 Calculation of Costs
405.70 Termination of Placement

AUTHORITY: Implementing Section 14-7.05 of the School Code [105 ILCS 5/14-7.05] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 11627, effective July 22, 2009; amended at 37 Ill. Reg. _____, effective _____.

Section 405.40 Satisfactory Proof

All information called for in this Section, except the quarterly attendance reports called for in Section 405.50 of this Part, shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

a) As satisfactory proof of *appropriate* licensure~~*certification*~~ *of teachers for the student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:

1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;

2) a listing of the names and license~~certificate~~ numbers of all licensed~~certified~~ teachers assigned to the program, demonstrating that each general education teacher who serves the affected student holds the

qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

A) a professional educator license endorsed in accordance with 23 Ill. Adm. Code 25 (Educator Licensure)special preschool-age 21 certificate endorsed appropriate for the population to be served, in accordance with the certification policies of the State Board of Education that are in effect pursuant to the federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., vs. Board of Education of the City of Chicago, et al; or

B) a professional educator license endorsed in another teaching fieldcertificate that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with 23 Ill. Adm. Code 25the certification policies identified in subsection (a)(2)(A) of this Section; or

C) until September 1, 2015, a short-term emergency approvalcertificate in special education issued in accordance with 23 Ill. Adm. Code 25.48 (Short-term Emergency Approval in Special Education)the certification policies identified in subsection (a)(2)(A) of this Section; or

D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.

b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:

1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1] at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);

2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;

3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and

4) the program is delivered in an age-appropriate setting.

c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.

1) Enrollment information shall include:

A) the total number of individuals receiving educational services in or through the facility;

B) a description of how individuals are grouped (e.g., by grade level or age);

C) identification of the grouping or "program" in which the affected student is being served; and

D) the number of individuals served in each grouping described.

2) Attendance information shall include:

A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the State Superintendent using the format prescribed by the State Superintendent; and

B) a record reflecting the student's attendance during the first 10 days of service.

d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:

1) a copy of the student's current or most recent available IEP;

2) a list of all teachers and other professional service providers that also:

   A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and

   B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;

3) if a paraprofessional will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and

4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Contested Cases and Other Formal Hearings

2) Code Citation: 23 Ill. Adm. Code 475

3) Section Number: 475.10 — Proposed Action: Amendment

4) Statutory Authority: 5 ILCS 100/5-10(a)(i)

5) A Complete Description of the Subjects and Issues Involved: 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 are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

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 enlarge a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS

SUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section
475.10 Authority and Applicability
475.20 Filing and Form of Documents
475.30 Requirements for Service of Documents
475.40 Notice of Opportunity for Hearing
475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.60 Appearance of Parties
475.70 Pre-Hearing Conferences
475.80 Motions
475.90 Discovery
475.100 Notice of Hearing
475.110 Hearings
475.120 Orders

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section
475.210 Authority and Applicability
475.220 Filing and Form of Documents
475.230 Requirements for Service of Documents
475.240 Notice of Opportunity for Hearing
475.250 Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.260 Appearance of Parties
475.270 Pre-Hearing Conferences
475.280 Motions
475.290 Depositions and Discovery
475.300 Notice of Hearing
475.310 Hearings

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

475.320 Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21B-15 and 21B-75 of the School Code [105 ILCS 5/21B-15 and 21B-75] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

SOURCE: Old Part repealed at 36 Ill. Reg. 14769, effective September 21, 2012; new Part adopted at 36 Ill. Reg. 14771, effective September 21, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section 475.10 Authority and Applicability

a) This Subpart A is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Subpart A shall apply to all administrative cases under the jurisdiction of the State Educator Preparation and Licensure Board (SEPLB) pursuant to Section 21B-15 or Section 21B-75 [105 ILCS 5/21B-15 or 21B-75] of the School Code, except as provided in this subsection (b) or in subsection (c) of this Section. Administrative cases pursuant to Section 21B-15 of the School Code heard under this Subpart A shall be limited to those in which an individual is alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license.

c) Pursuant to Section 21B-15 of the School Code, the State Superintendent may recommend that any other license held by an individual alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license be suspended or revoked by the SEPLB depending on the severity of the alleged alteration or misrepresentation. Pursuant to Section 21B-75 of the School Code, the State Superintendent may recommend that a license be revoked or suspended, or that professional development be required in lieu of or in addition to revocation or suspension, for those bases set forth in Section 21B-75. For purposes of this Subpart A, "revocation" shall mean the permanent removal of a license and "suspension" shall mean the temporary removal of a license for a period of up to five calendar years.

d) When statutes or other rules applicable to the Illinois State Board of Education (ISBE) or the SEPLB contain practices different from those set forth in this Subpart A, then those separate statutes and rules shall apply. Examples include, but are not limited to, proceedings related to the renewal of licenses under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Educator Licensure~~Certification~~).

e) For the purposes of this Subpart A, all references to "license" shall be understood to mean a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21], a license (i.e., professional educator license, educator license with stipulations, or substitute teaching license) issued under Article 21B of the School Code [105 ILCS 5/Art. 21B], or any~~a paraprofessional~~ approval issued by ~~the~~ ISBE in accordance with 23 Ill. Adm. Code 25~~25.510 (Paraprofessionals; Teacher Aides)~~.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Class Size Reduction Grants

2) Code Citation: 23 Ill. Adm. Code 565

3)

Section Numbers:	Proposed Action:
565.50	Amendment
565.150	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.136

5) A Complete Description of the Subjects and Issues Involved: P.A. 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 are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 565
CLASS SIZE REDUCTION GRANTS

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section
565.10 Purpose and Applicability
565.20 Eligible Applicants
565.30 Program Specifications
565.40 Application Procedure
565.50 Criteria for the Review of Initial Applications~~Proposals~~
565.60 Allocation of Funds

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section
565.110 Purpose and Applicability
565.120 Eligible Applicants
565.130 Program Specifications
565.140 Application Procedure
565.150 Criteria for the Review of Initial Applications~~Proposals~~
565.160 Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.136 of the School Code [105 ILCS 5/2-3.136].

SOURCE: Adopted at 30 Ill. Reg. 16365, effective September 26, 2006; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section 565.50 Criteria for the Review of Initial Applications

~~a)~~Applications for initial funding shall be evaluated in accordance with the following criteria:

a)~~1)~~ The proposal demonstrates that the average class size within the chosen grades exceeds 20 pupils and presents data related to student enrollment, achievement, and progress and an analysis of those data that justifies the approach selected and the choice of grade levels to be served. (70 points)

b)~~2)~~ The proposal demonstrates either that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed or that space for new classes is not available, as applicable. The number of licensed~~certified~~ teachers or paraprofessionals to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served. (15 points)

c)~~3)~~ The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned or the activities of the paraprofessionals to be assigned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms. (15 points)

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

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section 565.150 Criteria for the Review of Initial Applications

~~a)~~Applications for initial funding shall be evaluated in accordance with the following criteria:

a)~~1)~~ Rationale and Cost-Effectiveness (50 points)

1)~~A)~~ The proposal demonstrates that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed.

2)~~B)~~ The number of licensed~~certified~~ teachers to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served, and the applicant has chosen one or more grades with the greatest need for class size reduction.

3)~~C)~~ The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the

additional classrooms planned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms.

b)~~2)~~ Evaluation Plan (30 points)
The applicant proposes to collect and report information on the performance of the students in the classrooms served that will add to an understanding of the effects of class sizes of 15 or lower when compared to class sizes between 15 and 20 and when compared to class sizes above 20.

c)~~3)~~ Need (20 points)

1)~~A)~~ The proposal demonstrates that the average class size within the chosen grades exceeds 15 pupils and that students' performance may be improved through a reduction in class size.

2)~~B)~~ The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to employ additional licensed~~certified~~ staff in the chosen grades.

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Imaging Products

2) Code Citation: 20 Ill. Adm. Code 1298

3)

Section Numbers:	Proposed Action:
1298.10	Amendment
1298.20	Amendment
1298.30	Amendment
1298.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update the requirements and procedures for obtaining imaging products from the Department. Obsolete items are being removed and fees are being changed to reflect technology changes.

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

11) Statement of Statewide Policy Objectives: These rules 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 amendments. The submissions must be in writing and directed to:

Ms. Suzanne L. Y. Bond

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Chief Legal Counsel
Illinois State Police
801 South 7th 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: None

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: January 2013

The full text of the Proposed Amendments 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 POLICE

PART 1298
IMAGING PRODUCTS

Section
1298.10 Introduction
1298.20 Definitions
1298.30 Request Procedures
1298.40 Fees

AUTHORITY: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 27 Ill. Reg. 10315, effective June 26, 2003; amended at 37 Ill. Reg. _____, effective _____.

Section 1298.10 Introduction

The Department of State Police, in the context of its powers and duties, captures and produces photographic~~photographs and~~ images in a variety of formats. Individuals and other entities often desire to obtain copies of these imaging products. This Part is intended to establish the requirements and procedures for obtaining imaging products from the Department.

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

Section 1298.20 Definitions

"Department" means the Illinois Department of State Police.

"Graphic Image" means any image, including, but not limited to, those depicting a nude human body; autopsy or post-mortem images; a body with severe lacerations or injuries; or other similar image the release of which a reasonable person would find constitutes an unwarranted invasion of personal privacy.

"Imaging Products" means any visual image on film, paper, or electronic media produced by Department of State Police personnel. These may include, but are not limited to, photographic images, whether digital or non-digital,~~still digital~~

~~images,~~ video images, ~~instant print images,~~ visual computer images, computer-generated illustrative images, charts, schematics, data collection files whether in raw or processed form,~~diagrams, images drawn by hand, machine- or computer-generated images,~~ and computer animations.

"Requester" means a person or other entity that requests imaging products from the Department.

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

Section 1298.30 Request Procedures

a) A requester shall complete an Imaging Request Form for each imaging product request.

b) Each request shall include the appropriate fee established in Section 1298.40, for the particular image product requested~~request~~. The payment of fees, established in Section 1298.40, shall~~will~~ be made by certified check, money order~~,~~ or personal check made payable to the State Police Services Fund; cash will not be accepted.

c) The Department shall not process the request until receipt of a correctly completed Imaging Request Form and the appropriate fees.

d) Each request will be valid for 30 calendar days from the date the request form was sent to the requester. Once this period has expired, the request shall be null and void, and a new request form must be submitted.

e) All imaging products, excluding digital or non-digital photographic images, shall be provided in a printed or digital format.

f) Those requested images provided without a subpoena shall have all graphic images redacted.

g) All photographic images, whether digital or non-digital, shall be provided in the form of a 4 x 6 inch photograph. Each still image request shall also include a CD-ROM or DVD containing copies of the printed digital images.

h) Each request for photographic images will include all images, whether digital or non-digital, contained within the related case file; therefore, the costs associated with each request shall be dependent upon the total number of images contained within the case file or remaining images after redacting has been completed.

i)~~d)~~ All~~The~~ requested imaging products shall be sent by U.S. Mail to the requester unless other arrangements are made and paid for by the requester.

j)~~e)~~ The requester shall not reproduce, license, sell, or further distribute imaging products obtained without the written consent of the Department.

k)~~f)~~ The processing of requests shall be delayed or suspended when Department imaging resources are needed for law enforcement purposes.

l)~~g)~~ In the event release of an image would constitute an unwarranted invasion of the personal privacy due to the manner in which an individual is portrayed in the image, the image will not be released except as required by law or with permission of the individual or the individual's representative.

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

Section 1298.40 Fees

The fees will reflect the costs incurred to acquire, maintain, and reproduce the particular imaging products. Fees received shall be deposited in the State Police Services Fund or as otherwise legally required. The fees shall be as follows:

a) 4x6 inch photograph – $5~~6~~ each

~~b) 8x10 inch photograph – $12 each~~

~~c) 8.5x11 inch color index page (up to nine images per page) – $10 each~~

b)~~d)~~ video tape – $20 each

~~e) 8.5x11 inch diagram or illustration – $10~~

c)~~f)~~ 36x48 inch diagram or illustration – $85

d)~~g)~~ animations – $40 per second of finished animation

e) total station electronic data – $20

f) redacting of graphic images

1)	case files containing 1-150 images	$5
2)	case files containing 151-300 images	$10
3)	case files containing 301-450 images	$15
4)	case files containing 451-600 images	$20
5)	case files containing 601-750 images	$25
6)	case files containing 751-900 images	$30
7)	case files containing 901-1050 images	$35
8)	case files containing 1051-1300 images	$40
9)	case files containing 1301-1450 images	$45
10)	case files containing more than 1451 images	$50

~~h) CD-ROM images – $20 per disc plus $.60 per megabyte of file size~~

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: MIA/POW Scholarship

2) Code Citation: 95 Ill. Adm. Code 116

3)

Section Numbers:	Proposed Action:
116.50	Amendment
116.80	Amendment

4) Statutory Authority: Implementing and authorized by Section 30-14.2 of Article 30 of the School Code [105 ILCS 5/30-14.2]

5) A Complete Description of the Subjects and Issues Involved: Addition of an Illinois residency requirement for qualifying applicants.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of State government.

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

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

312/814-5391

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Department did not submit timely regulatory agenda's previously.

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 116
MIA/POW SCHOLARSHIP

Section

116.10 Administration of and Payment of Funds for the Scholarship
116.20 Payment by the Comptroller to Illinois State-Supported Institutions of Higher Learning
116.30 Determination of Eligibility of Dependents
116.40 Eligibility Requirements
116.50 Definition of Eligible Veterans or Servicepersons~~of Service-persons~~
116.60 Dependents of Dishonorable Discharged Veterans
116.70 Demonstration of Financial Need
116.80 Documentation
116.90 Issuance of Identification Card (I.D.)
116.100 Duration of the Scholarship
116.110 Full-Time Enrollment
116.120 Part-Time Enrollment
116.130 Receipt of points for Part-Time Enrollment
116.140 Semester System and Summer Term
116.150 Time to Complete Course of Study
116.160 Termination of Scholarships
116.170 Reimbursement of Tuition and Application Fees
116.180 Reimbursement of Other Fees
116.190 Non-Reimbursable Fees
116.200 Coverage of Tuition and Fees
116.210 Application for Reimbursement
116.220 Responsibility of Institutions to Submit Information Relative to Reimbursement
116.230 Simultaneous Reimbursement
116.240 Use of the Scholarship at Two or More Institutions Simultaneously
116.250 Appealing an Award Denial
116.260 Audit Procedures
116.270 Dependents with Physical, Mental or Developmental Disabilities
116.280 Reimbursement to Therapeutic, Rehabilitative or Education Facilities

AUTHORITY: Implementing and authorized by Section 30-14.2 of the School Code [105 ILCS 5].

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 12, p. 555, effective April 1, 1980; codified at 6 Ill. Reg. 8452; amended at 11 Ill. Reg. 11170, effective July 1, 1987; amended at 16 Ill. Reg. 7704, effective April 30, 1992; amended at 37 Ill. Reg. _____, effective _____.

Section 116.50 Definition of Eligible Veterans or Servicepersons~~of Service-persons~~

Eligible veteran~~veterans~~ or serviceperson~~servicepersons~~ means any veteran or serviceperson:

a) who has:

1) been declared by the U.S. Department of Defense or the U.S. Department of Veterans~~Veterans~~ Affairs~~Administration~~ to be a Prisoner-of-War~~,~~ or to be Missing-in-Action; or~~,~~

2) ~~have~~ died as the result of a service-connected disability or is~~be~~ permanently disabled from service-connected causes with 100% disability; and

b) who, at the time of entering the service, was an Illinois resident or was an Illinois resident within 6~~six~~ months after~~of~~ entering the~~such~~ service, or, until July 24, 2014, became an Illinois resident within 6 months after leaving the service and can establish at least 30 years of continuous residency in the State of Illinois.

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

Section 116.80 Documentation

a) The applicant must provide the following official documentation when applicable:

1)~~a)~~ Marriage Certificate

2)~~b)~~ Divorce Decree

3)~~c)~~ Birth Certificate

4)~~d)~~ Adoption Decree

5)~~e)~~ Letters of Guardianship

6)~~f)~~ Death Certificate or Report of Casualty

7)~~g)~~ DD 214 or Discharge

8)~~h)~~ Proof of Disability (Statement from Department of Defense or U.S. Department of Veterans' Affairs~~Veterans Administration~~).

b) The definition of "eligible veteran or serviceperson" contained in Section 116.50 provides that, until July 1, 2014, eligibility may be established if the otherwise eligible veteran or serviceperson became an Illinois resident within 6 months after leaving military service and can establish 30 years of continuous residency in the State of Illinois.

1) If the eligible veterans' or servicepersons' DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify establishment of residency within 6 months after leaving military service by providing one or more of the following documents:

A) Illinois driver's license issued during the relevant 6 month period;

B) Illinois high school or college transcripts demonstrating attendance during the relevant 6 month period;

C) Utility bills/rent receipts in the applicant's name during the relevant 6 month period;

D) Illinois motor vehicle registration issued during the relevant 6 month period;

E) Residential lease in the applicant's name during the relevant 6 month period;

F) Statement of benefits history from the Illinois Department of Healthcare and Family Services or Department of Human Services during the relevant 6 month period;

G) Statement of benefits from the Illinois Department of Employment

Security during the relevant 6 month period;

H) State of Illinois identification card issued during the relevant 6 month period; or

I) Letter of employment on company letterhead verified by certification in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

2) If the eligible veterans' or servicepersons' DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify 30 years of continuous residency by providing a combination of sufficient documentation of one or more of the documents listed in this subsection (b)(2), including tax returns, voting records, property records, utility records and driving records.

A) Copies of Illinois Income Tax forms for each of the 30 years of required residency. If records are unavailable, provide a statement of the record from the Illinois Department of Revenue that provides an accounting of Illinois Income Tax records currently available;

B) Copies of Illinois voter registration documents for each of the 30 years of required residency. If records are unavailable, provide a statement of the record from the county clerk where residency has been established that provides a record of voter registration records that are currently available;

C) Copies of property records to include residential mortgages, deeds or residential leases that provide proof of 30 years of required residency within the State of Illinois;

D) Copies of utility records to include electricity, water, waste removal, cable or internet service that provides proof of 30 years of required residency within the State of Illinois;

E) Copies of driving records to include driver's license record, insurance, and ownership of vehicle titled in the State of Illinois that provides proof of 30 years of required residency within the

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

State of Illinois.

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Records of Offenders

2) Code Citation: 20 Ill. Adm. Code 107

3)

Section Numbers:	Adopted Action:
107.10	Amend
107.17	Amend
107.20	Amend
107.100	Amend
107.107	Amend
107.110	Amend
107.120	Amend
107.130	Amend
107.140	Amend
107.142	New
107.145	Amend
107.150	Amend
107.160	Amend
107.180	Repeal
107.200	Amend
107.207	Amend
107.210	Amend
107.220	New
107.230	New
107.300	Amend
107.307	Amend
107.310	Amend
107.330	Amend
107.340	Amend
107.400	Amend
107.410	Amend
107.420	Amend
107.430	Amend
107.440	Amend
107.500	Amend
107.510	Amend
107.520	Amend
107.525	New
107.530	Amend

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

107.540	Amend
107.550	Amend
107.560	Amend
107.570	New

4) Statutory Authority: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]. Subparts B and F are also implementing Section 8-802 of the Code of Civil Procedure [735 ILCS 5/8-802]

5) Effective Date of Rulemaking: February 1, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the *Illinois Register*: 36 Ill. Reg. 14928 – October 12, 2012

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Reinstatement of juvenile language with applicability to the Department of Juvenile Justice; correction to reflect the revised sentence credit terminology under the diminution of felony sentences as applicable to offenders required to serve the maximum indeterminate sentence; introduction of the acronym for the Unified Code of Corrections "UCOC"; and non-substantive grammatical and style changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The rulemaking is being adopted to provide for the award, revocation and restoration (as applicable) of statutory sentence credit, supplemental sentence credit, program sentence credit (including pre-trial program credit and GED program sentence credit) in accordance with PA 097-0697 and to provide revisions in accordance with changes in the Truth in Sentencing laws and to update the requirements for releasing records of deceased offenders.

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

Echo Beekman
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

217/558-2200, extension 6507

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107
RECORDS OF OFFENDERS~~COMMITTED PERSONS~~

SUBPART A: ADMISSION DOCUMENTS

Section
107.10 Applicability
107.15 Responsibilities
107.17 Definitions
107.20 Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section
107.100 Applicability
107.105 Responsibilities
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AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5/8-802].

SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. 1598, effective February 1, 2013.

SUBPART A: ADMISSION DOCUMENTS

Section 107.10 Applicability

This Subpart applies to all correctional facilities within the Department~~the Adult~~ and the Department of Juvenile Justice~~Juvenile Divisions and to the Community Services Division when sentences of periodic imprisonment are imposed~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.17 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

"Pre-Trial Program Sentence Credit" means the award of time to offset the length of sentence for an offender who has successfully completed a full-time, 60 day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail during pre-trial detention prior to his or her current commitment to the Department, and as calculated at sentencing and included in the sentencing order.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.20 Required Admission Documents

a) When an offender~~a committed person~~ is delivered to the custody of the Department, the following information must be included with the items delivered:

1) Pursuant~~pursuant~~ to Sections 3-8-1~~, 3-10-1~~ and 5-4-1 of the Unified Code of Corrections [730 ILCS 5/3-8-1~~, 3-10-1,~~ and 5-4-1] and Section 5-33 of the Juvenile Court Act of 1987 [705 ILCS 405/5-33]:

A)~~1)~~ The sentence imposed.~~The mittimus or judgment order which must include the indictment or petition number, sentence or disposition, offense, judge's name, date of sentence, dates for time served and, where applicable, whether the sentences are to be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the Juvenile Division legal custodian is also required.~~

B) Any finding of great bodily harm made by the court.

C)~~2)~~ Any statement by the court of the basis for imposing the sentence.

D)~~3)~~ Any pre-sentence reports.

E) Any sex offender evaluations.

F) Any substance abuse treatment eligibility screening and assessment of the offender by an agent designated by the State to provide assessments for Illinois courts.

G)~~4)~~ The number of days, if any, that~~which~~ the offender~~committed person~~ has been in custody and for which he or she is entitled to credit against the sentence. Certifications~~Certification~~ of jail credit time shall include any time served in the custody of the Illinois Department of Human Services-Division of Mental Health or Division of~~and~~ Developmental Disabilities, time served in another state or federal jurisdiction, and any time served while on probation or periodic imprisonment.

~~5)~~ ~~A record of the committed person's time and his or her behavior and conduct while in the custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, or suicide attempt, which might affect security status, and a record of medical treatment, if any, should be included in the record.~~

H)~~6)~~ State's Attorney's Statement

i) The State's Attorney's Statement of Facts, including:

- the facts and circumstances of the offenses for which the offender was committed;

- any other factual information in regard to the offender accessible to the State's Attorney prior to the commitment to the Department relative to the offender's habits, associates, disposition and reputation; or

- other information that may aid the Department during the custody of the offender.

ii) If the statement is unavailable at the time of delivery, the statement must~~shall~~ be transmitted within 10 days after~~of~~ receipt by the clerk of the court.

I)~~7)~~ Any medical or mental health record or summaries.

J) Any victim impact statements.

K)~~8)~~ The name of the municipalities~~municipality(ies)~~ where the arrest of the offender~~committed person~~ and the commission of the offense occurred, if the municipality~~such municipality(ies)~~ has a population of more than 25,000 persons.

L)~~9)~~ All additional matters that~~which~~ the court directs the clerk to transmit.

2) The mittimus or sentence (judgment) order that provides the following information:

A) The criminal case number, names and citations of the offenses, judge's name, date of sentence and, when applicable, whether the sentences are to be served concurrently or consecutively;

B) The number of days spent in custody; and

C) If applicable, the calculation of pre-trial program sentence credit awarded by the court to the offender, including, at a minimum, identification of the type of pre-trial program the offender participated in and the number of eligible days the court finds the offender spent in the pre-trial program multiplied by the calculation factor of 0.5 for the total court-awarded credit.

3) A record of the offender's time and his or her behavior and conduct while in the custody of the county. Any action on the part of the offender that might affect his or her security status with the Department, including, but not limited to, an escape attempt, participation in a riot, or a suicide attempt, should be included in the record.

b) If the required items listed in this Section are not received at the time of delivery of an offender~~a committed person~~, admission to the Department's facilities may be denied.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

SUBPART B: DIMINUTION OF SENTENCE

Section 107.100 Applicability

This Subpart applies to all correctional facilities within the Department~~the Adult, Juvenile,~~ and the Department of Juvenile Justice~~Community Services Divisions~~. However, none of the provisions contained in this Subpart apply to:

a) Persons who are committed to the Juvenile Division as delinquents;

b) Persons who are committed to the Department as a result of a finding of contempt; or

c) Persons who are serving sentences of periodic imprisonment~~imprisonment in community correctional centers~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.107 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Compensatory Good Time" means the award of time used to offset the length of an indeterminate sentence, as calculated under the Statutory Good Time Calculations tables awarded at the rate of 7.5 days for each month in custody or on a prorated basis in accordance with the Prorated Compensatory Good Time table (see Section 107.120(c)).

"Day for Day Credit" means the award of time used to offset the length of an indeterminate sentence based upon the date the offender was sentenced, the date the offense was committed, and the remaining portion of the sentence to be served on or after February 1, 1978, as provided in Section 107.120.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

"Program Sentence Credit" means the award of time to offset the length of a determinate sentence for offenders who have successfully participated in substance abuse programming, Correctional Industries assignments, vocational or academic educational programs, behavior modification programs, life skills courses, or re-entry planning.

"Statutory Good Time" means the award of time to offset the length of a minimum and maximum indeterminate sentence for an offense committed prior to February 1, 1978, as calculated in accordance with the Statutory Good Time Calculations table (see Section 107.120(a) and (b)).

"Statutory Sentence Credit" means the award of time to offset the length of a determinate sentence for an offense committed on or after February 1, 1978, pursuant to Sections 3-6-3(a)(2), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5) and (a)(2.6) of the UCOC.

"Supplemental Sentence Credit" means the award of additional sentence credit made on or after June 22, 2012 to offset the length of sentence based on the offender's good conduct as determined at the sole discretion of the Director, or his or her designee, as set forth in Section 3-6-3(a)(3) of the UCOC.

"UCOC" means the Unified Code of Corrections [730 ILCS 5].

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.110 Diminution of Felony Sentences

a) Offenders~~Committed persons~~ serving indeterminate sentences shall appear before the Prisoner Review Board prior to their parole eligibility date after having served their minimum sentence or 20 years (whichever is less), less applicable statutory good time, compensatory good time, and day for day credit~~good conduct credits~~.

b) In the event an offender~~a committed person~~ must serve the maximum indeterminate sentence, he or she shall be released after serving the maximum of

the sentence, less applicable statutory good time, compensatory good time, and day for day credit~~good conduct credits~~.

c) An offender~~A committed person~~ serving a determinate sentence shall be released after serving his or her determinate sentence, less any applicable credit awarded in accordance with this Part~~good conduct credits~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.120 Good Time Schedules and Sentence Credit Applicable to Felony Sentences

a) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for offenders ~~persons~~ sentenced prior to June 1, 1977, if the schedule contained in the table would be more beneficial to the offender than awarding day for day credit~~good conduct credits~~ as of February 1, 1978.

Statutory Good Time Calculations for Those
Sentenced Prior to June 1, 1977*

SENTENCE	TIME TO BE SERVED
1st year	11 months
2nd year	1 year and 9 months
3rd year	2 years and 6 months
4th year	3 years and 2 months
5th year	3 years and 9 months
6th year	4 years and 3 months
7th year	4 years and 9 months
8th year	5 years and 3 months
9th year	5 years and 9 months
10th year	6 years and 3 months
11th year	6 years and 9 months
12th year	7 years and 3 months
13th year	7 years and 9 months
14th year	8 years and 3 months
15th year	8 years and 9 months
16th year	9 years and 3 months
17th year	9 years and 9 months
18th year	10 years and 3 months

19th year	10 years and 9 months
20th year	11 years and 3 months

*AGENCY NOTE~~Agency Note~~: On the maximum sentence, six months of statutory good time is earned for each additional sentence year.

b) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for all persons sentenced to the Department ~~of Corrections~~ on or after June 1, 1977, but prior to February 1, 1978, for establishing the time credit for that portion of the sentence that~~which~~ was served prior to February 1, 1978.

Statutory Good Time Calculations for Those
Sentenced On or After June 1, 1977*

SENTENCE	TIME TO BE SERVED
1st year	9 months
2nd year	1 year and 6 months
3rd year	2 years and 3 months
4th year	3 years
5th year	3 years and 9 months

*AGENCY NOTE~~Agency Note~~: Three months statutory good time shall be earned for each additional sentence year.

1) For those offenders~~persons~~ whose sentences are calculated under the table in subsection (b)~~ of this Section~~, the remaining portion of the sentence served on or after February 1, 1978~~,~~ shall be credited with day for day ~~good conduct~~ credits.

2) For an offender~~a person~~ who is sentenced on or after June 1, 1977, but prior to February 1, 1978, for an offense committed prior to June 1, 1977, the table in subsection (a) ~~of this Section~~ shall be used if it would be more beneficial to the offender in calculating the minimum or maximum sentence or both.

c) Compensatory good time shall be earned on those indeterminate sentences or portions of a sentence that~~thereof which~~ are calculated under the statutory good time tables. Compensatory good time shall normally be awarded at the rate of

~~seven and one-half (~~7.5~~7½)~~ days for each month in custody. Offenders~~Committed persons~~ shall receive compensatory good time on a prorated basis during the month placed in and released from custody in accordance with the following table.

Prorated Compensatory Good Time

INCOMING FELONS		RELEASED FELONS		
Day of Month Received	Days Credit	Scheduled Date of Release	Days Credit	New Release Date
2 - 4	6	1 - 4	0	1 - 4
5 -9	5	5 - 9	1	4 - 8
10 - 15	4	10 - 14	2	8 - 12
15 - 19	3	15 - 19	3	12 - 16
20 - 24	2	20 - 24	4	16 - 20
25 - 28	1	25 - 28	5	20 - 23
29 plus	0	29 plus	6	23

d) Offenders~~Committed persons~~ shall not be eligible to receive compensatory good time against that portion of their sentence that~~which~~ is calculated under day for day credit~~good conduct~~ provisions.

1) An offender~~A committed person~~ shall not be awarded compensatory good time for any month during which he or she is reported by his or her work or program supervisor for carelessness, negligence, or refusal to work, providing that not awarding compensatory good time ~~such action~~ is recommended by the facility's Adjustment Committee and approved by the Chief Administrative Officer. No offender~~committed person~~ shall lose any compensatory good time ~~credits~~ because he or she was unable to work or participate in a facility program through no fault of his or her own.

2) Any offender~~committed person~~ placed in segregation or confinement for a period of 3~~three~~ days or more during a given month pursuant to a hearing before an Adjustment Committee shall not be awarded compensatory good time for that month. However, no person shall lose compensatory good time for more than one month pursuant to such a hearing unless he or she is placed in segregation or confinement for at least 10 additional days during the second and subsequent months.

3) Any offender~~committed person~~ placed on investigative status shall receive compensatory good time for that month if the investigation findings indicate that the offender~~committed person~~ did not commit a violation.

4) Every offender~~committed person~~ assigned to a transition center~~community correctional center~~ shall be credited with compensatory good time unless an Adjustment Committee finds that he or she has violated disciplinary rules.

5) Awarded~~Any awarded~~ compensatory good time may not be revoked.

e) Day for day credit~~Good conduct credits~~, with reference to the minimum and maximum sentences, shall be calculated by awarding one day of ~~good conduct~~ credit for each day served for all offenders~~committed persons~~ sentenced on or after February 1, 1978, if the~~such~~ credit would be more beneficial to the offender than statutory good time and compensatory good time credit~~credits~~.

f) Statutory sentence credit~~Good conduct credits~~, with reference to determinate sentences entered on or after February 1, 1978, for offenses ~~which were~~ committed prior to June 19, 1998~~August 20, 1995~~, shall be calculated by awarding one day of statutory sentence credit~~good conduct credit~~ for each day served.

g) Statutory sentence credit~~Good conduct credits~~, with reference to determinate sentences for offenses committed on or after June 19, 1998, ~~August 20, 1995,~~ shall be awarded in accordance with the Truth in Sentencing provisions of Section 3-6-3 of the UCOC.~~:~~

h) Any offender convicted of a sex offense, as defined in the Sex Offender Registration Act [730 ILCS 150], that was committed on or after June 1, 2008, shall receive no statutory sentence credit unless he or she successfully completes or is participating in sex offender treatment. However, if the offender is on a waiting list for treatment but is unable to participate due solely to lack of Department resources, he or she may be awarded statutory sentence credit at the discretion of the Director.

~~1) Not be awarded to any person for a term of imprisonment for first degree murder.~~

~~2) Be calculated by awarding 4.5 days per month for each month of imprisonment for persons serving a sentence for:~~

~~A) Attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~

~~B) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.~~

~~3) Be calculated by awarding one day of good conduct credit for each day served on the period of imprisonment or recommittment as a parole or mandatory supervised release violator for all offenses not listed in subsections (1) or (2) of this subsection (g).~~

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.130 Consecutive Sentences

a) Consecutive sentences shall be aggregated and treated as though they are a single term.

b) Offenders~~Committed persons~~ serving consecutive sentences, one or more of which is indeterminate, shall receive statutory good time under the most beneficial table in effect on or after the commission of the crime. Compensatory good time shall also be credited to consecutive sentences. As of February 1, 1978, the remaining portion of the minimum or maximum sentence shall be calculated under day for day credit~~good conduct~~ provisions unless the statutory and compensatory good time provisions would be more beneficial to the offender.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.140 Concurrent Sentences

When an offender~~a committed person~~ already subject to a sentence receives one or more concurrent sentences, he or she shall receive credit on the subsequently imposed sentences from the date of sentencing.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.142 Supplemental Sentence Credit

Offenders committed to the Department may be eligible to receive supplemental sentence credit for good conduct in addition to other credit awarded in accordance with this Part. The award of supplemental sentence credit shall be at the sole discretion of the Director, or his or her designee, and shall be awarded in accordance with the provisions of Subpart C.

(Source: Added at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.145 Program Sentence Credit~~Earned Good Conduct Credits~~

Offenders~~Committed persons~~ who are enrolled in full-time substance abuse programs, Correctional Industries~~correctional industry~~ assignments, ~~or~~ vocational or academic educational programs, behavior modification programs, life skills courses, or re-entry planning approved by the Department may be eligible to receive program sentence credit~~earned good conduct credits~~ in addition to other credit~~good conduct credits~~ awarded in accordance with this Part. Program sentence credit~~Earned good conduct credits~~ shall be awarded at the applicable rate for each day during which program goals have been achieved in accordance with Subpart F~~ of this Part~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.150 Revocation of Time and Credit~~Statutory Good Time and Good Conduct Credits~~

a) Any offender~~committed person~~ who is found guilty of misconduct or violating departmental rules or the terms of parole or mandatory supervised release may lose statutory good time, day for day credit, statutory sentence credit, supplemental sentence credit, or program sentence credit awarded in accordance with this Part~~ or good conduct credits~~.

b) Statutory good time may be revoked at the discretion of the Director, or his or her designee, upon the recommendation of the Adjustment Committee and the Chief

Administrative Officer, or the respective Deputy Director~~ of the Community Services Division~~.

c) Day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit may be revoked at the discretion of the Director, or his or her designee, provided the cumulative revocation does not exceed 30 days during any 12 month period.~~A maximum of 30 days of good conduct credits may be revoked from any committed person at the discretion of the Director during any 12 month period.~~ If the amount of credit at issue exceeds 30 days, or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days, the Department shall submit its recommendation for revocation~~to revoke good conduct credits~~ to the Prisoner Review Board for approval.

d) When an infraction is committed or discovered within 60 days prior to an offender's~~a committed person's~~ scheduled release, the Department may revoke up to 30 cumulative days of day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit~~good conduct credits~~ without approval of the Prisoner Review Board. If the Department seeks to revoke more than 30 days, its recommendation for revocation of the additional credit~~good conduct credits~~ shall be submitted to the Prisoner Review Board for ~~its~~ approval.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.160 Restoration of Time and Credit~~Statutory Good Time and Good Conduct Credits~~

a) Statutory good time, day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit~~ or good conduct credits~~ may be restored by the Director, or his or her designee, either by his or her own action or upon the recommendation of:

1) The Administrative Review Board;~~,~~

2) The Adjustment Committee and the Chief Administrative Officer;~~,~~ or

3) The respective Deputy Director~~ of the Community Services Division~~.

b) In determining the restoration~~whether or not to restore good conduct credits or statutory good time~~, the Director, or his or her designee, may consider, among

other matters:

1) The nature of the incident that~~which~~ served as the basis for the revocation~~loss of good time~~;

2) The disciplinary proceedings that~~which~~ led to the revocation~~ of good time~~;

3) The complete master record file of the offender~~committed person~~;

4) Any specific report or recommendation made concerning the offender~~committed person~~;

5) The offender's~~committed person's~~ entire disciplinary record;

6) The assignment~~job~~ performance of the offender~~committed person~~ while in the custody of the Department;

7) The educational program or achievements of the offender~~committed person~~ while in the custody of the Department; and

8) The action of the offender~~committed person~~ in:

A) Saving the life of an employee or other offender~~committed person~~;

B) Performing heroic service during a flood, tornado~~,~~ or act of God;

C) Volunteering for an exceptionally hazardous or dangerous assignment; or

D) Assisting in maintaining control during a general disturbance.

c) Day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit may be restored at the discretion of the Director, or his or her designee, provided the cumulative restoration does not exceed 30 days during any 12 month period.~~A maximum of 30 days of good conduct credits may be restored to a committed person at the discretion of the Director during any 12 month period.~~ If the cumulative amount of credit recommended for restoration exceeds 30 days, the Director, or his or her designee, shall submit the~~such~~ request for restoration ~~shall be submitted by the Director~~ to the Prisoner Review Board.

The Board may not restore more creditgood conduct credits to an offendera committed person than is recommended. Notification of the decision of the Director, or his or her designee, or the Prisoner Review Board shall be provided to the offendercommitted person.

d) The offendercommitted person may petition not more frequently than every three months through the Adjustment Committee for restoration of revoked time or creditstatutory good time or good conduct credits, stating the rationale for restoration. If the Adjustment Committee recommends the restoration of good time, thesaid recommendation shall be forwarded through designated channels to the attention of the Director, or his or her designee. Notification of the Director's, or his or her designee's,Director's decision shall be given to the offendercommitted person.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.180 Misdemeanant Good Time Allowance (Repealed)

a) Misdemeanant good time behavior allowance shall be awarded for each month or 30 day unit as follows:

1) Four days for the first month.

2) Six days for each of the second, third, fourth, fifth, and sixth months or units of sentence.

3) Eight days for each of the second six months or units of sentence.

b) Misdemeanant good time may be revoked or withheld as a result of a disciplinary infraction.

c) Misdemeanants are not eligible to receive compensatory good time credit on their sentences.

(Source: Repealed at 37 Ill. Reg. 1598, effective February 1, 2013)

SUBPART C: MERITORIOUS GOOD TIME AND SUPPLEMENTAL SENTENCE CREDIT

Section 107.200 Applicability

This Subpart applies to all correctional facilities within the Department~~the Adult, Juvenile,~~ and the Department of Juvenile Justice~~Community Services Divisions~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.207 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

"Meritorious Good Time" means the award of additional good conduct credit prior to June 22, 2012 to offset the length of sentence for offenders based upon meritorious service in specific instances deemed appropriate by the Director or his or her designee.

"Supplemental Sentence Credit" means the award of additional sentence credit made on or after June 22, 2012 (effective date of PA 97-0697) to offset the length of sentence based on an offender's good conduct as determined at the sole discretion of the Director or his or her designee.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.210 Awarding of Supplemental Sentence Credit~~Meritorious Good Time~~

a) The Director, or his or her designee, may award eligible offenders additional credit up to a maximum of 90 or 180 days, in accordance with Section 3-6-3(a)(3) of the UCOC, for good conduct. However, offenders shall not be eligible to receive supplemental sentence credit, meritorious good time, or an aggregation of these credits greater than the statutory maximum during one term of incarceration.

b)~~a)~~ In determining whether or not to award supplemental sentence credit~~good conduct credits for meritorious service~~, the Director, or his or her designee:

1) Shall make a determination, either in written or electronic form, that the offender:

A) Is eligible, based on his or her holding offenses, to receive supplemental sentence credit;

B) Has served a minimum of 60 days of his or her sentence in the custody of the Department; and

C) Has met the eligibility criteria established in this Section.

2) May~~may~~ examine or consider, among other matters:

A)~~1)~~ The complete master record file of the offender, including, but not limited to, sentencing material including the facts and circumstances of the holding offense, disciplinary records, and~~committed person. 2)~~ reports~~Reports~~ or recommendations made concerning the offender~~committed person~~.

B) Available risk assessment analysis.

C) History of conviction for violent crimes as defined by the Rights of Crime Victims and Witnesses Act [725 ILCS 120].

~~3) The fact that the committed person has not violated any rule of the Department over a period of time.~~

D)~~4)~~ The assignment~~job~~ performance of the offender~~committed person~~ while in the custody of the Department.

E)~~5)~~ Educational or program performance and~~The educational program or~~ achievements of the offender~~committed person~~ while in the custody of the Department.

F) Service to the Department, community or State.

G) Heroic action of the offender such as~~6) The action of the committed person in:~~ saving~~A)Saving~~ the life of an employee or other offender.~~committed person;~~

~~B)~~ ~~Performing heroic service during a flood, tornado, or act of God;~~

~~C)~~ ~~Volunteering for an exceptionally hazardous or dangerous assignment; or~~

~~D)~~ ~~Assisting in maintaining control during a general disturbance.~~

H) The offender's potential for rehabilitation.

c)~~b)~~ The decision to award supplemental sentence credit shall be at the sole discretion of~~grant meritorious good time may be initiated unilaterally by~~ the Director or his or her designee.

~~c)~~ ~~In addition, petitions for granting meritorious good time may be submitted by any committed person or by any person or persons in the employ of the Department of Corrections on behalf of any committed person.~~

~~d)~~ ~~No committed person shall be granted more than 180 days of meritorious good time during a term of incarceration.~~

d) No offender shall be eligible to receive supplemental sentence credit if he or she:

1) Is serving a sentence for an offense excluded pursuant to Section 3-6-3(a)(3) of the UCOC;

2) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504;

3) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration;

4) Has been returned to the Department for a violation of his or her parole or mandatory supervised release; or

5) Has been returned to a facility from an impact incarceration program for voluntary termination or termination for disciplinary reasons.

e) No offender whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded supplemental sentence credit unless:

1) He or she participates in and completes a substance abuse treatment program; or

2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the offender is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Offenders on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive supplemental sentence credit as determined by the Director or his or her designee.

f) No offender who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded supplemental sentence credit unless he or she:

1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or

2) Receives a waiver due solely to lack of Department resources.

~~e) No persons who are committed for the following offenses shall be awarded more than 90 days of meritorious good time during a term of incarceration: first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering.~~

~~f) No persons who are serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995, shall be awarded any meritorious~~

~~good time:~~

~~1) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravating battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~

~~2) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category 1 weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.~~

g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for Supplemental Sentence Credit~~meritorious good time~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.220 Reporting of Supplemental Sentence Credit

a) The Department shall prepare an annual written report that identifies:

1) The number of offenders who have been awarded supplemental sentence credit;

2) The holding offenses of the offenders who have received an award of supplemental sentence credit;

3) The average number of supplemental sentence credit days awarded; and

4) The number of revocations of supplemental sentence credit.

b) The report shall be submitted to the Governor and General Assembly beginning January 1, 2014 and annually thereafter.

c) Within 48 hours after submission to the Governor and the General Assembly, the Department shall make the report available on the Department's website.

(Source: Added at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.230 Revocation and Restoration of Supplemental Sentence Credit

Supplemental Sentence Credit may be revoked and restored in accordance with Subpart B.

(Source: Added at 37 Ill. Reg. 1598, effective February 1, 2013)

SUBPART D: MAINTENANCE OF RECORDS

Section 107.300 Applicability

This Subpart applies to all correctional facilities within~~divisions of~~ the Department.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.307 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.310 Access to Records

a) The master record files of offenders~~committed persons~~ shall be confidential and access shall be limited to authorized persons. Offenders~~Committed persons~~ shall not be permitted access to their master record files except as expressly permitted by law, including~~ or~~ this Subpart.

b) Medical records shall be disclosed to an offender~~a committed person~~ or to his or her authorized agent~~attorney~~ upon receipt of a written request for the information and a release signed by the offender~~committed person~~.

c) The medical records of a deceased offender~~committed person~~ shall be released upon presentment of a certified copy of the death certificate and:

1) Tender of letters~~tender of letters~~ of office and a signed release from the Executor or the Administrator of the person's estate; or~~,~~

2) A Durable Power of Attorney for Health Care authorizing the release of the medical records to the agent and a signed release from the authorized agent; or

3) If no executor, administrator or agent exists:~~or if no estate is required by law to be opened,~~

A) An authorized relative certification and release signed by the authorized relative; or ~~then upon receipt of an affidavit of heirship~~

B) A notarized affidavit of heirship and a release signed by the next of kin.

d)~~e)~~ Personnel of other correctional, welfare, educational~~,~~ or law enforcement agencies may have access to an offender's~~a committed person's~~ files, as approved by the Chief Administrative Officer. The use and redisclosure of these~~such~~ files shall be consistent with applicable State and federal laws.

e)~~d)~~ Access to the master record file of a person no longer in custody of the Department shall be provided in accordance with procedures applicable to offenders~~committed persons~~.

f)~~e)~~ The Department may require payment of copying costs for any records produced.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.330 Release of Clinical Records to Offenders~~Committed Persons~~ and Authorized Attorneys (Adult Facilities Excluding Transition Centers~~Adult Division~~) – Court Agreement

a) Definitions

1) Offender~~Committed Person~~ – A person who is or has been in the custody

of the ~~Illinois~~ Department~~ of Corrections, Adult Division~~.

2) Authorized Attorney – Any attorney authorized in writing by the offender~~committed person~~ to inspect and copy his or her clinical records.

3) Clinical Record~~Records~~ – Any mental health record, maintained by the Department, prepared by a therapist in the course of providing mental health services to an offender~~a committed person, which is maintained by the Department of Corrections~~. Clinical record does not include the therapist's personal notes, if those~~such~~ notes are kept in the therapist's sole possession for his or her own personal use and are not disclosed to any other person, except the therapist's supervisor, consulting therapist~~,~~ or attorney. If, at any time, the~~such~~ notes are otherwise disclosed, they shall be considered part of the offender's~~committed person's~~ record for purposes of this Section. Clinical record does not include testing material used in the course of providing services if the disclosure of the~~such~~ material would compromise the objectivity or fairness of the testing process.

4) Information not subject to inspection and copying by a an offender~~committed person~~ – Information contained in clinical records, the disclosure of which a therapist certifies in writing is likely to result in physical harm to the offender~~committed person~~, other offenders~~committed persons~~ or Department employees, contractors~~,~~ or volunteers.

5) Therapist – A psychiatrist, physician, psychologist, counselor, social worker~~,~~ or nurse providing mental health services.

6) Mental Health Services – Psychiatric or psychological evaluation or treatment, or pharmaceuticals, or developmental disabilities programming.

b) Rights of and Limitations on Record Access

1) An offender~~A committed person~~ or authorized attorney may have access to and copy all clinical records contained in any file maintained by the Department~~ of Corrections~~, provided:

A) The offender~~committed person~~ consents in writing to the access to and copying of the~~such~~ records by an authorized attorney; and

B) Information not subject to access and copying by an offender~~a committed person~~ may be deleted from records otherwise available to an offender~~a committed person~~ in accordance with procedures established in this Section. Information not subject to access and copying by an offender~~a committed person~~ shall be made available to an authorized attorney provided the attorney agrees in writing not to disclose that information to the offender~~committed person~~ or any other person who may redisclose it to the offender~~committed person~~.

2) All requests by the offender~~committed person~~ and authorized attorneys to inspect or copy clinical records must be made in writing and must contain a release of the Department ~~of Corrections~~ and its employees from any liability to the offender~~committed person~~ as a result of disclosure or dissemination of the records or the information contained in the records~~therein~~, resulting from the access permitted to the authorized attorney or offender~~committed person~~.

3) The Department~~Adult Division~~ shall comply with all written requests for records:

A) By promptly producing copies of records after either payment of copying costs by the offender~~committed person~~ or authorized attorney or a waiver of costs by the Department. Costs shall be waived upon a showing of the offender's~~committed person's~~ indigency. The determination of indigency shall be made promptly by the officers to whom the written request is sent, in accordance with subsection (c)(1) of this Section; or

B) By promptly making the requested records available for inspection.

c) Processing of Requests for Record Access

1) All written requests:

A) With regard to the clinical records of offenders~~committed persons~~ currently committed to a Department~~an Adult Division~~ facility should be directed to the Chief Administrative Officer of the institution in which the person resides;

B) With regard to the clinical records of offenders~~committed persons~~ on authorized absence from a~~an Adult Division~~ facility or transferred to an Illinois Department of Human Services-Division of Mental Health or Division of Developmental Disabilities~~Mental Health and Developmental Disabilities~~ facility should be directed to the Chief Administrative Officer of the institution in which the person last resided;

C) With regard to the clinical records of offenders~~committed persons~~ currently on parole or mandatory supervised release should be directed to the Chief Administrative Officer of the institution from which the offender was~~person is~~ paroled or released; and

D) With regard to the clinical records of persons formerly committed to the Department~~Adult Division~~ should be directed to the supervisor of the Department's microfilm center in Springfield.

2) Upon receipt of the request for records, the records office supervisor, supervisor of the microfilm center, or a designee, shall either:

A) Promptly make the records available for inspection by the offender~~committed person~~ or authorized attorney; or

B) Promptly forward copies of the records to the offender~~committed person~~ or authorized attorney after payment or waiver of the costs.

3) The author of the reports or, if the original author is unavailable, a qualified therapist, may examine all records requested.

A) If the author or another therapist certifies in writing that the disclosure of information to the offender~~a committed person~~ is likely to result in physical harm to the offender~~committed persons~~ or other persons:

i) The information may be deleted from the records disclosed to the offender~~committed person~~; and

ii) The author's or therapist's certificate shall be attached to

the~~such~~ records inspected and copied by all persons.

B) If a document contains information certified to be likely to result in physical harm to the offender~~committed person~~ or others, only the information so certified may be deleted from the records disclosed to the offender~~committed person~~.

4) The Department~~Adult Division~~ shall maintain a record in each offender's~~committed person's~~ file that~~which~~ indicates:

A) The parties who have requested to inspect or copy clinical records; and

B) The clinical records inspected or copied.

d) Before this Section ~~of the Subpart~~ is modified, Department legal staff must be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without approval of the court.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.340 Release of Clinical Records to Offenders~~Committed Persons~~ and Authorized Attorneys (Transition Centers~~Community Services Division~~)

All written requests for release of clinical records of offenders~~committed persons~~ transferred to a transition center~~community correctional center~~ should be directed to the Chief Administrative Officer of the ~~adult~~ correctional facility in which the offender~~person~~ last resided. All other provisions of Section 107.330 regarding release of clinical records shall also apply~~ to the Community Services Division~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

SUBPART E: ACCESS AND REVIEW OF
CRIMINAL HISTORY RECORD INFORMATION

Section 107.400 Applicability

This Subpart applies to correctional facilities within the Department~~Adult, Juvenile, and Community Services Divisions~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.410 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Criminal History Record Information" means information collected by criminal justice agencies on individuals, consisting of identifiable descriptions, which include name, gender~~sex~~, race, date of birth, Social Security Number, State Identification Number, Federal Bureau of Investigation (FBI) Number, and any other information used to determine the subject of the transcript~~Transcript~~; notations of arrests, detentions, indictments, information~~informations~~, or other formal criminal charges and any disposition arising from these actions~~therefrom~~; sentencing; and correctional supervision and release; but does not include juvenile history information, unless the juvenile was tried as an adult.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.420 Right to Access and Review

All persons, including offenders~~committed persons~~, have the right to review copies of their Criminal History Record Information from local criminal justice agencies, any state and the Federal Bureau of Investigation, and to challenge the content of these records (see 42 USC~~U.S.C.~~ 3789(f) and (g) and 28 CFR 20).

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.430 Requests for Access and Review

a) A request to obtain access to and review Criminal History Record Information, local, state~~,~~ or federal, shall be made in writing to the office designated by the Chief Administrative Officer.

b) A staff member shall inform the offender~~committed person~~ of any applicable fees and assist the offender~~committed person~~ in completing and processing all applicable forms.

c) Upon receipt by the facility of the transcript of the Criminal History Record Information, the offender~~committed person~~ shall be allowed to review the transcript while in the presence of a staff member.

d) The offender~~committed person~~ shall, upon request, be provided with a copy of the transcript that~~which~~ has been stripped of all personal identifiers, including, but not limited to, the names and addresses of the offender~~committed person~~, victims~~,~~ or witnesses.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.440 Challenge of Record

a) If an offender~~a committed person~~ is not satisfied that his or her Criminal History Record Information is accurate, he or she may submit a written request to challenge the record.

b) A staff member shall advise the offender~~committed person~~ of the challenge, appeal and complaint process, and the Staff member shall assist him or her in preparing the appropriate forms for submission.

c) If the criminal history record is corrected, the offender~~committed person~~ may submit a written request for a listing of all non-criminal justice agencies that have received a copy of his or her criminal history record.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

SUBPART F: GENERAL EDUCATION DEVELOPMENT AND PROGRAM SENTENCE CREDIT~~EARNED GOOD CONDUCT CREDITS~~

Section 107.500 Applicability

This Part applies to all correctional facilities within the Department~~the Adult, Juvenile,~~ and the Department of Juvenile Justice~~Community Services Divisions~~.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.510 Definitions

"Behavior Modification Program" means a program, approved by the Department, designed to provide offenders with the means to identify and alter undesired behavioral patterns.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Correctional Industry Assignments~~assignments~~" means work assignments in or job training conducted by Correctional Industries.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~ of Corrections~~.

"Earned Good Conduct Credit" means the award of time to offset the length of sentence for an offender who successfully completed an assigned substance abuse program, Correctional Industries assignment, or educational program prior to June 22, 2012.

"Educational Programs~~programs~~" means courses of academic and vocational instruction offered to persons committed to the Department~~Adult and Juvenile Divisions as approved by School District #428;~~ or courses of academic and vocational instruction approved by the Department.

"GED Program Sentence Credit" means the award of 60 days credit to offset the length of sentence for an offender who passes the high school level test of General Educational Development (GED) while committed to the Department or while held in pretrial detention prior to the offender's current commitment to the Department.

"Instructional Day~~day~~" means a day in which instruction is provided.

"Life Skills Course" means a program approved by the Department to promote personal skills to better prepare the offender for a productive return to society.

~~"Mental health unit" means the Menard Psychiatric Center or the Dwight Mental Health Unit.~~

"Program Administrator~~administrator~~" means the Education Facility Administrator or other~~Department~~ persons designated by the Chief Administrative Officer to be responsible for determining satisfactory participation in programs subject to program sentence credit~~earned good conduct credits~~.

"Program Sentence Credit" means the award of time to offset the length of sentence for offenders who successfully complete a substance abuse program, Correctional Industries assignment, educational program, behavior modification program, life skills course, or re-entry planning program on or after June 22, 2012.

"Re-entry Planning Program" means a program approved by the Department that provides offenders with information on release procedures and the tools to assist them in a positive re-entry into society.

"Sentence of Imprisonment~~imprisonment~~ for a Felony~~felony~~" means one continuous period or term of incarceration for commission of one or more felonies, provided that each felony was committed prior to the offender's commitment to the Department.

"Substance Abuse Program~~abuse program~~" means a program, approved by the Department, consisting of counseling, education~~,~~ or treatment for drug or alcohol abuse.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.520 Eligibility for Program Sentence Credit

a) Offenders~~Committed persons~~ who, on or after June 22, 2012~~August 11, 1993~~, are engaged full-time in substance abuse programs, Correctional Industries~~correctional industry~~ assignments, ~~or~~ academic or vocational education programs, behavior modification programs, life skills courses, or re-entry planning provided or approved by the Department shall be eligible to receive program sentence credit~~earned good conduct~~ at the rate of 0.5~~.50~~ per ~~a~~ day provided:

1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator~~good time~~ in accordance with ~~20 Ill. Adm. Code 107.~~Subpart B; and

2) They achieve the goals established by the Department within a specified time period.

~~2) They are not committed as habitual juvenile offenders or violent juvenile offenders;~~

b)~~3)~~ Offenders shall not be eligible to receive program sentence credit at the rate of 0.5 per day if:

1) They are ~~not~~ assigned to a boot camp or electronic detention program. ~~or a mental health unit;~~

2) They are serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the UCOC.

~~4) They are not serving a sentence for a conviction for first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or attempt, solicitation, or conspiracy to commit any of the foregoing offenses;~~

~~5) They are not serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995:~~

~~A) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~

~~B) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a~~

~~category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim;~~

3)~~6)~~ They have ~~not~~ been convicted of a felony committed after they have received a previous award of ~~educational or~~ earned good conduct credit~~credits~~ or program sentence credit.~~;~~

4)~~7)~~ They have ~~not~~ previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.~~;~~

~~8) They achieve the goals established by the Department within a specified time period; and~~

5)~~9)~~ They are ~~not~~ removed from the program for failure to comply with program requirements or for disciplinary reasons.

c)~~b)~~ Offenders~~Committed persons~~ who are not eligible under subsection (a) ~~of this Section~~ and who enroll full-time in an educational~~academic or vocational education~~ program approved by the Department shall be eligible to receive program sentence credit ~~earned good conduct credits~~ at the rate of 0.25 provided:

1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator~~good time~~ in accordance with ~~20 Ill. Adm. Code 107.~~Subpart B;

2) The offense for which they were convicted was committed on or after September 10, 1990, through~~, up to and including~~ August 10, 1993;

3) They have not been convicted of first degree murder, second degree murder, or a Class X felony;

4) They have not been convicted of a felony that~~which~~ was committed after a previous award of ~~educational or~~ earned good conduct credit~~credits~~ or program sentence credit;

5) They achieve the educational goals established by the Department within a specified time period; and

6) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

d)~~c)~~ Full-time assignment to a program for which an offender~~a committed person~~ may be eligible to receive program sentence credit~~earned good conduct credits~~ shall mean:

1) The offender~~committed person~~ is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours per~~a~~ week;

2) The offender~~committed person~~ is normally scheduled to work with or receive job training from correctional industries at least 4~~four~~ hours per~~a~~ day, 5~~five~~ days per week; ~~or~~

3) The offender~~committed person~~ is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours per~~a~~ week,~~;~~ or the offender~~committed person~~ is enrolled in college academics for a minimum of 6~~six~~ credit hours per module or 12 credit hours per semester;~~.~~

4) The offender is enrolled in a behavior modification program for which a minimum of 15 hours of participation is required for completion;

5) The offender is enrolled in a life skills course for which a minimum of 70 hours of participation is required for completion; or

6) The offender is enrolled in a re-entry planning program for which a minimum of 6 hours of participation is required for completion.

e)~~d)~~ Offenders~~Committed persons~~ shall only be eligible to receive program sentence credit~~earned good conduct credits~~ for participation in one full-time program or assignment at a time.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.525 General Education Development Program Sentence Credit

Offenders who are eligible for program sentence credit in accordance with Section 107.520 and who have not graduated from high school or passed the test of General Educational Development (GED) shall be awarded 60 days of GED program sentence credit if he or she passes the GED test while committed to the Department or while held in pre-trial detention prior to his or her current incarceration in the Department. The award of GED program sentence credit shall be in addition to other awards of sentence credit.

(Source: Added at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.530 Goal Statements

a) Program goals (see Section 107.540) shall be established in writing by the program administrator for offenders~~committed persons~~ who are eligible to receive program sentence credit or GED program sentence credit~~earned good conduct credits~~ and shall be signed by the offender~~committed person~~.

b) The goal statement shall include the goal period and the goals the offender~~committed person~~ is expected to achieve.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.540 Program Goals

a) Program goals may include, but are not ~~be~~ limited to, one or more of the following:

1) Active participation in the program as demonstrated by being attentive, responsive and~~,~~ cooperative~~,~~ and by maintaining ~~institutional~~ behavioral standards;

2) Adherence to attendance requirements;

3) Achievement of a specified grade level;

4) Attainment of a GED certificate; ~~or~~

5) Attainment of a specific number of ~~high school or~~ college credits;

6)~~5)~~ Maintaining a certain grade;

7)~~6)~~ Achievement of specified skills;

8)~~7)~~ Achievement of a specified production level;

9)~~8)~~ Attendance at individual, group~~,~~ or family ~~substance abuse~~ counseling;

10)~~9)~~ Passing ~~Pass~~ a substance abuse education program final; ~~or~~

11)~~10)~~ Passing~~Pass~~ a substance abuse test, such as a urinalysis, for the detection of the presence of drugs or alcohol;~~.~~

12) Completion of a specified number of programming hours; or

13) Completion of pre- and post-release program questionnaires.

b) Goals may, with the approval of the program administrator or the Chief Administrative Officer, be revised in writing and signed by the offender~~committed person~~ if it is determined that the original goals need to be revised based, among other matters, on a reassessment of the offender's~~committed person's~~ level of competency or ability or program changes. However, the goal period may not be changed except as provided in Section 107.550.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.550 Goal Periods

a) The goal period for offenders~~persons committed in the Adult and Juvenile Divisions~~ who are enrolled in an educational program, except college academic programs, shall be 45 instructional days of attendance or the number of instructional days of attendance required to complete the program if less than 45 instructional days, unless otherwise modified by the Director or his or her designee.

b) The goal period for offenders~~persons committed in the Adult and Juvenile Divisions~~ who are enrolled in college academic programs and for offenders~~persons committed~~ in the transition centers~~Community Services Division~~ who are enrolled in any educational program approved by the Department shall be the period of time during which the classes are scheduled,

unless otherwise modified by the Director or his or her designee.

c) The goal period for substance abuse programs shall be the length of the program or 90 days, whichever is shorter, unless otherwise modified by the Director or his or her designee.

d) The goal period for behavior modification programs shall be 15 hours of attendance or the actual time required to complete the program if less than 15 hours, unless otherwise modified by the Director or his or her designee.

e) The goal period for life skills courses shall be a minimum of 70 hours of attendance or the actual time required to complete the course if less than 70 hours, unless otherwise modified by the Director or his or her designee.

f) The goal period for re-entry planning programs shall be six hours of attendance or the actual time required to complete the program if less than six hours, unless otherwise modified by the Director or his or her designee.

g)~~d)~~ The goal period for Correctional Industries~~correctional industry~~ assignments shall normally be 90 days, unless otherwise modified by the Director or his or her designee.

h)~~e)~~ When an offender~~a committed person~~ completes the ~~educational, substance abuse, or job training~~ program early, the goal period shall be revised to the date of completion and the offender~~committed person~~ shall be eligible to receive program sentence credit~~earned good conduct credits~~ for the revised goal period.

i)~~f)~~ If the offender~~committed person~~ is removed from the program or assignment due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the program by the Department, release on parole or mandatory supervised release, transfer to work release, placement on electronic detention, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from the program. In determining whether to revise a goal period, the Department shall consider, among other factors, the offender's~~committed person's~~ medical and mental health status, protection needs, projected release date, and time in the program. The offender~~committed person~~ may be eligible to receive program sentence credit~~earned good conduct credits~~ for the revised goal period provided satisfactory progress has been made towards achieving stated goals.

j)~~g)~~ If the offender~~committed person~~ is removed from the program or assignment prior to completion of the goal period due to reasons other than those stated in subsection (i~~f~~) of this Section, the offender~~committed person~~ shall not receive any program sentence credit~~earned good conduct credit~~ for the goal period.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.560 Award of GED Program Sentence Credit and Program Sentence Credit~~Earned Good Conduct Credits~~

Within 15 working days, whenever feasible, after completion of the goal period or removal from the program, the program administrator or Chief Administrative Officer shall:

a) Determine whether the offender~~committed person~~ achieved the required goals or was making satisfactory progress toward achieving the~~such~~ goals in accordance with Section 107.550(i)~~(f)~~.

b) Document the determination of ineligibility or the award of the GED certificate. Awarded GED program sentence credit shall only be subject to revocation if it is subsequently determined that the offender was not eligible for the award. Partial GED program sentence credit shall not be awarded.

c)~~b)~~ Document the determination of ineligibility or the number of calendar days during the goal period for which the offender~~committed person~~ is eligible to receive program sentence credit~~earned good conduct credits~~. The days eligible for the award shall be the number of calendar days during the goal period, less the total number of days of lockdowns, days the offender~~committed person~~ was absent, and days in which class or the program assignment was cancelled.

d)~~c)~~ Ensure program sentence credit is~~good conduct credits earned are~~ computed at the appropriate rate, 0.25 or 0.5~~0~~, in accordance with Section 107.520(a) or (c~~b~~).

e)~~d)~~ The award of GED program sentence credit or program sentence credit~~earned good conduct credits~~ shall be subject to the review and approval of the Director or his or her designee. A copy of the award of GED program sentence credit or program sentence credit~~earned good conduct credits~~ shall be filed in the offender's~~committed person's~~ master record file.

f)~~e)~~ Offenders~~Committed persons~~ shall be advised in writing of the award of GED program sentence credit or program sentence credit~~earned good conduct credits~~ or the determination of ineligibility of the award.

g)~~f)~~ Offenders~~Committed persons~~ may grieve the decision not to award GED program sentence credit or program sentence credit~~earned good conduct credits~~ under 20 Ill. Adm. Code 504.Subpart F.

h)~~g)~~ New goal periods and goals shall be established upon continued placement or re-enrollment in educational programs or continued placement in substance abuse programs, behavioral modification programs, life skills courses, re-entry planning or Correctional Industries~~correctional industry~~ assignments in accordance with this Subpart.

(Source: Amended at 37 Ill. Reg. 1598, effective February 1, 2013)

Section 107.570 Revocation and Restoration of Program Sentence Credit

Program sentence credit may be revoked and restored in accordance with Subpart B.

(Source: Added at 37 Ill. Reg. 1598, effective February 1, 2013)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Impact Incarceration Program

2) Code Citation: 20 Ill. Adm. Code 460

3) Section Number: 460.80 — Adopted Action: Amend

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 5-8-1.1]

5) Effective Date of Rulemaking: February 1, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the *Illinois Register*: 36 Ill. Reg. 14536; October 5, 2012

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? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking was adopted to provide that the Department may recommend to the Prisoner Review Board that electronic monitoring be a condition of mandatory supervised release rather than a mandatory requirement.

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

Echo Beekman

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

217/558-2200, extension 6507

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 460
IMPACT INCARCERATION PROGRAM

Section
460.10 Applicability
460.12 Definitions
460.15 Responsibilities
460.20 Eligibility Criteria
460.30 Screening and Placement
460.40 Program Requirements
460.50 Training and Disciplinary Procedures
460.60 Program Terminations
460.70 Program Review Hearings
460.80 Successful Program Completion
460.90 Grievances

AUTHORITY: Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 5-8-1.1].

SOURCE: Emergency rule adopted at 14 Ill. Reg. 17084, effective September 27, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 3479, effective February 24, 1991; emergency amendment at 17 Ill. Reg. 16212, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2933, effective February 14, 1994; amended at 37 Ill. Reg. 1641, effective February 1, 2013.

Section 460.80 Successful Program Completion

a) A committed person shall be deemed to have successfully completed the program upon completion of 120 active days of participation in the program and any extended time required to be served in the program as provided in this Part.

b) The Department shall certify in writing the committed person's successful completion of the program to the sentencing court.

c) Upon successful completion of the program, the committed person shall serve a

term of mandatory supervised release. The Department may submit to the Prisoner Review Board a recommendation for~~Committed persons shall be subject to~~ a period of electronic monitoring as a condition of mandatory supervised release. Failure to maintain a suitable host site approved by the Department and a working telephone suitable for electronic monitoring may result in revocation of mandatory supervised release.

(Source: Amended at 37 Ill. Reg. 1641, effective February 1, 2013)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Rights and Privileges

2) Code Citation: 20 Ill. Adm. Code 525

3) Section Number: 525.150 — Adopted Action: Amend

4) Statutory Authority: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]

5) Effective Date of Rulemaking: February 1, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 14540; October 5, 2012

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? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is being adopted to provide an expanded area to which offenders can make collect telephone calls.

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

Echo Beekman
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

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

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section
525.10 Applicability
525.12 Definitions
525.15 Responsibilities
525.20 Visiting Privileges
525.30 Clergy Visitation
525.40 Attorney Visitation − Adult Division
525.50 Attorney Visitation − Juvenile Division (Court Agreement)
525.60 Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section
525.100 Applicability
525.110 Definitions
525.115 Responsibilities
525.120 Processing of Mail
525.130 Outgoing Mail
525.140 Incoming Mail
525.150 Telephone Privileges

SUBPART C: PUBLICATIONS

Section
525.200 Applicability
525.202 Definitions
525.205 Responsibilities
525.210 General Guidelines
525.220 Publication Review Officer
525.230 Procedure for Review of Publications

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

SUBPART D: MARRIAGE OF OFFENDERS

Section
525.300 Applicability
525.302 Definitions
525.305 Responsibilities
525.310 Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977). Subpart C is also implementing a Court Agreement (Ryan vs. Walker, #04 C 4635, N.D. Ill., 2006).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7139, effective May 31, 1997; amended at 27 Ill. Reg. 8039, effective July 1, 2003; amended at 30 Ill. Reg. 14843, effective September 1, 2006; amended at 35 Ill. Reg. 5400, effective April 1, 2011; amended at 37 Ill. Reg. 1645, effective February 1, 2013.

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.150 Telephone Privileges

a) Telephone privileges shall be granted to offenders in accordance with their institutional status and provisions of this Section.

b) Collect calls may be made to persons ~~in the continental United States and Puerto~~

~~Rico,~~ where billable.

c) Offenders may not place telephone calls to:

1) Toll free area codes, including but not limited to 800 series area codes, or to area codes or prefixes for which a charge is assessed to the line from which the call was placed, including but not limited to 800 or 900 series area codes or 976 prefixes;

2) Emergency or directory assistance or to long distance carriers;

3) Persons or companies which have requested that a block be placed on their telephone numbers;

4) Numbers suspected of being used fraudulently or for fraudulent purposes;

5) Parolees, ex-offenders, former employees, or current employees absent the approval of the Chief Administrative Officer; or

6) Numbers or persons restricted for other legitimate penological reasons, including security and order.

d) A block may be placed on telephone calls to:

1) The local community except to the offender's friends, family, and others in the local community who request to receive calls from the offender.

2) A telephone number for which there is a large unpaid balance on the account, with the exception of telephone numbers of attorneys and law firms.

3) Any telephone numbers listed in subsection (c) of this Section.

e) Offenders may not engage in call forwarding or in conference calls.

f) In the case of valid emergencies, such as critical illness or death in an offender's immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status. Immediate family shall include parent or guardian, children, brother, sister, grandparent, whether step,

adopted, half, or whole, and spouse.

g) Offenders who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.

h) All offenders' telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.

i) Notices shall be posted at each telephone from which offenders are normally permitted to place calls and in the offenders' orientation manual. The notices shall state that offenders' telephone calls may be monitored or recorded or both.

(Source: Amended at 37 Ill. Reg. 1645, effective February 1, 2013)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special Transportation

2) Code Citation: 89 Ill. Adm. Code 815

3)

Section Numbers:	Adopted Action:
815.10	Amendment
815.20	Amendment
815.30	Amendment
815.40	Amendment

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10]

5) Effective Date of Amendments: January 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment 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) Notices of Proposal Published in the *Illinois Register*: 36 Ill. Reg. 11884; July 27, 2012

10) Has JCAR issued a Statement of Objection to this Rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Department of Human Services − Division of Rehabilitation Services' Residential Educational Facilities. This rulemaking gives direction for special transportation for students at the residential schools. This rulemaking is a result of updating all school rules to insure that language is

consistent with current terminology and program practices and codifies the current program practice concerning student transportation costs for student home goings.

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

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

217/785-9772

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 815
SPECIAL TRANSPORTATION

Section
815.10 Special Transportation Services
815.20 Adaptation of Vehicles
815.30 In-Service Training for Transportation Personnel
815.40 Scheduling of Transportation

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 13796; amended at 12 Ill. Reg. 11260, effective June 15, 1988; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10314, effective August 10, 1999; amended at 37 Ill. Reg. 1651, effective January 23, 2013.

Section 815.10 Special Transportation Services

a) The local school district shall provide transportation services for students placed in State Schools (Schools) at the beginning and close of the school term, which is applicable to the student's placement.

b) During the annual review of Individualized Education Program Plans~~individualized educational programs~~ (IEP) for students continuing placement at the~~State~~ Schools, an agreement shall be developed between representatives of the Department of Human Services-Division of Rehabilitation Services, representatives of the local school districts and the parents or guardians regarding the mode, frequency~~,~~ and provider of special education transportation services beyond the trips to begin and end the school term.

c) During the IEP meeting, an agreement will be made with the local school district that transportation costs for student home goings throughout the school year shall be the financial responsibility of the local school district. ~~If an initial placement,~~

~~the provision of special education transportation services beyond the trips to begin and end the school term shall be determined and agreed upon between the above named parties during the meeting at which an IEP is developed for the student.~~

d) The School will send to the local school districts a reconciliation statement and bill for payment at the end of the school year or upon withdrawal of the student from the School. ~~The provision for transportation services shall be included in the IEP.~~

(Source: Amended at 37 Ill. Reg. 1651, effective January 23, 2013)

Section 815.20 Adaptation of Vehicles

Vehicles utilized by the ~~State~~ School for special transportation at the ~~State~~ School shall be adapted for the specific needs of the students~~children receiving this service~~.

(Source: Amended at 37 Ill. Reg. 1651, effective January 23, 2013)

Section 815.30 In-Service Training for Transportation Personnel

Personnel responsible for ~~special~~ transportation at the ~~State~~ School shall be given in-service training that~~which~~ will enable them to understand and appropriately relate to the students~~exceptional children~~.

(Source: Amended at 37 Ill. Reg. 1651, effective January 23, 2013)

Section 815.40 Scheduling of Transportation

Transportation~~Special transportation~~ shall be scheduled in such a way that a student's health and educational experiences are not adversely affected.

(Source: Amended at 37 Ill. Reg. 1651, effective January 23, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: General Rules

2) Code Citation: 35 Ill. Adm. Code 101

3) Section Number: 101.108 — Adopted Action: Amend

4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2, and 27]

5) Effective Date of Amendment: January 28, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any materal incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal Published in the *Illinois Register*: October 12, 2012; 36 Ill. Reg. 14971

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between Proposal and Final Version: There are no substantive changes between the proposed amendment and the final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: A more complete description of this proposal may be found in the Board's opinion and order of January 24, 2012 in docket R13-09. In brief, the proposal rule conforms the Board's procedural rules to a statutory change.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

35 Ill. Adm. Code 101.108(d), effective January 1, 2000, currently provides that "4 affirmative votes are required to adopt a Board decision." This was consistent with Section 5 of the Act, which provided for a 7 member Board. See P.A. 83-770, eff. Sept. 24, 1983. The Board's membership was reduced to 5 in P. A. 93-509, eff. Aug. 11, 2003, amending Section 5(a) of the Act to read in pertinent part:

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. *Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board.* The Board shall keep a complete and accurate record of all its meetings. 415 ILCS 105/5(a) at para. 12. (2010) (emphasis added)

The Board had not previously amended Section 101.108(d) of the procedural rules, as it has viewed the simple 3 member majority requirement of amended Section 5 of the Act as "trumping" the outdated 4 member majority requirement contained in the pre-existing, unamended rules. As a recent vacancy on the Board created potential for public confusion, the Board believed it prudent to update the rule.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6929
Kathleen.Crowley@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R13-09 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section
101.100 Applicability
101.102 Severability
101.104 Repeals
101.106 Board Authority
101.108 Board Proceedings
101.110 Public Participation
101.112 Bias and Conflict of Interest
101.114 Ex Parte Communications

SUBPART B: DEFINITIONS

Section
101.200 Definitions Contained in the Act
101.202 Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section
101.300 Computation of Time
101.302 Filing of Documents
101.304 Service of Documents
101.306 Incorporation of Documents by Reference
101.308 Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section
101.400 Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory

Proceedings
101.402 Intervention of Parties
101.403 Joinder of Parties
101.404 Agency as a Party in Interest
101.406 Consolidation of Claims
101.408 Severance of Claims

SUBPART E: MOTIONS

Section
101.500 Filing of Motions and Responses
101.502 Motions Directed to the Hearing Officer
101.504 Contents of Motions and Responses
101.506 Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
101.508 Motions to Board Preliminary to Hearing
101.510 Motions to Cancel Hearing
101.512 Motions for Expedited Review
101.514 Motions to Stay Proceedings
101.516 Motions for Summary Judgment
101.518 Motions for Interlocutory Appeal from Hearing Officer Orders
101.520 Motions for Reconsideration
101.522 Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section
101.600 Hearings
101.602 Notice of Board Hearings
101.604 Formal Board Transcript
101.606 Informal Recordings of the Proceedings
101.608 Default
101.610 Duties and Authority of the Hearing Officer
101.612 Schedule to Complete the Record
101.614 Production of Information
101.616 Discovery
101.618 Admissions
101.620 Interrogatories
101.622 Subpoenas and Depositions
101.624 Examination of Adverse, Hostile or Unwilling Witnesses

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

101.626 Information Produced at Hearing
101.628 Statements from Participants
101.630 Official Notice
101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

Section
101.700 Oral Argument

SUBPART H: SANCTIONS

Section
101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

Section
101.902 Motions for Reconsideration
101.904 Relief from and Review of Final Opinions and Orders
101.906 Judicial Review of Board Orders
101.908 Interlocutory Appeal

101.APPENDIX A Captions
101.ILLUSTRATION A Enforcement Case
101.ILLUSTRATION B Citizen's Enforcement Case
101.ILLUSTRATION C Variance
101.ILLUSTRATION D Adjusted Standard Petition
101.ILLUSTRATION E Joint Petition for an Adjusted Standard
101.ILLUSTRATION F Permit Appeal
101.ILLUSTRATION G Underground Storage Tank Appeal
101.ILLUSTRATION H Pollution Control Facility Siting Appeal
101.ILLUSTRATION I Administrative Citation
101.ILLUSTRATION J General Rulemaking
101.ILLUSTRATION K Site-specific Rulemaking
101.APPENDIX B Appearance Form
101.APPENDIX C Withdrawal of Appearance Form

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

101.APPENDIX D Notice of Filing
101.APPENDIX E Certificate of Service
101.ILLUSTRATION A Service by Non-Attorney
101.ILLUSTRATION B Service by Attorney
101.APPENDIX F Notice of Withdrawal (Repealed)
101.APPENDIX G Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8743, effective June 8, 2005; amended in R06-9 at 29 Ill. Reg. 19666, effective November 21, 2005; amended in R07-17 at 31 Ill. Reg. 16110, effective November 21, 2007; amended in R10-22 at 34 Ill. Reg. 19566, effective December 3, 2010; amended in R12-22 at 36 Ill. Reg. 9211, effective June 7, 2012; amended in R13-9 at 37 Ill. Reg. 1655, effective January 28, 2013.

SUBPART A: GENERAL PROVISIONS

Section 101.108 Board Proceedings

a) Board proceedings can generally be divided into two categories: rulemaking proceedings and adjudicatory proceedings.

b) The following are examples of Board rulemaking proceedings: Identical-in-Substance, Clean Air Act/Fast Track, Federally Required Rulemaking, General Rulemaking, and Site-Specific Rulemaking. Procedural rules for these types of proceedings can be found at 35 Ill. Adm. Code 102.

c) The following are examples of Board adjudicatory proceedings: Enforcement Proceedings (35 Ill. Adm. Code 103), Variance Petitions (35 Ill. Adm. Code 104), Adjusted Standard Petitions (35 Ill. Adm. Code 104), Permit Appeals (35 Ill. Adm. Code 105), Leaking Underground Storage Tank Appeals (35 Ill. Adm. Code 105), Pollution Control Facility Siting Appeals (35 Ill. Adm. Code 107), and

Administrative Citations (35 Ill. Adm. Code 108).

d) Board decisions will be made at meetings open to the public. Except as provided in subsection (e) of this Section, 4 members of the Board constitute a quorum, and 34 affirmative votes are required to adopt a Board decision.

e) At a hearing pursuant to Section 34(d) of the Act to determine whether a seal should be removed, *at least one Board Member shall be present, and those Board Members present may render a final decision without regard to the requirements of Section 5(a) of the Act* [415 ILCS 5/34(d)].

(Source: Amended at 37 Ill. Reg. 1655, effective January 28, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3)

Section Numbers:	Adopted Action:
211.101	Amend
211.2870	Amend
211.5510	Amend

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]

5) Effective Date of Amendments: January 28, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. Section 211.101 is the centralized listing of all documents incorporated by reference in Part 211.

8) A copy of the adopted amendments, including incorporations by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

10) Notice of Proposal Published in the *Illinois Register*: May 19, 2012; 36 Ill. Ill. Reg. 6913

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
211.7150	Amend	36 Ill. Reg. 15575; November 9, 2012

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218 and 219, R 12-24 (Apr. 19, 2012). In Part 211, this proposal cleans up incorporations by reference and definitions consistent with measurements for vapor pressure and Reid vapor pressure. Specifically, this proposal updates ASTM D 323 to its current version, ASTM D 323-08, and addresses references thereto.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6929

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R12-24 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporated and Referenced Materials
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.200 Acrylonitrile Butadiene Styrene (ABS) Welding
211.210 Actual Heat Input
211.230 Adhesive
211.233 Adhesion Primer
211.235 Adhesive Primer
211.240 Adhesion Promoter
211.250 Aeration
211.260 Aerosol Adhesive and Adhesive Primer
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance
211.481 Ammunition Sealant
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.492 Antifoulant Coating
211.493 Antifouling Sealer/Tie Coat
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.540 Architectural Structure
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650 Automobile or Light-Duty Truck Refinishing
211.660 Automotive/Transportation Plastic Parts
211.665 Auxiliary Boiler
211.670 Baked Coatings
211.680 Bakery Oven
211.685 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.715 Bedliner
211.730 Binders
211.735 Black Coating
211.740 Brakehorsepower (rated-bhp)
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal
211.820 Business Machine Plastic Parts
211.825 Camouflage Coating
211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.880 Cap Sealant
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.953 Carbon Adsorber
211.954 Cavity Wax
211.955 Cement
211.960 Cement Kiln
211.965 Ceramic Tile Installation Adhesive
211.970 Certified Investigation
211.980 Chemical Manufacturing Process Unit
211.990 Choke Loading
211.995 Circulating Fluidized Bed Combustor
211.1000 Class II Finish
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1120 Clinker
211.1128 Closed Molding
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1312 Combined Cycle System

211.1315 Combustion Tuning
211.1316 Combustion Turbine
211.1320 Commence Commercial Operation
211.1324 Commence Operation
211.1328 Common Stack
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1435 Container Glass
211.1455 Contact Adhesive
211.1465 Continuous Automatic Stoking
211.1467 Continuous Coater
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1515 Control Period
211.1520 Conventional Air Spray
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1560 Cove Base
211.1565 Cove Base Installation Adhesive
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1655 Cyanoacrylate Adhesive
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1700 Deadener
211.1710 Degreaser
211.1730 Delivery Vessel
211.1740 Diesel Engine
211.1745 Digital Printing
211.1750 Dip Coating
211.1770 Distillate Fuel Oil

211.1780 Distillation Unit
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1872 Ejection Cartridge Sealant
211.1875 Elastomeric Materials
211.1876 Electric Dissipating Coating
211.1877 Electric-Insulating Varnish
211.1878 Electrical Apparatus Component
211.1880 Electrical Switchgear Compartment Coating
211.1882 Electrodeposition Primer (EDP)
211.1883 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885 Electronic Component
211.1890 Electrostatic Bell or Disc Spray
211.1900 Electrostatic Prep Coat
211.1910 Electrostatic Spray
211.1920 Emergency or Standby Unit
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel
211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2040 Etching Filler
211.2050 Ethanol Blend Gasoline
211.2055 Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070 Excess Air
211.2080 Excess Emissions
211.2090 Excessive Release
211.2110 Existing Grain-Drying Operation (Repealed)
211.2130 Existing Grain-Handling Operation (Repealed)
211.2150 Exterior Base Coat
211.2170 Exterior End Coat
211.2190 External Floating Roof
211.2200 Extreme High-Gloss Coating
211.2210 Extreme Performance Coating

211.2230 Fabric Coating
211.2250 Fabric Coating Line
211.2270 Federally Enforceable Limitations and Conditions
211.2285 Feed Mill
211.2290 Fermentation Time
211.2300 Fill
211.2310 Final Repair Coat
211.2320 Finish Primer Surfacer
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2355 Flare
211.2357 Flat Glass
211.2358 Flat Wood Paneling
211.2359 Flat Wood Paneling Coating Line
211.2360 Flexible Coating
211.2365 Flexible Operation Unit
211.2368 Flexible Packaging
211.2369 Flexible Vinyl
211.2370 Flexographic Printing
211.2390 Flexographic Printing Line
211.2410 Floating Roof
211.2415 Fog Coat
211.2420 Fossil Fuel
211.2425 Fossil Fuel-Fired
211.2430 Fountain Solution
211.2450 Freeboard Height
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2525 Gasket/Gasket Sealing Material
211.2530 Gas Service
211.2550 Gas/Gas Method
211.2570 Gasoline
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
211.2615 General Work Surface
211.2620 Generator
211.2622 Glass Bonding Primer
211.2625 Glass Melting Furnace

211.2630 Gloss Reducers
211.2650 Grain
211.2670 Grain-Drying Operation
211.2690 Grain-Handling and Conditioning Operation
211.2710 Grain-Handling Operation
211.2730 Green-Tire Spraying
211.2750 Green Tires
211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2800 Hardwood Plywood
211.2810 Heated Airless Spray
211.2815 Heat Input
211.2820 Heat Input Rate
211.2825 Heat-Resistant Coating
211.2830 Heatset
211.2840 Heatset Web Letterpress Printing Line
211.2850 Heatset Web Offset Lithographic Printing Line
211.2870 Heavy Liquid
211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating
211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2955 High Bake Coating
211.2956 High Build Primer Surfacer
211.2958 High Gloss Coating
211.2960 High-Performance Architectural Coating
211.2965 High Precision Optic
211.2970 High Temperature Aluminum Coating
211.2980 High Temperature Coating
211.2990 High Volume Low Pressure (HVLP) Spray
211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3095 Indoor Floor Covering Installation Adhesive
211.3100 Industrial Boiler
211.3110 Ink
211.3120 In-Line Repair

211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3215 Janitorial Cleaning
211.3230 Lacquers
211.3240 Laminate
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3300 Lean-Burn Engine
211.3305 Letterpress Printing Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3355 Lime Kiln
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3475 Load Shaving Unit
211.3480 Loading Event
211.3483 Long Dry Kiln
211.3485 Long Wet Kiln
211.3487 Low-NO_x Burner
211.3490 Low Solvent Coating
211.3500 Lubricating Oil
211.3505 Lubricating Wax/Compound
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3555 Maintenance Cleaning
211.3570 Major Dump Pit
211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3620 Manually Operated Equipment

211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3660 Marine Vessel
211.3665 Mask Coating
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3695 Maximum True Vapor Pressure
211.3705 Medical Device
211.3707 Medical Device and Pharmaceutical Manufacturing
211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3760 Metallic Coating
211.3770 Metallic Shoe-Type Seal
211.3775 Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780 Mid-Kiln Firing
211.3785 Military Specification Coating
211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3820 Miscellaneous Industrial Adhesive Application Operation
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3915 Mobile Equipment
211.3925 Mold Seal Coating
211.3930 Monitor
211.3950 Monomer
211.3960 Motor Vehicles
211.3961 Motor Vehicle Adhesive
211.3965 Motor Vehicle Refinishing
211.3966 Motor Vehicle Weatherstrip Adhesive
211.3967 Mouth Waterproofing Sealant
211.3968 Multi-Colored Coating
211.3969 Multi-Component Coating
211.3970 Multiple Package Coating
211.3975 Multipurpose Construction Adhesive
211.3980 Nameplate Capacity

211.3985 Natural Finish Hardwood Plywood Panel
211.3990 New Grain-Drying Operation (Repealed)
211.4010 New Grain-Handling Operation (Repealed)
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-Contact Process Water Cooling Tower
211.4052 Non-Convertible Coating
211.4055 Non-Flexible Coating
211.4065 Non-Heatset
211.4067 NO_x Trading Program
211.4070 Offset
211.4080 One-Component Coating
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains
211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220 Optical Coating
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4260 Organic Solvent
211.4270 Organic Vapor
211.4280 Other Glass
211.4285 Outdoor Floor Covering Installation Adhesive
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail
211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
211.4455 Pan-Backing Coating
211.4460 Panel
211.4470 Paper Coating

211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4540 Perimeter Bonded Sheet Flooring
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4730 Plant
211.4735 Plastic
211.4740 Plastic Part
211.4750 Plasticizers
211.4760 Plastic Solvent Welding Adhesive
211.4765 Plastic Solvent Welding Adhesive Primer
211.4768 Pleasure Craft
211.4769 Pleasure Craft Surface Coating
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4895 Polyvinyl Chloride Plastic (PVC Plastic)
211.4900 Porous Material
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4960 Potential Electrical Output Capacity
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5012 Prefabricated Architectural Coating
211.5015 Preheater Kiln
211.5020 Preheater/Precalciner Kiln

211.5030 Pressure Release
211.5050 Pressure Tank
211.5060 Pressure/Vacuum Relief Valve
211.5061 Pretreatment Coating
211.5062 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5075 Primer Sealant
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5140 Printed Interior Panel
211.5150 Printing
211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5195 Process Heater
211.5210 Process Unit
211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5335 Radiation Effect Coating
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5400 Red Coating
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser
211.5500 Regulated Air Pollutant
211.5510 Reid Vapor Pressure

211.5520 Reinforced Plastic Composite
211.5530 Repair
211.5535 Repair Cleaning
211.5550 Repair Coat
211.5570 Repaired
211.5580 Repowering
211.5585 Research and Development Operation
211.5590 Residual Fuel Oil
211.5600 Resist Coat
211.5610 Restricted Area
211.5630 Retail Outlet
211.5640 Rich-Burn Engine
211.5650 Ringelmann Chart
211.5670 Roadway
211.5690 Roll Coater
211.5710 Roll Coating
211.5730 Roll Printer
211.5750 Roll Printing
211.5770 Rotogravure Printing
211.5790 Rotogravure Printing Line
211.5800 Rubber
211.5810 Safety Relief Valve
211.5830 Sandblasting
211.5850 Sanding Sealers
211.5860 Scientific Instrument
211.5870 Screening
211.5875 Screen Printing
211.5880 Screen Printing on Paper
211.5885 Screen Reclamation
211.5890 Sealer
211.5910 Semi-Transparent Stains
211.5930 Sensor
211.5950 Set of Safety Relief Valves
211.5970 Sheet Basecoat
211.5980 Sheet-Fed
211.5985 Sheet Rubber Lining Installation
211.5987 Shock-Free Coating
211.5990 Shotblasting
211.6010 Side-Seam Spray Coat

211.6012 Silicone-Release Coating
211.6015 Single-Ply Roof Membrane
211.6017 Single-Ply Roof Membrane Adhesive Primer
211.6020 Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025 Single Unit Operation
211.6030 Smoke
211.6050 Smokeless Flare
211.6060 Soft Coat
211.6063 Solar-Absorbent Coating
211.6065 Solids Turnover Ratio (R_T)
211.6070 Solvent
211.6090 Solvent Cleaning
211.6110 Solvent Recovery System
211.6130 Source
211.6140 Specialty Coatings
211.6145 Specialty Coatings for Motor Vehicles
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6355 Stationary Gas Turbine
211.6360 Stationary Reciprocating Internal Combustion Engine
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6400 Stencil Coat
211.6405 Sterilization Indicating Ink
211.6410 Storage Tank or Storage Vessel
211.6420 Strippable Spray Booth Coating
211.6425 Stripping
211.6427 Structural Glazing
211.6430 Styrene Devolatilizer Unit
211.6450 Styrene Recovery Unit

211.6460 Subfloor
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6535 Surface Preparation
211.6540 Surface Preparation Materials
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6580 Texture Coat
211.6585 Thin Metal Laminating Adhesive
211.6587 Thin Particleboard
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6620 Three or Four Stage Coating System
211.6630 Through-the-Valve Fill
211.6635 Tileboard
211.6640 Tire Repair
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6695 Topcoat System
211.6710 Touch-Up
211.6720 Touch-Up Coating
211.6730 Transfer Efficiency
211.6740 Translucent Coating
211.6750 Tread End Cementing
211.6770 True Vapor Pressure
211.6780 Trunk Interior Coating
211.6790 Turnaround
211.6810 Two-Piece Can
211.6825 Underbody Coating
211.6830 Under-the-Cup Fill
211.6850 Undertread Cementing
211.6860 Uniform Finish Blender
211.6870 Unregulated Safety Relief Valve
211.6880 Vacuum Metallizing
211.6885 Vacuum Metalizing Coating
211.6890 Vacuum Producing System

211.6910 Vacuum Service
211.6930 Valves Not Externally Regulated
211.6950 Vapor Balance System
211.6970 Vapor Collection System
211.6990 Vapor Control System
211.7010 Vapor-Mounted Primary Seal
211.7030 Vapor Recovery System
211.7050 Vapor-Suppressed Polyester Resin
211.7070 Vinyl Coating
211.7090 Vinyl Coating Line
211.7110 Volatile Organic Liquid (VOL)
211.7130 Volatile Organic Material Content (VOMC)
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170 Volatile Petroleum Liquid
211.7190 Wash Coat
211.7200 Washoff Operations
211.7210 Wastewater (Oil/Water) Separator
211.7220 Waterproof Resorcinol Glue
211.7230 Weak Nitric Acid Manufacturing Process
211.7240 Weatherstrip Adhesive
211.7250 Web
211.7270 Wholesale Purchase − Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

211.APPENDIX A Rule into Section Table
211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013.

SUBPART A: GENERAL PROVISIONS

Section 211.101 Incorporated and Referenced Materials

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) Incorporations by Reference

1) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517 (1962)

2) Standard Industrial Classification Manual, Superintendent of Documents, Washington, D.C. 20402 (1972)

3) American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken PA 19428-2959

ASTM	D 86
ASTM	D 240-64
ASTM	D 323-08
ASTM	D 369-69 (1971)
ASTM	D 396-69
ASTM	D 523-80
ASTM	D 523-89
ASTM	D 900-55
ASTM	D 975-68
ASTM	D 1826-64
ASTM	D 2015-66
ASTM	D 2880-71

4) 40 CFR 51.100 (1987)

5) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg~~,~~ IL 60173-4268, Specification 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) (2005)

6) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg~~,~~ IL 60173-4268, Specification 2605-05

(Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels) (2005)

b) Referenced Materials
Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136)

(Source: Amended at 37 Ill. Reg. 1662, effective January 28, 2013)

SUBPART B: DEFINITIONS

Section 211.2870 Heavy Liquid

"Heavy liquid" means liquid with a true vapor pressure of less than 0.3 kPa (0.04 psi) at 294.3° K (70° F) established in a standard reference text or as determined by ASTM method D2879-86 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112); or which has 0.1 Reid Vapor Pressure as determined by ASTM method D323-08~~D323-82~~ (incorporated by reference in 35 Ill. Adm. Code ~~215.105,~~ 218.112 and 219.112); or which when distilled requires a temperature of 421.95° K (300° F) or greater to recover 10 percent of the liquid as determined by ASTM method D86-82 (incorporated by reference in 35 Ill. Adm. Code 215.105, 218.112 and 219.112).

(Source: Amended at 37 Ill. Reg. 1662, effective January 28, 2013)

Section 211.5510 Reid Vapor Pressure

"Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by the method referenced in the Section where the term is used or by ASTM D323-08~~D323-89~~ (if not referenced in the Section where the term is used), incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112.

(Source: Amended at 37 Ill. Reg. 1662, effective January 28, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

3)

Section Numbers:	Adopted Action:
215.104	Amend
215.105	Amend
215.585	Repeal

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]

5) Effective Date of Amendments: January 28, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. Section 215.105 is the centralized listing of all documents incorporated by reference in Part 215.

8) A copy of the adopted amendments, including the incorporations by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

11) Notice of Proposal Published in the *Illinois Register*: May 19, 2012; 36 Ill. Reg. 6934

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24 (Apr. 19, 2012). In Part 218, this proposed repeals the Pollution Control Board's zone attainment area Gasoline Volatility Sandards at 35 Ill. Adm. Code 215.585, as these standards were superseded by the federal Gasoline Volatility Standards. This proposal also repeals the definition of "Reid vapor pressure" at 35 Ill. Adm. Code 215.104 and repeals certain incorporations by reference at 35 Ill. Adm. Code 215.105 to be consistent with the proposed repeal of the Pollution Control Board's attainment area Gasoline Volatility Standards.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6929

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R12-24 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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215.100 Introduction
215.101 Clean-up and Disposal Operations
215.102 Testing Methods
215.103 Abbreviations and Conversion Factors
215.104 Definitions
215.105 Incorporation by Reference
215.106 Afterburners
215.107 Determination of Applicability
215.108 Measurement of Vapor Pressures
215.109 Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

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215.121 Storage Containers
215.122 Loading Operations
215.123 Petroleum Liquid Storage Tanks
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215.128 Measurement of Seal Gaps

SUBPART C: ORGANIC EMISSIONS FROM
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
215.141 Separation Operations
215.142 Pumps and Compressors
215.143 Vapor Blowdown
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SUBPART E: SOLVENT CLEANING

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215.181 Solvent Cleaning in General
215.182 Cold Cleaning
215.183 Open Top Vapor Degreasing
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SUBPART F: COATING OPERATIONS

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215.202 Compliance Schedules
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215.206 Exemptions from Emission Limitations
215.207 Compliance by Aggregation of Emission Units
215.208 Testing Methods for Volatile Organic Material Content
215.209 Exemption from General Rule on Use of Organic Material
215.210 Alternative Compliance Schedule
215.211 Compliance Dates and Geographical Areas
215.212 Compliance Plan
215.213 Special Requirements for Compliance Plan
215.214 Roadmaster Emissions Limitations (Repealed)
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SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

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215.240 Applicability
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215.245 Flexographic and Rotogravure Printing

215.249 Compliance Dates

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section
215.260 Applicability
215.261 Petition
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215.301 Use of Organic Material
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215.340 Hexane Extraction Soybean Crushing
215.342 Hexane Extraction Corn Oil Processing
215.344 Recordkeeping for Vegetable Oil Processes
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215.401 Flexographic and Rotogravure Printing
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215.403 Applicability of Subpart K
215.404 Testing and Monitoring (Repealed)
215.405 Compliance Dates and Geographical Areas
215.406 Alternative Compliance Plan

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215.408 Heatset Web Offset Lithographic Printing
215.409 Testing Methods for Volatile Organic Material Content
215.410 Emissions Testing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

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215.420 Applicability
215.421 General Requirements
215.422 Inspection Program Plan for Leaks
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215.424 Repairing Leaks
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215.427 Alternative Program for Leaks
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Section
215.441 Petroleum Refinery Waste Gas Disposal
215.442 Vacuum Producing Systems
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215.446 Monitoring Program Plan for Leaks
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215.450 Alternative Program for Leaks
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215.461 Manufacture of Pneumatic Rubber Tires
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SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
215.480 Applicability of Subpart T
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215.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
215.483 Material Storage and Transfer
215.484 In-Process Tanks
215.485 Leaks
215.486 Other Emission Sources
215.487 Testing
215.488 Monitors for Air Pollution Control Equipment
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SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

Section
215.500 Exceptions
215.510 Coke By-Product Recovery Plants
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SUBPART V: AIR OXIDATION PROCESSES

Section
215.520 Applicability
215.521 Definitions
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SUBPART X: CONSTRUCTION

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SUBPART Y: GASOLINE DISTRIBUTION

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215.581 Bulk Gasoline Plants
215.582 Bulk Gasoline Terminals
215.583 Gasoline Dispensing Facilities – Storage Tank Filling Operations
215.584 Gasoline Delivery Vessels
215.585 Gasoline Volatility Standards (Repealed)

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Section
215.601 Perchloroethylene Dry Cleaners (Repealed)
215.602 Exemptions (Repealed)
215.603 Leaks (Repealed)
215.604 Compliance Dates and Geographical areas~~Areas~~ (Repealed)
215.605 Compliance Plan (Repealed)
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215.607 Standards for Petroleum Solvent Dry Cleaners
215.608 Operating Practices for Petroleum Solvent Dry Cleaners
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215.610 Testing and Monitoring
215.611 Exemption for Petroleum Solvent Dry Cleaners
215.612 Compliance Dates and Geographical Areas (Repealed)
215.613 Compliance Plan
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SUBPART AA: PAINT AND INK MANUFACTURING

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215.620 Applicability
215.621 Exemption for Waterbase Material and Heatset Offset Ink
215.623 Permit Conditions
215.624 Open-top Mills, Tanks, Vats or Vessels
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215.630 Clean Up
215.636 Compliance Date

SUBPART BB: POLYSTYRENE PLANTS

Section
215.875 Applicability of Subpart BB
215.877 Emissions Limitation at Polystyrene Plants
215.879 Compliance Date

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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

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215.920 Applicability
215.923 Permit Conditions
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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

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215.940 Applicability
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SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
215.960 Applicability
215.963 Permit Conditions
215.966 Control Requirements

215.APPENDIX A Rule into Section Table
215.APPENDIX B Section into Rule Table
215.APPENDIX C Past Compliance Dates
215.APPENDIX D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
215.APPENDIX E Reference Methods and Procedures
215.APPENDIX F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998; amended in R12-24 at 37 Ill. Reg. 1683, effective January 28, 2013.

SUBPART A: GENERAL PROVISIONS

Section 215.104 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. When~~Where~~ the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood

furniture.

"In Vacuum Service~~:~~": For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment that~~which~~ is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains, including stains, glazes and other opaque material to give character to wood.

~~"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) at 100~ F (37.8~ C).~~

(Source: Amended at 37 Ill. Reg. 1683, effective January 28, 2013)

Section 215.105 Incorporations by Reference

The following materials are incorporated by reference:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555~~1916 Race Street, Philadelphia, PA 19103~~:

1) ASTM D 1644-59 Method A

2) ASTM D 1475-60

3) ASTM D 2369-81

4) ASTM D 2879-83 (Approved 1983); ASTM D 2879-86 (Approved 1986)

~~5) ASTM D 323-82 (Approved 1982)~~

5~~6~~) ASTM D 86-82 (Approved 1982)

6~~7~~) ASTM E 260-73 (Approved 1973), E 168 - 67 (Reapproved 1977), E 169 - 63 (Reapproved 1981), E 20 (Approved 1985)

7~~8~~) ASTM D 97-66

8~~9~~) ASTM D 1946-67

9~~10~~) ASTM D 2382-76

10~~11~~) ASTM D 2504-83

11~~12~~) ASTM D 2382-83

~~13) ASTM D-4057-81 (Approved 1981)~~

~~14) ASTM D-4177-82 (Approved 1982)~~

12)~~15)~~ ASTM D-4953-89

13)~~16)~~ ASTM D-4457-85

b) Federal Standard 141a, Method 4082.1.

c) National Fire Codes, National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269 (1979).

d) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026, Appendix A.

e) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051 Appendix A and Appendix B (December 1978).

f) Standards Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1972.

g) 40 CFR 60 (1989).

h) United States Environmental Protection Agency, Washington D.C., EPA-450/2-78-041.

~~i) 40 CFR 80, Appendices D, E, and F (1989).~~

i)~~j)~~ Elsevier Scientific Publishing Co., New York, "The Vapor Pressure of Pure Substances" (1973), Boublik, T., V. Fried and E. Hala.

j)~~k)~~ McGraw-Hill Book Company, "Perry's Chemical Engineer's Handbook" (1984).

k)~~l)~~ Chemical Rubber Publishing Company, "CRC Handbook of Chemistry and Physics" (1968-87).

l)~~m)~~ McGraw-Hill Book Company, "Lange's Handbook of Chemistry" (1985) John A. Dean, editor.

m)~~n)~~ United States Environmental Protection Agency, Washington D.C., "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products", (EPA-450/2-78-029).

BOARD NOTE: The incorporations by reference listed in this Section~~above~~ contain no later amendments or editions.

(Source: Amended at 37 Ill. Reg. 1683, effective January 28, 2013)

SUBPART Y: GASOLINE DISTRIBUTION

Section 215.585 Gasoline Volatility Standards (Repealed)

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) during the regulatory control periods, which shall be June 1 to September 15 for retail outlets, wholesale purchaser-consumer facilities, and all other facilities.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.1 kPa) during the regulatory control period in 1991 only.~~

~~c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d) All sampling of gasoline required pursuant to the provisions of this Section shall~~

~~be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1) For manual sampling, ASTM D4057;~~

~~2) For automatic sampling, ASTM D4177;~~

~~3) Sampling Procedures for Fuel Volatility, 40 CFR 80 Appendix D.~~

~~e) The Reid vapor pressure of gasoline shall be measured in accordance with a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in Section 215.105. For purposes of enforcement of the Reid vapor pressure limitations set forth in subsections (b) and (c), no enforcement action shall be initiated unless the Reid vapor pressure measured by the Agency is more than 0.3 psi (2.1 kPa) greater than the applicable standard.~~

~~f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in Section 215.105.~~

~~g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative. Upon approval of the alternate sampling or test methods or procedures contained in subsections (d), (e), and (f), the Agency will submit the methods or procedures to the United States Environmental Protection Agency (USEPA) as a revision to the State plan pursuant to Section 110 of the Clean Air Act (42 U.S.C.A. 7410). Alternate methods or procedures become effective only upon approval of the incorporation of the alternate method or procedure in the State plan by USEPA, unless such alternate method or procedure (i.e., the "Grabner" test, ASTM Emergency Standards 14 and 15, approved February 6, 1990; this incorporation includes no later editions or amendments.) has previously been approved by USEPA for use in conjunction with a federally promulgated gasoline volatility regulation, in which case the alternate method or~~

~~procedure becomes effective immediately upon approval by the Agency.~~

~~h)~~ ~~Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~1)~~ ~~During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in Section 215.585(b) and (c). Any facility receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~2)~~ ~~Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

~~i)~~ ~~Each retail outlet and facility operated by a wholesale purchaser-consumer shall, during the regulatory control period, maintain records regarding each delivery of gasoline, which shall include documentation of compliance with the Reid vapor pressure, limitations set forth in Section 215.585(b) and (c), quantity received and date received. The Agency shall be provided with copies of such records, if requested.~~

~~j)~~ ~~This Section is effective for 1991 only.~~

(Source: Repealed at 37 Ill. Reg. 1683, effective January 28, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

2) Code Citation: 35 Ill. Adm. Code 218

3)

Section Numbers:	Adopted Action:
218.112	Amend
218.128	Amend
218.585	Repeal
218.784	Amend
218.792	Repeal

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]

5) Effective Date of Amendments: January 28, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. Section 218.112 is the centralized listing of all documents incorporated by reference in Part 218.

8) A copy of the adopted amendments, including incorporations by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

12) Notice of Proposal Published in the *Illinois Register*: May 19, 2012; 36 Ill. Reg. 6950

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemakings currently in effect? No

14) Are there any amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 218, R 12-24 (Apr. 19, 2012). In Part 218, this proposal repeals the Pollution Control Board's Gasoline Volatility Standards for the Chicago area at 35 Ill. Adm. Code 218.585 due to the applicability of the federal reformulated gasoline program. This proposal also updates incorporations by reference to be consistent with this proposed repeal and updates an outdated ASTM standard.

In addition, this proposal contains regulatory relief for the motor vehicle refinishing industry. It amends 35 Ill. Adm. Code 218.784 to allow for the use of an equivalent high volume, low pressure (HVLP) spray gun in motor vehicle refinishing operations and repeals the registration requirement at 35 Ill. Adm. Code 218.792 due to overlapping federal registration requirements.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6929

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R12-24 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

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218.100 Introduction
218.101 Savings Clause
218.102 Abbreviations and Conversion Factors
218.103 Applicability
218.104 Definitions
218.105 Test Methods and Procedures
218.106 Compliance Dates
218.107 Operation of Afterburners
218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109 Vapor Pressure of Volatile Organic Liquids
218.110 Vapor Pressure of Organic Material or Solvent
218.111 Vapor Pressure of Volatile Organic Material
218.112 Incorporations by Reference
218.113 Monitoring for Negligibly-Reactive Compounds
218.114 Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section
218.119 Applicability for VOL
218.120 Control Requirements for Storage Containers of VOL
218.121 Storage Containers of VPL
218.122 Loading Operations
218.123 Petroleum Liquid Storage Tanks

218.124 External Floating Roofs
218.125 Compliance Dates
218.126 Compliance Plan (Repealed)
218.127 Testing VOL Operations
218.128 Monitoring VOL Operations
218.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

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218.141 Separation Operations
218.142 Pumps and Compressors
218.143 Vapor Blowdown
218.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
218.181 Solvent Cleaning Degreasing Operations
218.182 Cold Cleaning
218.183 Open Top Vapor Degreasing
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218.APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C Reference Methods and Procedures
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218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCMI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 469, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13473, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18813, effective October 25, 2011; amended in R12-24 at 37 Ill. Reg. 1699, effective January 28, 2013.

SUBPART A: GENERAL PROVISIONS

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555:

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-67 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

25)~~26)~~ ASTM D 2099-00

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOC Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", October 1988, Unites States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals:

Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions (February 1993).

y)~~z)~~ South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins (April 1996).

z)~~aa)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

aa)~~bb)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

bb)~~cc)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

cc)~~dd)~~ 40 CFR 63, subpart~~Subpart~~ PPPP, appendix A (2008).

dd)~~ee)~~ 46 CFR subchapter~~Subchapter~~ Q (2007).

ee)~~ff)~~ 46 CFR subchapter~~Subchapter~~ T (2008).

(Source: Amended at 37 Ill. Reg. 1699, effective January 28, 2013)

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section 218.128 Monitoring VOL Operations

a) Except as provided in subsection (d)~~ below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D 879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D 2879-83, incorporated by reference at Section 218.112(a)~~218.112(a)(1)~~ of this Part;

B) ASTM Method D 323-08~~D323-82~~, incorporated by reference at Section 218.112(a)~~218.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 218.120 of this Subpart is exempt from the requirements of subsections (a) and (b)~~ above~~.

(Source: Amended at 37 Ill. Reg. 1699, effective January 28, 2013)

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.585 Gasoline Volatility Standards (Repealed)

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) of this Section during the regulatory control periods, which shall be May 1 to September 15 for retail outlets, wholesale purchaser-consumer, operations, and all other operations.~~

~~b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 psi (62.07 kPa) during the regulatory control period in 1990 and each year thereafter.~~

~~c) The Reid vapor pressure of ethanol blend gasolines shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline~~

~~immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d)~~ ~~All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one or more of the following approved methods or procedures which are incorporated by reference in Section 215.105.~~

~~1)~~ ~~For manual sampling, ASTM D4057;~~

~~2)~~ ~~For automatic sampling, ASTM D4177;~~

~~3)~~ ~~Sampling procedures for Fuel Volatility, 40 CFR 80, Appendix D.~~

~~e)~~ ~~The Reid vapor pressure of gasoline shall be measured in accordance with either test method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 218.112 of this Part. For gasoline-oxygenate blends which contain water-extractable oxygenates, the Reid vapor pressure shall be measured using the dry method test.~~

~~f)~~ ~~The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 218.112 of this Part.~~

~~g)~~ ~~Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.~~

~~h)~~ ~~Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~1)~~ ~~During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 218.585(b) and (c). Any operation receiving~~

~~this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~2)~~ ~~Maintain records for a period of one year on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution operation for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

(Source: Repealed at 37 Ill. Reg. 1699, effective January 28, 2013)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 218.784 Equipment Specifications

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than 20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications;~~ or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

(Source: Amended at 37 Ill. Reg. 1699, effective January 28, 2013)

Section 218.792 Registration (Repealed)

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 218.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 218.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 218.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 218.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 218.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 218.780 of this Subpart or by control equipment as~~

~~specified in Section 218.782; and~~

~~8) A description of any control devices used to comply with Section 218.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b) At least 30 calendar days before changing the method of compliance to or from Sections 218.780 and 218.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

(Source: Repealed at 37 Ill. Reg. 1699, effective January 28, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3)

Section Numbers:	Adopted Action:
219.112	Amend
219.128	Amend
219.585	Repeal
219.784	Amend
219.792	Repeal

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]

5) Effective Date of Amendments: January 28, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. Section 219.112 is the centralized listing of all documents incorporated by reference in Part 21.

8) A copy of the adopted amendments, including incorporations by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

13) Notice of Proposal Published in the *Illinois Register*: May 19, 2012; 36 Ill. Ill. Reg. 6975

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between Proposal and Final Version: In Section 219.112, changed Subpart to subpart and Subchapter to subchapter.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: A lengthy discussion of the whole of this rulemaking docket is discussed in the Board's April 19, 2012 opinion and order: In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R 12-24 (Apr. 19, 2012). In Part 219 this proposal repeals the Pollution Control Board's Gasoline Volatility Standards for the Metro East area at 35 Ill. Adm. Code 219.585 due to the applicability of the federal reformulated gasoline program. This proposal also updates incorporations by reference to be consistent with this proposed repeal and updates an ASTM standard. In addition, this proposal contains regulatory relief for the motor vehicle refinishing industry. It amends 35 Ill. Adm. Code 219.784 to allow for the use of an equivalent high volume, low pressure (HVLP) spray gun in motor vehicle refinishing operations and repeals the registration requirement at 35 Ill. Adm. Code 219.792 due to overlapping federal registration requirements.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6929

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R12-24 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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SUBTITLE B: AIR POLLUTION
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SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

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ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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219.APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units
219.APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13676, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18830, effective October 25, 2011; amended in R12-24 at 37 Ill. Reg. 1722, effective January 28, 2013.

SUBPART A: GENERAL PROVISIONS

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555

1) ASTM D 2879-86

2) ASTM D 323-08~~ASTM D 323-82~~

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-87 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

~~25) ASTM D 323-82 (approved 1982)~~

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

~~i) 40 CFR 80 (July 1, 1991) and 40 CFR 80, appendixes D, E, and F (July 1, 1993).~~

i)~~j)~~ "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j)~~k)~~ "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating"~~,~~ (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

k)~~l)~~ "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.

l)~~m)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.

m)~~n)~~ "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n)~~o)~~ "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

o)~~p)~~ "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p)~~q)~~ "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q)~~r)~~ "Portable Instrument User's Manual for Monitoring VOM Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r)~~s)~~ "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s)~~t)~~ "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t)~~u)~~ "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u)~~v)~~ "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v)~~w)~~ "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w)~~x)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x)~~y)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

y)~~z)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

z)~~aa)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations",

September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

aa)~~bb)~~ 40 CFR 63 subpart~~Subpart~~ PPPP, appendix A (2008).

bb)~~cc)~~ 46 CFR subchapter~~Subchapter~~ Q (2007).

cc)~~dd)~~ 46 CFR subchapter~~Subchapter~~ T (2008).

(Source: Amended at 37 Ill. Reg. 1722, effective January 28, 2013)

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section 219.128 Monitoring VOL Operations

a) Except as provided in subsection (d)~~ below~~, the owner or operator of each storage vessel with a design capacity greater than or equal to 40,000 gallons storing a liquid with a maximum true vapor pressure that is normally less than 0.75 psia shall notify the Agency within 30 days when the maximum true vapor pressure of the liquid exceeds 0.75 psia.

b) Available data on the storage temperature may be used to determine the maximum true vapor pressure.

1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

2) For other liquids, the vapor pressure:

A) Determined by ASTM Method D2879-83, incorporated by reference at Section 219.112(a) ~~219.112(a)(1)~~ of this Part;

B) Measured by an appropriate method approved by the Agency and USEPA; or

C) Calculated by an appropriate method approved by the Agency and USEPA.

c) The owner or operator of each vessel storing a mixture of indeterminate or variable composition shall be subject to the following:

1) Prior to the initial filling of the vessel, the maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in subsection (b)~~ above~~.

2) For vessels in which the vapor pressure of the anticipated liquid composition is 0.5 psia or greater but less than 0.75 psia, an initial physical test of the vapor pressure is required; a physical test at least once every 6 months thereafter is required as determined by the following methods:

A) ASTM Method D2879-83, incorporated by reference at Section 219.112(a)~~219.112(a)(1)~~ of this Part;

B) ASTM Method D323-08~~D323-82~~, incorporated by reference at Section 219.112(a)~~219.112(a)(25)~~ of this Part; or

C) As measured by an appropriate method approved by the Agency.

d) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of Section 219.120 of this Subpart is exempt from the requirements of subsections (a) and (b)~~ above~~.

(Source: Amended at 37 Ill. Reg. 1722, effective January 28, 2013)

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.585 Gasoline Volatility Standards (Repealed)

~~a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) below during the regulatory control periods, which shall be June 1 to September 15.~~

~~b)~~ ~~The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 7.2 psi (49.68 kPa) during the regulatory control period in 1995 and each year thereafter.~~

~~c)~~ ~~The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.~~

~~d)~~ ~~All sampling of gasoline required pursuant to the provisions of this Section shall be conducted in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.~~

~~e)~~ ~~The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.~~

~~f)~~ ~~The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.~~

~~g)~~ ~~Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.~~

~~h)~~ ~~Recordkeeping and reporting:~~

~~1) Each refiner or supplier that distributes gasoline or ethanol blends shall:~~

~~A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~

~~B) Maintain records for a period of three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~

~~2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this Section shall:~~

~~A) Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above; and~~

~~B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.~~

(Source: Repealed at 37 Ill. Reg. 1722, effective January 28, 2013)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 219.784 Equipment Specifications

Every owner or operator of a motor vehicle refinishing operation, unless the source uses less than

20 gallons of coating per calendar year from all motor vehicle refinishing operations combined, shall:

a) Coat motor vehicles, mobile equipment, or their parts and components using one of the following coating applicators:

1) Electrostatic spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; ~~or~~

2) High Volume Low Pressure (HVLP) spray equipment calibrated, operated and maintained in accordance with the manufacturer's specifications; or~~and~~

3) An equivalent coating applicator technology that is demonstrated by the manufacturer to achieve transfer efficiency comparable to the HVLP spray equipment technology listed in subsection (a)(2) of this Section for a comparable operation, and for which written approval has been obtained from USEPA. The owner or operator must maintain documentation of USEPA's approval at the motor vehicle refinishing operation; and

b) Clean all coating applicators with a device that:

1) Recirculates solvent during the cleaning process;

2) Collects spent solvent so it is available for disposal or recycling; and

3) Minimizes evaporation of solvents during cleaning, rinsing, draining, and storage.

(Source: Amended at 37 Ill. Reg. 1722, effective January 28, 2013)

Section 219.792 Registration (Repealed)

~~a) Every owner or operator of a motor vehicle refinishing operation shall register with the Agency on or before the date specified in Section 219.791 of this Subpart. The following information shall be included in this registration:~~

~~1) The name and address of the source, and the name and telephone number of the person responsible for submitting the registration information;~~

~~2) A description of all coating operations of motor vehicles, mobile equipment, or their parts or components, and all associated surface preparation operations at the source;~~

~~3) A description of all coating applicators used at the source to comply with Section 219.784(a) of this Subpart, if applicable;~~

~~4) A description of all cleanup operations at the source, including equipment used to comply with Section 219.784(b) of this Subpart, if applicable;~~

~~5) A description of all work practices at the source used to comply with Section 219.787 of this Subpart;~~

~~6) If a source claims to be exempt from the equipment requirements in Section 219.784 of this Subpart because it uses less than 20 gallons of coating per year, the owner's or operator's certification that the annual usage is below this level;~~

~~7) A written declaration stating whether the source is complying with this Subpart by using coatings that comply with the applicable VOM content limits in Section 219.780 of this Subpart or by control equipment as specified in Section 219.782; and~~

~~8) A description of any control devices used to comply with Section 219.782 of this Subpart and the date(s) the device was installed and became operational.~~

~~b) At least 30 calendar days before changing the method of compliance to or from Sections 219.780 and 219.782, the owner or operator of a motor vehicle refinishing operation shall notify the Agency and certify that the source is in compliance with the applicable requirements for the new method of compliance.~~

(Source: Repealed at 37 Ill. Reg. 1722, effective January 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Pregnancy Termination Report Code

2) Code Citation: 77 Ill. Adm. Code 505

3)

Section Numbers:	Adopted Action:
505.10	Amended
505.20	Repealed
505.30	Amended
505.40	Amended
505.50	Amended
505.60	New
505.APPENDIX A	Repealed
505.APPENDIX B	New
505.APPENDIX C	New

4) Statutory Authority: Illinois Abortion Law of 1975 [720 ILCS 510]

5) Effective Date of Amendments: January 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposed Amendments Published in the *Illinois Register*: September 21, 2013; 36 Ill. Reg. 14129

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 505.30, definition of "Aggregate data", "or Report of Subsequent Complications after an Induced Termination of Pregnancy" was inserted after "Reports".

2. In Section 505.40, a new subsection (b) was inserted as follows and subsequent subsections were renumbered: "b) A report of each diagnosis of a complication resulting from an abortion shall be made to the Department on forms prescribed."

3. In Section 505.40 new (c) and new (e), "The Department will provide this form." was added and "This form shall be provided by the Department." was stricken.

4. In Section 505.50(a) and (d), "and Reports of Subsequent Complications after an Induced Termination of Pregnancy" was inserted after "Termination".

5. In Section 505.60(c), "updating the original Induced Termination of Pregnancy Report or" was added before "completing" and "the Report" was changed to "a Report".

6. In Section 505.60(d), the following was added after the first sentence: "The physician completing the Report of Subsequent Complications after an Induced Termination of Pregnancy in such circumstances shall not identify the patient by name, but shall create an individual identification number for that patient to be noted in the patient's permanent record in possession of the physician."

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

1. In the Table of Contents, "Subsequent" was added after "of" in the heading for Section 505.Appendix C.

2. In Section 505.30, definition of "Aggregate data", "Race and ethnicity" was added to follow "Education"; " ; and" was stricken after "discerned"; "; and" was added after "Education" and the period was stricken.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: Part 505 has been amended to clarify statutory requirements for reporting complications of an abortion. Statutory citations are being updated. A definition of "complications" has been added, as well as a new Section setting forth requirements for reporting the complications of an abortion. New reporting forms have been added and the existing form has been repealed.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER e: VITAL RECORDS

PART 505
PREGNANCY TERMINATION REPORT CODE

Section
505.10 Statutes Referenced
505.20 Purpose (Repealed)
505.30 Definitions
505.40 Submission of Information
505.50 Availability of Information
505.60 Reporting Complications Resulting from Termination of Pregnancy
505.APPENDIX A Report of Induced Termination of Pregnancy (Repealed)
505.APPENDIX B Induced Termination of Pregnancy Report
505.APPENDIX C Report of Subsequent Complications after an Induced Termination of Pregnancy

AUTHORITY: Implementing and authorized by the Illinois Abortion Law of 1975 [720 ILCS 510].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 13631, effective August 1, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 533, effective December 29, 1993; amended at 37 Ill. Reg. 1744, effective January 23, 2013.

Section 505.10 Statutes Referenced

The following Illinois statutes are referenced in this Part:

a) Illinois Abortion Law of 1975 ~~(Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.)~~ [720 ILCS 510]~~;~~

b) Illinois Medical Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.)~~ [225 ILCS 60]~~;~~

c) Freedom of Information Act ~~(Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.)~~ [5 ILCS 140/~~1~~]~~;~~

d) Medical Studies Act ~~(Ill. Rev. Stat. 1991, ch. 110, par. 8-2101 et seq.)~~ [735 ILCS 5/8-2101]~~.~~

(Source: Amended at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.20 Purpose (Repealed)

~~It is the intent of Section 10 of the Illinois Abortion Law of 1975 that a report of each abortion performed in Illinois shall be made to the Department. In implementing this Law, the Department promulgates rules to secure the anonymity of the identity of each woman undergoing an abortion.~~

(Source: Repealed at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.30 Definitions

"Aggregate data" means a compilation of the data received by the Department on ~~Reports of~~ Induced Termination of Pregnancy Reports or Reports of Subsequent Complications after an Induced Termination of Pregnancy for each data set listed, except that the following will not be included:

Facility name;

Patient's identification number;

Physician's license number;

Any set of information for which the amount is so small (e.g.~~eg.~~, 50 or fewer) that identity of any person or persons~~person(s)~~ to whom it relates may be discerned;~~ and~~

Education; and~~.~~

Race and ethnicity.

"Complications" means *those* complications resulting from an abortion *which, according to contemporary medical standards, are manifested by symptoms with severity equal to or greater than hemorrhaging requiring transfusion, infection, incomplete abortion, or punctured organs.* (Section 10.1 of the Law)

"Department" means the Department of Public Health, State of Illinois. (Section 2 of the Law)

"Director" means the Director, or his or her designee, of the Department of Public Health, State of Illinois.

"Law" means the Illinois Abortion Law of 1975 ~~(Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510]~~.

"Patient identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned.

"Physician" means any person licensed to practice medicine in all its branches under the Illinois Medical Practice Act of 1987. (Section 2 of the Law)

"Pregnancy termination~~Termination~~" *means the use of any instrument, medicine, drug or other substance or* any *device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.* (Section 2 of the Law)

"Public Use File~~Tape~~" means a computer file~~tape~~ of aggregate data.

(Source: Amended at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.40 Submission of Information

a) A report of each abortion performed shall be made to the Department on forms prescribed. The report forms shall not identify the patient by name, but by an individual number to be noted in the patient's permanent record in the possession of the physician. (Section 10 of the Act)

b) A report of each diagnosis of a complication resulting from an abortion shall be made to the Department on forms prescribed.

c)~~a)~~ The ~~Report of~~ Induced Termination of Pregnancy Report consists of one form ~~as~~ prescribed and promulgated by the Department as Appendix B~~A~~ of this Part. The Department will provide this form~~This form shall be provided by the Department~~.

d)~~b)~~ All ~~Reports of~~ Induced Termination of Pregnancy Reports shall be submitted *to the Department not later than 10 days following the end of the month in which the* pregnancy termination *was performed.* (Section 10 of the Law)

e) The Report of Subsequent Complications after an Induced Termination of Pregnancy consists of one form prescribed and promulgated by the Department as Appendix C of this Part. The Department will provide this form.

f) The Report of Subsequent Complications after an Induced Termination of Pregnancy shall be submitted to the Department within 10 days after the complications become known by *any physician who diagnoses a woman as having complications resulting from an abortion.* (Section 10.1 of the Law)

~~c) Any additional information that is submitted to the Department may be done on the same form and marked by the reporter as "Additional" Report of Induced Pregnancy Termination and must be submitted within 10 days after its becoming known.~~

(Source: Amended at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.50 Availability of Information

a) All Reports of Induced Pregnancy Termination and Reports of Subsequent Complications after an Induced Termination of Pregnancy will~~shall~~ be treated as confidential and are~~shall be~~ exempt from the Freedom of Information Act.

b) The Department will~~shall~~ compile the information contained in the Reports of Induced Pregnancy Termination and issue reports of aggregate data as it deems necessary.

c) The Department will~~shall~~ compile a Public Use File~~Tape~~ upon request. Any person or entity making ~~such~~ a request shall pay the cost of producing the~~such~~ Public Use File~~Tape~~. If a Public Use File~~Tape~~ has already been produced and paid for, ~~then~~ each succeeding requestor shall ~~only~~ pay only the cost of duplicating it.

d) Data~~There shall not be any release of data outside the Department~~ compiled from the Reports of Induced Pregnancy Termination and Reports of Subsequent

Complications after an Induced Termination of Pregnancy, other than the Public Use Files, will not be released outside the Department~~Tapes~~.

e) The Department will~~shall~~ disclose individual patient or facility information only to the physician who originally supplied that information to the Department, upon written request of the physician.

~~f) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.~~

f)~~g)~~ The patient identifying information submitted to the Department by those entities required to submit information under the Law and this Part is to be used in the course of medical study under the Medical Studies Act. Therefore, the~~such~~ information is~~shall~~ not ~~be~~ admissible as evidence or~~, nor~~ discoverable in any action of any kind, in any court or before any tribunal, board, agency or person.

(Source: Amended at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.60 Reporting Complications Resulting from Termination of Pregnancy

a) *Any physician who diagnoses a woman as having complications resulting from an abortion shall report, within* the time period specified in this Section, *the diagnosis and a summary of her physical symptoms to the Department in accordance with* this Section.

b) Complications resulting from an abortion are *those which, according to contemporary medical standards, are manifested by symptoms with severity equal to or greater than hemorrhaging requiring transfusion, infection, incomplete abortion, or punctured organs.* (Section 10.1 of the Law)

c) If the patient with complications returns to the facility where the induced termination of pregnancy took place, the facility shall use the same patient identification number used in the Induced Termination of Pregnancy Report when updating the original Induced Termination of Pregnancy Report or completing a

Report of Subsequent Complications after an Induced Termination of Pregnancy form.

d) If the patient with complications selects a different medical facility, the physician making the diagnosis shall complete the Report of Subsequent Complications after an Induced Termination of Pregnancy form. The physician completing the Report of Subsequent Complications after an Induced Termination of Pregnancy in such circumstances shall not identify the patient by name, but shall create an individual identification number for that patient to be noted in the patient's permanent record in possession of the physician. If *the name or location of the facility where the abortion was performed* is known, the physician shall include it on the form. (Section 10.1 of the Law)

e) The Report of Subsequent Complications after an Induced Termination of Pregnancy form shall be submitted to the Department within 10 days after the diagnosis of the complication.

(Source: Added at 37 Ill. Reg. 1744, effective January 23, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 505.APPENDIX A Report of Induced Termination of Pregnancy (Repealed)

~~**REPORT OF INDUCED TERMINATION OF PREGNANCY**~~
~~(All information submitted herein shall be confidential pursuant to the Pregnancy Termination Report Code, 77 Ill. Adm. Code 505)~~

~~1. FACILITY NAME (if not clinic or hospital, give *address*)~~ ~~2. COUNTY OF PREGNANCY TERMINATION~~

~~3. PATIENTS IDENTIFICTION NO.~~ ~~4a. RESIDENCE – STATE~~ ~~4b. COUNTY~~ ~~4c. ZIP CODE (Chicago only)~~

~~5. PHYSICIAN'S LICENSE NO.:_____~~ ~~6. AGE LAST BIRTHDAY~~ ~~7. MARRIED?~~ ☐ ~~Yes~~ ☐ ~~No~~ ~~8. DATE OF PREGNANCY TERMINATION (*month, day, year*)~~

~~9a. RACE/ETHNIC~~
- ☐ ~~Native American~~
- ☐ ~~Black~~
- ☐ ~~White~~
- ☐ ~~Asian~~
- ☐ ~~Other (*Specify*)_____~~

~~9b. ETHNIC~~
~~Hispanic:~~
- ☐ ~~Yes~~
- ☐ ~~No~~

~~10. EDUCATION (*Specify only highest grade completed*)~~
~~Elementary/Secondary (0-12)~~ ~~College (1-4 or 5+)~~

~~11. CLINICAL ESTIMATE OF GESTATION (*Weeks*)~~

~~12. PREVIOUS PREGNANCIES (*Complete each section*)~~

~~LIVE BIRTHS~~

~~12a. Now Living~~
~~Number_____~~
☐ ~~None~~

~~12b. Now Dead~~
~~Number_____~~
☐ ~~None~~

~~OTHER TERMINATIONS~~

~~12c. Spontaneous~~
~~Number_____~~
☐ ~~None~~

~~12d. Induced (Do not include this termination)~~
~~Number_____~~
☐ ~~None~~

~~13. Rh DETERMINATION~~
- ☐ ~~Rh Pos.~~
- ☐ ~~Rh Neg.~~
- ☐ ~~Not Done~~

~~14. IF Rh NEGATIVE ANTI-Rh~~
- ☐ ~~Given~~
- ☐ ~~Not offered to patient~~
- ☐ ~~Refused by patient~~
- ☐ ~~Medically not indicated~~

~~15. REASON FOR TERMINATION~~
- ☐ ~~Patient's Request~~
- ☐ ~~Other~~

~~16a. PROCEDURE THAT TERMINATED PREGNANCY~~

~~(Check only one)~~

~~TYPE OF TERMINATION PROCEDURES~~
- ☐ ~~Suction Curettage~~
- ☐ ~~Sharp Curettage~~

~~16b. ADDITIONAL PROCEDURES USED FOR THIS TERMINATION, IF ANY~~

~~(Check all that apply)~~
- ☐
- ☐

☐ ~~Dilation and Evacuation (D&E)~~ ☐

☐ ~~Intra-Uterine Saline Instillation~~ ☐

☐ ~~Intra-Uterine Prostaglandin Instillation~~ ☐

☐ ~~Hysterotomy~~ ☐

☐ ~~Hysterectomy~~ ☐

☐ ~~Other (Specify)_____~~ ☐

~~17. COMPLICATIONS OF PREGNANCY TERMINATION?~~ ☐ ~~Yes~~ ☐ ~~No~~

~~*If Yes, Mark All That Apply*~~

☐ ~~HEMORRHAGE~~ ☐ ~~ANESTHETIC~~

☐ ~~UTERINE PERFORATION~~ ☐ ~~RETAINED PRODUCTS~~

☐ ~~CERVICAL LACERATION~~ ☐ ~~DEATH~~

☐ ~~INFECTION~~ ☐ ~~OTHER, SPECIFY~~

~~18. HOSPITALIZATION REQUIRED AS A RESULT OF COMPLICATION:~~ ☐ ~~Yes~~ ☐ ~~No~~

(Source: Repealed at 37 Ill. Reg. 1744, effective January 23, 2013)

Section 505.APPENDIX B _Induced Termination of Pregnancy Report

INDUCED TERMINATION OF PREGNANCY REPORT

COMPLETE THIS FORM AND MAIL IT TO:
Illinois Department of Public Health, Division of Vital Records
925 E. Ridgely Ave., Springfield IL 62702-2737

(All information submitted shall be confidential pursuant to the Pregnancy Termination Report Code (77 Ill. Adm. Code 505))

1. FACILITY NAME (If not ambulatory surgical treatment centers, hospitals, and other facilities, give address)

2. COUNTY OF PREGNANCY TERMINATION (See County Code table)

3. PATIENT IDENTIFICATION NUMBER

4. REPORTING PHYSICIAN'S IDFPR LICENSE NUMBER

5. PATIENT INFORMATION

   a. PATIENT'S RESIDENT STATE (See State Code table)

   b. COUNTY (See County Code table)

   c. ZIP CODE (Chicago only)

6. RACE/ETHNICITY

   a. Race

      ☐ White
      ☐ Black or African American
      ☐ American Indian or Alaska Native (Name of the enrolled or principal tribe)
      ☐ Asian Indian
      ☐ Chinese
      ☐ Filipino
      ☐ Japanese

- ☐ Korean
- ☐ Vietnamese
- ☐ Other Asian (Specify)
- ☐ Native Hawaiian
- ☐ Guamanian or Chamorro
- ☐ Samoan
- ☐ Other Pacific Islander (Specify)
- ☐ Other (Specify)

b. Hispanic Origin

- ☐ No, not Spanish/Hispanic/Latina
- ☐ Mexican, Mexican American, Chicana
- ☐ Puerto Rican
- ☐ Cuban
- ☐ Other Spanish/Hispanic/Latina

7. AGE LAST BIRTHDAY

8. MARRIED/CIVIL UNION?

9. DATE OF PREGNANCY TERMINATION (Mo/Day/Year)

10. EDUCATION (Specify only highest grade completed)

Elementary/Secondary (0-12)
College (1-4 or 5+)

11. CLINICAL ESTIMATE OF GESTATION (Number of Weeks)

12. PREVIOUS PREGNANCIES (Complete each section)

LIVE BIRTHS

a. NOW LIVING (Number)

b. NOW DEAD (Number)

OTHER TERMINATIONS

a. SPONTANEOUS (Number)

b. INDUCED (Number) (Do not include this termination)

13. Rh DETERMINATION (Not done/Rh Pos/Rh Neg)

14. IF Rh NEGATIVE, ANTI Rh (Given/Not offered to patient/Refused by patient/Medically not indicated)

15. REASON FOR TERMINATION (Patient's Request/Other)

16. TERMINATION PROCEDURES

a. PROCEDURE THAT TERMINATED PREGNANCY (check only one)

- ☐ Antiprogestins (such as Mifepristone)
- ☐ Suction Curettage
- ☐ Sharp Curettage
- ☐ Dilation and Evacuation (D & E)
- ☐ Intra-Uterine Saline Instillation
- ☐ Intra-Prostaglandin Instillation
- ☐ Hysterotomy
- ☐ Hysterectomy
- ☐ Other (Specify)

b. ADDITIONAL PROCEDURES USED FOR THIS TERMINATION, IF ANY

17. COMPLICATIONS OF PREGNANCY TERMINATION? ☐ Y ☐ N (check all that apply)

- ☐ Hemorrhage
- ☐ Uterine Perforation
- ☐ Anesthesia
- ☐ Retained Products
- ☐ Cervical Laceration
- ☐ Infection
- ☐ Death

☐Other (Specify)

18. HOSPITALIZATION REQUIRED AS A RESULT OF COMPLICATION(S)?
☐ Y ☐ N

19. This is a corrected version of a previously submitted form. ☐ Y

(Source: Added at 37 Ill. Reg. 1744, effective January 23, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 505.APPENDIX C Report of Subsequent Complications after an Induced Termination of Pregnancy

REPORT OF SUBSEQUENT COMPLICATIONS AFTER AN INDUCED TERMINATION OF PREGNANCY

COMPLETE THIS FORM AND MAIL IT TO:
Illinois Department of Public Health, Division of Vital Records
925 E. Ridgely Ave., Springfield IL 62702-2737

(All information submitted shall be confidential pursuant to the Pregnancy Termination Report Code (77 Ill. Adm. Code 505))

1. FACILITY NAME AND ADDRESS WHERE COMPLICATION WAS DIAGNOSED

2. PATIENT IDENTIFICATION NUMBER

3. REPORTING PHYSICIAN'S IDFPR LICENSE NUMBER

4. PATIENT INFORMATION

   a. PATIENT'S RESIDENT STATE (See State Code table)

   b. COUNTY (See County Code table)

   c. ZIP CODE (Chicago only)

5. RACE/ETHNICITY

   a. Race

      ☐ White
      ☐ Black or African American
      ☐ American Indian or Alaska Native (Name of the enrolled or principal tribe)
      ☐ Asian Indian
      ☐ Chinese
      ☐ Filipino

- ☐ Japanese
- ☐ Korean
- ☐ Vietnamese
- ☐ Other Asian (Specify)
- ☐ Native Hawaiian
- ☐ Guamanian or Chamorro
- ☐ Samoan
- ☐ Other Pacific Islander (Specify)
- ☐ Other (Specify)

b. Hispanic Origin

- ☐ No, not Spanish/Hispanic/Latina
- ☐ Mexican, Mexican American, Chicana
- ☐ Puerto Rican
- ☐ Cuban
- ☐ Other Spanish/Hispanic/Latina

6. AGE LAST BIRTHDAY

7. MARRIED/CIVIL UNION?

8. DATE OF PREGNANCY TERMINATION (Mo/Day/Year)

9. COMPLICATIONS OF PREGNANCY TERMINATION (check all that apply)

- ☐ Hemorrhage
- ☐ Uterine Perforation
- ☐ Anesthesia
- ☐ Retained Products
- ☐ Cervical Laceration
- ☐ Infection
- ☐ Death
- ☐ Other (Specify)

10. HOSPITAL ADMISSION REQUIRED ON DATE OF EXAMINATION?
☐ Y ☐ N

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

11. FACILITY NAME OR LOCATION (IF KNOWN) WHERE THE ABORTION WAS PERFORMED

(Source: Added at 37 Ill. Reg. 1744, effective January 23, 2013)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Number: 1040.117 Adopted Action: New

4) Statutory Authority: 625 ILCS 5/6-206(a)(46)

5) Effective Date of Amendment: January 25, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) Notices of Proposed published in the *Illinois Register*: 36 Ill. Reg. 15189; October 19, 2012

10) Has JCAR issued a Statement of Objection to this Amendment? No

11) Difference 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? None were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings pending on this Part? No

15) Summary and Purpose of Amendment: Pursuant to Public Act 97-743, the Secretary of State is required to suspend or revoke the driver's license and/or privileges of any person who is convicted of a violation of paragraph (j) of 625 ILCS 5/3-413. 3-413 prohibits a person from modifying the original mounting location of the rear registration plate so as to conceal the plate with the intent to obstruct a police officer. This amendment sets

forth when the Secretary of State will suspend versus revoke the driver's license and/or privileges.

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

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

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section
1040.1 Definitions
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.28 Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29 Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30 Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Suspension or Revocation for Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42 Suspension or Revocation for Fleeing and Eluding
1040.43 Suspension or Revocation for Illegal Transportation
1040.46 Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48 Vehicle Emission Suspensions (Repealed)

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
1040.117	Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148,

effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg.

15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 23, 2013.

Section 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

a) A person who has been convicted of a violation of IVC Section 3-413(j) shall have his/her driving privileges suspended by the Department.

b) Upon notice of conviction, the Department shall take the following action:

ACTION TABLE

Convictions	Action
1st Conviction	6-month Suspension
1st Conviction (with open or pending revocation)	Revocation
2nd Conviction	12-month Suspension
3rd or subsequent Conviction	Revocation

(Source: Added at 37 Ill. Reg. 1762, effective January 23, 2013)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 5375

3) Section Number: 5375.210 — Adopted Action: Amendment

4) Statutory Authority: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) Effective Date of Amendment: February 1, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: In accordance Section 5-15(b) of the Illinois Administrative Procedure Act, there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]

10) Has JCAR issued a Statement of Objection to this rulemaking? There is no 2nd notice JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]

11) Differences between Proposed and Final Version: This is the final version under Section 5-15(b) of the IAPA.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None are needed.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any proposed rulemakings on this Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: The amendment to Part 5375 is being adopted in order to establish rules for convening special meetings of the Commission, as required by Robert's Rules of Order, newly revised. The proposed amendment to this Part also establishes procedures for permitting the attendance of Commissioners at meetings which they are physically unable to attend, as permitted by the Open Meetings Act.

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

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

(847) 948-8500 ext. 2305
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5375.10 Information

SUBPART B: RULEMAKING

Section
5375.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
5375.210 The Commission
5375.220 Agency Organization
5375.230 Procedures for Persons Desiring to Address the Commission at a Commission Meeting

5375.APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5375 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992; amended at 19 Ill. Reg. 11384, effective August 1, 1995; amended at 20 Ill. Reg. 15073, effective November 15, 1996;

ILLINOIS STUDENT ASSISTANCE COMMISSION

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amended at 24 Ill. Reg. 9189, effective July 1, 2000; amended at 34 Ill. Reg. 8530, effective July 1, 2010; amended at 36 Ill. Reg. 5840, effective April 1, 2012; amended at 37 Ill. Reg. 1768, effective February 1, 2013.

SUBPART C: ORGANIZATION

Section 5375.210 The Commission

a) The Commission was created by the Higher Education Student Assistance Act [110 ILCS 947/15]. Commission members are called "Commissioners". Commissioners are appointed by the Governor with the advice and consent of the Senate (see 110 ILCS 947/15(a)). Senate confirmation of a person appointed by the Governor to be a Commission member is a necessary prerequisite to becoming a member. However, while a gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend and observe Commission meetings at ISAC's expense, but shall not vote.

b) The Governor designates one member of the Commission, other than the student member, to serve as Chairman (see 110 ILCS 947/15(a)).

c) A Vice-Chairman shall be elected by a vote of the Commission. A new election for Vice-Chairman shall occur whenever the term of the incumbent Vice-Chairman expires or whenever the Governor designates a new Chairman.

d) The Chairman of the Commission presides at Commission meetings. The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, a member designated by the Chairman shall preside at the Commission meetings. In the absence of such a designation by the Chairman, the most senior member based on length of service since original appointment shall preside at a Commission meeting if the Chairman and Vice-Chairman are not in attendance.

e) The Commission shall convene at least one time per year. All Commission meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120].

f) Six members of the Commission shall constitute a quorum. All official acts of the Commission require a majority vote in a meeting at which quorum is present.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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g) The Commission shall adopt a schedule of regular meetings at the beginning of each calendar year, including the date, time and place of each scheduled meeting (see 5 ILCS 120/2.02).

h) The Chairman may convene a special meeting in order to discuss matters that require consideration or action before the next regularly-scheduled meeting of the Commission. If the Chairman is unavailable, the Vice-Chairman may convene the special meeting. Notice must be posted publically at least 48 hours before such meeting is convened in accordance with the procedures described in the Open Meetings Act [5 ILCS 120/2.02]. Matters for consideration at a special meeting must be limited to those matters described in the notice. In the event that the Commission must convene an emergency meeting, notice shall be given as soon as practicable. Any action taken by the Commission at a meeting convened under this subsection without notice must be ratified at the next regular meeting of the Commission.

i) If members of the Commission are unable to physically attend a meeting of the Commission for reasons set forth in the Open Meetings Act [5 ILSC 120/7] and if a quorum of the Commission is otherwise physically present, a majority of members physically present may approve by vote the attendance of members by video or audio conference. Members of the Commission unable to physically attend a meeting shall, if possible, provide advanced notice to the Secretary.

j) Matters on which the Commission shall deliberate and vote include, but are not limited to, the following:

1) Formula for determining grant eligibility for the Monetary Award Program (see 23 Ill. Adm. Code 2735);

2) Budget requests that are submitted to the General Assembly for appropriation;

3) The budget for the operations of the Illinois Designated Account Purchase Program and College Illinois!® 529 Prepaid Tuition Program;

4) Investment policies, contract pricing and fees, and appointment of investment advisory panel members, investment managers and marketing agent for the College Illinois!® 529 Prepaid Tuition Program;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

5) Issuance of bonds or other securities pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];

6) The amount of the federal default fee, to be charged to the borrowers (or absorbed by the Commission) on guaranteed student loans (see 23 Ill. Adm. Code 2720.80);

7) Promulgation of rules, in accordance with Section 5375.100;

8) Appointment of, and the salary and terms of employment of, the Executive Director of the Commission; and

9) Delegation of authority to the Executive Director and other ISAC staff to execute and deliver contracts, agreements and similar instruments.

k)~~i)~~ The Chairman (or other presiding officer) has full authority to determine all procedural issues incident to a Commission meeting. In the absence of a resolution adopted by the Commission to the contrary, meetings will be conducted in accordance with the most recently published edition of Robert's Rules of Order, Newly Revised.

l)~~j)~~ Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in performing their duties, in accordance with the rules and guidelines established for the reimbursement of expenses incurred by members of boards and commissions of the government of the State of Illinois. For out-of-state travel by a Commissioner, expense reimbursement shall be withheld unless approved in advance by the Chairman.

(Source: Amended at 37 Ill. Reg. 1768, effective February 1, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: 140.462 — Emergency Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date: January 28, 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: This emergency rule expires, as authorized by the SMART Act, on June 30, 2013.

7) Date filed with the Index Department: January 28, 2013

8) A copy of the emergency amendment, 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 97-0689, Save Medicaid Access and Resources Together (SMART) Act, gives any agency in charge with implementing a provision or initiative in SMART, the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of SMART. The change is being made in order to maintain access to necessary medical services and allow the State to benefit from 340B pricing on these expensive devices pursuant to SMART Act [305 ILCS 5/5-5.12(l)]. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety and welfare.

10) Complete Description of the Subjects and Issues involved: This emergency rulemaking proposes to change the methodology by which Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) are reimbursed for implantable contraceptive devices under the Illinois Medicaid Program. The change is being made in order to maintain access to necessary medical services and allow the State to benefit from 340B pricing on these expensive devices pursuant to SMART Act [305 ILCS 5/5-5.12(l)].

For dates of service on or after July 1, 2012, FQHCs and RHCs may elect to be reimbursed under an alternative payment methodology (APM) for implantable

contraceptive devices that the agency prohibits being billed through the Pharmacy System. Reimbursement for the implantable contraceptive devices shall be made at the Center's actual acquisition cost under the 340B Drug Pricing Program or the Department's rate published on the practitioner fee schedule, as applicable. Reimbursement through this APM is separate from any encounter payment the FQHC or RHC may receive for implanting the device.

11) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.491	Amendment	36 Ill. Reg. 15425; November 2, 2012
140.Table A	Amendment	36 Ill. Reg. 15425; November 2, 2012
140.491	Amendment	36 Ill. Reg. 18105; December 28, 2012

12) Statement of Statewide Policy Objectives: This rulemaking does affect units of local government. It will have an impact on county government entities that own or operate nursing facilities enrolled in the Medical Assistance Program.

13) Information and questions regarding this emergency amendment 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 Amendment 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 d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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

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

SUBPART C: PROVIDER ASSESSMENTS

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

SUBPART E: GROUP CARE

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

NOTICE OF EMERGENCY AMENDMENT

140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds – Local Office Responsibility
140.521 Room and Board Accounts
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140.525 Quality Incentive Program (QUIP) Payment Levels
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140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
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140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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

amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3,

1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended

at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.

18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days;

emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April

19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency

amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.462 Covered Services in Clinics

Payment shall be made to clinics for the following types of services when provided by, or under the direction of, a physician:

a) Hospital-Based Organized Clinics

1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), covered services are those described in subsection (e), as appropriate.

2) With respect to all other hospital-based organized clinics, covered services are those described in 89 Ill. Adm. Code 148.

3) Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).

b) Encounter Rate Clinics

1) With respect to those encounter rate clinics that qualify as Maternal and Child Health providers, as described in Section 140.924(a)(2)(B), covered services are those described in Section 140.922.

2) With respect to all other encounter rate clinics, covered services are medical services that provide for the continuous health care needs of persons who elect to use this type of service, including dental services that will be billed as separate encounters for dates of service on or after January 1, 2011.

3) Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).

c) Rural Health Clinics
Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:

1) Physician's Services, including covered services of nurse practitioners, nurse midwives and physician-supervised physician assistants. Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).

2) Other services for which a separate encounter may be billed include dentist and behavioral health services as defined in Section 140.463(a).

3) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice that

have been included in the cost report but neither fee-for-service nor encounter billings may be billed. Some examples of these services include:

A) medical case management;

B) laboratory services;

C) occupational therapy;

D) patient transportation;

E) pharmacy services;

F) physical therapy;

G) podiatric services;

H) speech and hearing services;

I) x-ray services;

J) health education;

K) nutrition services;

L) optometric services.

4) A rural health clinic (RHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service provided.

5) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing prior to billing for the services.

6) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings

for any RHC services with the exception of services identified in subsection (c)(7) and (c)(8) in this Section.

7) Effective July 1, 2012 through June 30, 2013, a physician or APN may submit fee-for-service billings for implantable contraceptive devices administered in an RHC. Reimbursement for the implantable contraceptive devices shall be made in accordance with the following:

A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the RHC's actual acquisition cost;

B) The RHC must be listed as the payee on the claim;

C) Reimbursement shall be made at the RHC's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;

D) This reimbursement shall be separate from any encounter payment the RHC may receive for implanting the device.

8) Effective July 1, 2013, an RHC may submit fee-for-service billings for implantable contraceptive devices. Reimbursement for the implantable contraceptive device shall be made in accordance with the following:

A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the RHC's actual acquisition cost;

B) Reimbursement shall be made at the RHC's actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;

C) This reimbursment shall be separate from any encounter payment the RHC may receive for implanting the device.

d) Federally Qualified Health Centers
Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:

1) Physician's services, including covered services of nurse midwives, nurse practitioners and physician-supervised physician assistants. Group psychotherapy services must meet the guidelines set forth in Section 140.413(a)(4)(C).

2) Other services for which separate encounters may be billed include dentists and behavioral health services as defined in Section 140.463(a).

3) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice have been included in the cost report but neither fee-for-service nor encounter billings may be billed. Some examples of these services include:

A) medical case management;

B) laboratory services;

C) occupational therapy;

D) patient transportation;

E) pharmacy services;

F) physical therapy;

G) podiatric services;

H) optometric services;

I) speech and hearing services;

J) x-ray services;

K) health education;

L) nutrition services.

4) A federally qualified health center (FQHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service.

5) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing.

6) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings for any FQHC services provided with the exception of services identified in subsection (c)(7) and (c)(8) in this Section.

7) Effective July 1, 2012 through June 30, 2013, a physician or APN may submit fee-for-service billings for implantable contraceptive devices administered in an FQHC~~RHC~~. Reimbursement for the implantable contraceptive devices shall be made in accordance with the following:

A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the FQHC's~~RHC's~~ actual acquisition cost;

B) The FQHC~~RHC~~ must be listed as the payee on the claim;

C) Reimbursement shall be made at the FQHC's~~RHC's~~ actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;

D) This reimbursement shall be separate from any encounter payment the FQHC~~RHC~~ may receive for implanting the device.

8) Effective July 1, 2013, an FQHC~~RHC~~ may submit fee-for-service billings for implantable contraceptive devices. Reimbursement for the implantable contraceptive device shall be made in accordance with the following:

A) To the extent that the implantable device was purchased under the 340B Drug Pricing Program, the device must be billed at the FQHC's~~RHC~~ actual acquisition cost;

B) Reimbursement shall be made at the FQHC's~~RHC's~~ actual acquisition cost or the rate on the Department's practitioner fee schedule, whichever is applicable;

C) This reimbursment shall be separate from any encounter payment the FQHC~~RHC~~ may receive for implanting the device.

e) Maternal and Child Health Clinics
Payment shall be made to the Maternal and Child Health clinics identified in Section 140.461(f)(1) for the following services when provided by, or under the direction of, a physician:

1) In the case of clinics described in Section 140.461(f)(1)(A) and (f)(1)(B), primary care services delivered by the clinic, which must include, but are not necessarily limited to:

A) Early, periodic, screening, diagnostic, and treatment (EPSDT) services as defined in Section 140.485;

B) Childhood risk assessments to determine potential need for mental health and substance abuse assessment and/or treatment;

C) Regular immunizations for the prevention of childhood diseases;

D) Follow-up ambulatory medical care deemed necessary, recommended, or prescribed by a physician as a result of an EPSDT screening;

E) Routine prenatal care, including risk assessment, for pregnant women; and

F) Specialty care as medically needed.

2) In the case of clinics described in Section 140.461(f)(1)(C), primary care and specialty services delivered by the clinic, which must include, but are not necessarily limited to:

A) Prenatal care, including risk assessment (one risk assessment per

pregnancy);

B) All ambulatory treatment services deemed medically necessary, recommended, or prescribed by a physician as the result of the assessment; and

C) Services to pregnant women with diagnosed substance abuse or addiction problems.

3) In the case of clinics described in Section 140.461(f)(1)(D):

A) Comprehensive medical and referral services.

B) Primary care services, which must include, but are not necessarily limited to:

i) early, periodic, screening, diagnostic, and treatment (EPSDT) services as defined in Section 140.485;

ii) regular immunizations for the prevention of childhood diseases; and

iii) follow-up ambulatory medical care deemed necessary, recommended, or prescribed by a physician as the result of an EPSDT screening.

C) Pediatric specialty services, which must include, at a minimum, necessary treatment for:

i) asthma,

ii) congenital heart disease,

iii) diabetes, and

iv) sickle cell anemia.

D) Ambulatory treatment for other medical conditions as specified in the center's certificate application and as approved by the

Department.

f) School Based/Linked Health Clinics (Centers)
Covered services are the following services, when delivered in a school based/linked health center setting as described in Section 140.461(g):

1) Basic medical services: well child or adolescent exams, consisting of a comprehensive health history, complete physical assessment, screening procedures and age appropriate anticipatory guidance; immunizations; EPSDT services; diagnosis and treatment of acute illness and injury; basic laboratory tests; prescriptions and dispensing of commonly used medications for identified health conditions, in accordance with Medical Practice and Pharmacy Practice Acts; and acute management and on-going monitoring of chronic conditions, such as asthma, diabetes and seizure disorders.

2) Reproductive health services: gynecological exams; diagnosis and treatment of sexually transmitted diseases; family planning; prescribing and dispensing of birth control or referral for birth control services; pregnancy testing; treatment or referral for prenatal and postpartum care; and cancer screening.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013)

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) The Notice of Proposed Amendments being corrected appeared at: 37 Ill. Reg. 720, dated January 25, 2013.

4) The Information being corrected is as follows: In the response to 3) of the Notice of Proposed Amendments, the Section Number listed as 1004.444 is corrected to Section Number 1001.444.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 23, 2013 through January 28, 2013 and have been scheduled for review by the Committee at its February 6, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/7/13	Secretary of State, Department of Personnel (80 Ill. Adm. Code 420)	11/30/12 36 Ill. Reg. 16743	2/6/13
3/8/13	Department of Human Services, Maternal and Child Health Advisory Board (77 Ill. Adm. Code 2260)	10/26/12 36 Ill. Reg. 15319	2/6/13
3/9/13	Central Management Services, Organ Donor Leave (80 Ill. Adm. Code 332)	12/7/12 36 Ill. Reg. 16800	2/6/13

PROCLAMATIONS

2012-348 (Revised)
Adoption Awareness Month

WHEREAS, thanks to thousands of adoptive parents across the state, 17,639 children have found permanent loving homes over the last decade, including 1,697 children in the last year alone; and,

WHEREAS, all children need and deserve the love, nurturing, and sense of security that can only come from being a part of a loving, permanent family; and,

WHEREAS, adoption provides a unique joy and a special opportunity for individuals, whether or not they are already parents, married, in a civil union, single or divorced, to open their hearts and their homes for the rest of their lives to children; and,

WHEREAS, the Illinois Department of Children and Family Services and its nonprofit partners strive to reunify children with their birth families; but when that simply is not possible, they are equally committed to ensuring every child has the safe, loving family they deserve and need to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system: reducing the number of children in temporary foster care from 52,000 to 15,000; establishing a Bill of Rights for both birth parents and adoptive parents; and strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents and children; and,

WHEREAS, Illinois has recently established an Adoption Support Line to provide professional assistance to adoptive families and enacted legislation to protect and maintain the critical ties between siblings whether destined for adoption or reunification with their birth parents; and,

WHEREAS, all of the progress in recent years would not have been possible without champions like State Representative Sara Feigenholtz, an adoptee herself, and State Representative Naomi Jakobsson, an adoptive parent, as well as child advocates including: Child Care Association of Illinois; Illinois Foster and Adoptive Parent Association; Illinois Adoption Advisory Council; Illinois Statewide Youth Advisory Board; Chicago Bar Association; Loyola ChildLaw Clinic of Loyola University; and many child welfare agencies, adoptive parent groups and individuals across the state; and,

WHEREAS, together we are committed to improving the child welfare system even further, including reducing the length of time children remain in temporary foster care, where Illinois ranks 47th in the nation according to the U.S. Department of Health and Human Services; and,

WHEREAS, currently, there are 2,040 children awaiting adoption across the state across all ages, backgrounds and needs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2012 as **ADOPTION AWARENESS MONTH** in Illinois, and do hereby encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children, and encourage others to consider joining them in making a life-changing difference to children.

Issued by the Governor November 7, 2012
Filed by the Secretary of State January 24, 2013

2012-383
Four Chaplains Sunday

WHEREAS, on February 3, 1943, four United States Army Lieutenants and Chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and,

WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and,

WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and,

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and,

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and,

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the Chaplains opened a storage locker filled with lifejackets and began distributing them; and,

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the Chaplains removed theirs and gave them to four frightened young men. John said, "It was the finest thing I have seen or hope to see this side of heaven"; and,

WHEREAS, as the ship went down, other survivors in nearby rafts saw the Chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and,

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four Chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the Chaplains; and,

WHEREAS, all four Chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress; and,

WHEREAS, every year, the Combined Veterans Association of Illinois sponsors a memorial service for the four Chaplains, which this year is hosted by the Department of Illinois Marine Corps League, and which will be held at the Main Chapel of the Edward Hines VA Medical Center in Hines, Illinois on February 3, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 3, 2013 as **FOUR CHAPLAINS SUNDAY** in Illinois, in honor and remembrance of the four brave and courageous Chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor December 18, 2012
Filed by the Secretary of State January 24, 2013

2012-384
Mearl Justus Day

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, public officials take not only jobs, but oaths; and,

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States; and,

WHEREAS, day in and day out, these dedicated public servants provide the diverse services demanded by the American people of their government with efficiency and integrity; and,

WHEREAS, one such public servant is Mearl Justus, who passed away on the afternoon of December 18, 2012; and,

WHEREAS, Mearl Justus provided the State of Illinois with his honorable and dedicated service as a law enforcement icon for more than fifty years; and,

WHEREAS, Mearl Justus transformed many lives, whether it was in his position as St. Clair County Sheriff, Cahokia Police Chief, Chairman of the Major Case Squad of Greater St. Louis, President of the Illinois Sheriff's Association, husband, father, grandfather, great-grandfather, teacher or friend; and,

WHEREAS, Mearl Justus' professionalism earned him the respect of his colleagues and the mark that he will leave behind will most assuredly serve as a foundation for the future; and,

WHEREAS, Mearl Justus' work ethic exemplified the dedication to service the citizens of this state should all aspire to and his life will leave a lasting impact throughout the entire public safety profession, St. Clair County, and the State of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 31, 2012 as **MEARL JUSTUS DAY** in recognition of his service to St. Clair County and the State of Illinois, and do hereby bestow respectful gratitude for a successful and distinguished life dedicated to protecting and serving the people of the Land of Lincoln.

Issued by the Governor December 19, 2012
Filed by the Secretary of State January 24, 2013

2012-385
Day of Mourning

WHEREAS, tragic incidents remind us to reflect upon what is truly important in life; and,

WHEREAS, on Friday, December 14, 2012 a gunman opened fire inside Sandy Hook Elementary School in Newtown, Connecticut, tragically ending twenty-six lives; and,

WHEREAS, the families and loved ones of the victims, the wounded, the Town of Newtown and the State of Connecticut continue to suffer from the horrific acts of violence that occurred on that fateful day; and,

WHEREAS, these twenty innocent children and six dedicated educators will always be remembered:

Charlotte Bacon	Chase Kowalski
Olivia Engel	James Mattioli
Dylan Hockley	Jack Pinto
Jesse Lewis	Caroline Previdi
Ana Marques-Greene	Avielle Richman
Grace McDonnell	Benjamin Wheeler
Emillie Parker	Allison Wyatt
Noah Pozner	Rachel D' Avino
Jessica Rekos	Dawn Lafferty Hochsprung
Daniel Barden	Anne Marie Murphy
Josephine Gay	Lauren Rousseau
Madeleine Hsu	Mary Sherlach
Catherine Hubbard	Victoria Soto

WHEREAS, the remarkable and selfless acts of heroism by Sandy Hook Elementary School staff and first responders undoubtedly saved many lives; and,

WHEREAS, the people of Illinois send their condolences to the people of Connecticut and grieve the unconscionable losses suffered by the families and loved ones of the fallen; and,

WHEREAS, in the event of this recent tragedy, the State of Illinois remains committed to promoting the values of peace, faith, and community, with the hope of ending all acts of violence; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Friday, December 21, 2012 as a **DAY OF MOURNING** in Illinois in remembrance of the tragedy at Sandy Hook Elementary School.

I call upon citizens of our state to observe this day with a moment of silence at 8:30 a.m. (CST). I also ask, wherever possible, for public, private, faith-based and all other corporate or not-for-profit organizations, to join neighbors near and far in ringing bells twenty-six times in honor of each life lost at Sandy Hook Elementary School.

Issued by the Governor December 20, 2012
Filed by the Secretary of State January 24, 2013

2012-386
Turner Syndrome Awareness Month

WHEREAS, Turner Syndrome (TS) is a non-inheritable chromosomal disorder that affects one in 2,500 live female births; and,

WHEREAS, early diagnosis can ensure that affected girls and women receive a complete cardiac screening; and,

WHEREAS, risk for acute aortic dissection is increased in young and middle-aged women with TS; and,

WHEREAS, early diagnosis facilitates prevention or remediation of growth failure, hearing problems and learning difficulties; and,

WHEREAS, individuals with TS have an increased risk of non-verbal learning disorder (NLD) and in school and work these impairments can cause problems in math, visuospatial skills, executive function skills and job retention; and,

WHEREAS, a disproportionately small amount of funding is available for Turner Syndrome research and support; and,

WHEREAS, with the help of medical specialists and a good social support system, a woman with TS can live a happy, healthy life; and,

WHEREAS, the establishment of TS Awareness Month will provide an opportunity to share experiences and information with the public and the media, in order to raise public awareness about Turner Syndrome; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2013 as **TURNER SYNDROME AWARENESS MONTH** and encourages all citizens to support awareness, education, and services for Turner Syndrome, which affects hundreds of female babies in Illinois.

Issued by the Governor December 20, 2012
Filed by the Secretary of State January 24, 2013

2012-387
Crime Stoppers of Lake County Month

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and,

WHEREAS, Crime Stoppers combats local crime by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony

fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and,

WHEREAS, thanks to Crime Stoppers, there have been more than 6,223 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program's inception in 1983. Altogether, more than $27 million worth of contraband and stolen property has been seized; and,

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and,

WHEREAS, to support their mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2013 as **CRIME STOPPERS OF LAKE COUNTY MONTH** in Illinois, in recognition of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 21, 2012
Filed by the Secretary of State January 24, 2013

2012-388
National Black Nurses Day

WHEREAS, the depth and extensiveness of the nursing profession meets the diverse and emerging health care needs of the American population in a wide range of settings; and,

WHEREAS, professional nursing is an indispensable component in the safety and quality care of hospitalized patients; and,

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and,

WHEREAS, doctors are serving more patients than ever before because of the decrease of practicing physicians, and nurses provide the necessary support needed to keep their offices functioning and running smoothly; and,

WHEREAS, in 1988, Congress declared the first Friday of February as National Black Nurses Day to acknowledge all African-American nurses for their contributions to healthcare; and,

WHEREAS, this year, the City of Chicago's four African-American nursing associations: the Chicago Chapter of the National Black Nurses' Association, Beta Mu Chapter of Lambda Pi Alpha Sorority, Alpha Eta Chapter of Chi Eta Phi Nursing Sorority, and Provident Hospital Nurses' Alumni Association are joining hands to celebrate this day, which falls on February 1; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 1, 2013 as **NATIONAL BLACK NURSES DAY** in Illinois, to promote the nursing profession and recognize all of African-American nurses for their commitment and dedication to the medical profession and to the well-being of their patients.

Issued by the Governor December 21, 2012
Filed by the Secretary of State January 24, 2013

2012-389
Cervical Cancer Awareness Month

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer causes, screenings and treatment; and

WHEREAS, in 2013 a projected 580 women in Illinois will be diagnosed with cervical cancer; and

WHEREAS, a projected 160 women in Illinois will not survive the disease this year; and

WHEREAS, with routine screening and follow-up, cervical cancer is highly preventable; and,

WHEREAS, early detection through routine screening can also significantly increase chances of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free mammograms, breast exams, and Pap tests to uninsured women. The IBCCP has provided 16,327 cervical cancer screenings in the past fiscal year alone; and,

WHEREAS, throughout January, public and private organizations and state and local governments all around the country will promote education about cervical cancer causes, screenings and treatment; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2013 as **CERVICAL CANCER AWARENESS MONTH** in Illinois to raise awareness about

cervical cancer, encourage all women to get screened regularly for the disease, and do hereby invite all citizens to join me in the continued fight against cervical cancer.

Issued by the Governor December 27, 2012
Filed by the Secretary of State January 24, 2013

2012-390
Congenital Heart Defect Awareness Week

WHEREAS, Congenital Heart Defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and,

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with Congenital Heart Defects; and,

WHEREAS, every year 40,000 babies are born in the United States with Congenital Heart Defects; and,

WHEREAS, some Congenital Heart Defects are not diagnosed until months or years after birth; and,

WHEREAS, undiagnosed Congenital Heart conditions cause many cases of sudden cardiac death in young athletes; and,

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for Congenital Heart Defects; and,

WHEREAS, there is a need for increased awareness of Congenital Heart Defects and support for continued and increased research; and,

WHEREAS, the observance of Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and,

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 7-14, 2013 as **CONGENITAL HEART DEFECT AWARENESS WEEK** in Illinois, in order to

increase awareness of Congenital Heart Defects that affect thousands of babies in Illinois each year.

Issued by the Governor December 27, 2012
Filed by the Secretary of State January 24, 2013

2012-391
Digital Learning Day

WHEREAS, technology has transformed the world by making modern life more efficient and accessible; and,

WHEREAS, as technology progresses, our country demands a highly educated workforce in order to effectively compete in today's global economy; and,

WHEREAS, the vitality of Illinois' education system and our ability to compete in an increasingly interconnected global economy depends on our ability to continue nurturing a technological environment that supports innovation and growth; and,

WHEREAS, we cannot allow our nation's growing fiscal crisis to deter Illinois from better training our students and workforce for the jobs and challenges of the future; and,

WHEREAS, our state's education system must capture the advantages that technology can provide by offering students improved and personalized instruction; and,

WHEREAS, when implemented correctly, the infusion of digital learning and technology in schools can personalize and improve the learning of every child; and,

WHEREAS, digital learning and the effective use of technology can also assist teachers by providing real time data to track individual student progress, and create a more efficient learning process that allows students more individual instruction time; and,

WHEREAS, Digital Learning Day will occur this year on February 6, 2013 in order to educate teachers, students, schools, parents, and the public on ways to successfully integrate high-quality digital learning and the effective use of technology to help improve the quality of education for every student; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 6, 2013 as **DIGITAL LEARNING DAY** in Illinois, in support of this important campaign to better prepare our students and workforce for the challenges of tomorrow through state-of-the-art technology.

Issued by the Governor December 27, 2012
Filed by the Secretary of State January 24, 2013

2012-392
Ice Safety Awareness Month

WHEREAS, the winter season brings with it the joy of winter sports and cold weather activities; and,

WHEREAS, while these activities are enjoyable, not taking the proper safety precautions when recreating around iced-covered bodies of water can cause injury, and even death; and,

WHEREAS, ice safety and education is vital to ensuring the protection of all people during the winter months; and,

WHEREAS, on February 19, 2010, Kadin Baxmeyer was celebrating his 7th birthday with his friend Austin at his home, when the two boys fell through a frozen pond near the family farm; and,

WHEREAS, in an attempt to save the boys, Kadin's mother, Kathy Kohler-Baxmeyer, jumped in to rescue them from the frigid water. All three lost their lives that day; and,

WHEREAS, friends and family of Kadin, Kathy and Austin created a program out of their shared tragedy, Project SKiPeR, in order to teach schoolchildren in Illinois about the dangers of ice-covered bodies of water; and,

WHEREAS, Project SKiPeR's curriculum is based on an ice rescue and awareness program taught by the United States Navy SEALs to sportsmen so they recognize and survive an ice-related danger; and,

WHEREAS, because it is impossible to judge the strength of ice solely by its appearance, age, thickness, temperature, or whether or not it is covered by snow, it is important to understand that there is no such thing as safe ice; and,

WHEREAS, Project SKiPpeR teaches individuals who may find themselves in an ice-related accident to **S**tay calm, **K**ick, **P**ull themselves onto the ice and **R**oll away; and,

WHEREAS, each year many people across the country fall through ice-covered bodies of water and drown, but education significantly helps minimize the risk of ice-related fatalities; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December as **ICE SAFETY AWARENESS MONTH**, and encourage all residents of the Land of Lincoln to "See Ice, Think Twice".

Issued by the Governor December 27, 2012
Filed by the Secretary of State January 24, 2013

2013-1
African American History Month

WHEREAS, Dr. Carter G. Woodson founded the Association for the Study of Afro-American Life and History in Chicago on September 9, 1915; and,

WHEREAS, Dr. Woodson initiated the annual celebration of Negro History Week in 1926, and 50 years later, in February 1976, the Association expanded Negro History Week to Black History Month, making their primary objectives the collection, study, promotion and dissemination of historical materials relating to African Americans; and,

WHEREAS, the Chicago Public Library, in keeping with the Association's primary goal, recognizes the outstanding contributions that African Americans have made in the areas of literature, humanities, arts and the sciences; and,

WHEREAS, the Chicago Public Library encourages and supports all programs, services and activities associated with the observance of African American History Month; and,

WHEREAS, in celebration of African American History Month, the Chicago Public Library will present a series of informative, entertaining and educational programs, lectures, films, exhibits, live performances, and special events examining the culture, history, and achievements of African Americans; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2013 as **AFRICAN AMERICAN HISTORY MONTH** in the State of Illinois and encourage all citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor January 3, 2013
Filed by the Secretary of State January 24, 2013

2013-2
Martin Luther King, Jr. Day of Service

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and,

WHEREAS, Dr. King recognized that everybody can be great because everybody can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and,

WHEREAS, in 1973, the State of Illinois became the first state to make Dr. King's birthday a state holiday. The citizens of Illinois honor Dr. King's legacy each year on the third Monday in January; and,

WHEREAS, legislation creating a federal holiday marking the birthday of Rev. Dr. Martin Luther King, Jr. was signed into law in 1983, and the holiday was first observed in 1986, making 2013 the 27th anniversary of the nationwide observance of the Martin Luther King, Jr. federal holiday; and,

WHEREAS, in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King's teachings, that helps solve social problems; and,

WHEREAS, this day focuses on bringing people together and breaking down the barriers that have divided us as a nation; and,

WHEREAS, thousands of Illinois residents use Martin Luther King Day as "a day on, not a day off," by spending it performing community service; and,

WHEREAS, each year hundreds of thousands of volunteers in cities and towns across the nation participate in thousands of King Day service projects in all fifty states, the District of Columbia, Guam, and Puerto Rico; and,

WHEREAS, the King Day of Service, which falls on January 21 this year, is an opportune time for the people of Illinois to recognize Dr. King's teachings on advancing equality and opportunity for all by contributing their own time and talents in a day of service; and,

WHEREAS, each citizen is encouraged to take part in service that will benefit communities and neighborhoods and provide a fitting memorial to the life of Martin Luther King, Jr.; and,

THEREFORE, I, Pat Quinn, Governor of THE State of Illinois, do hereby proclaim January 21, 2013 as **MARTIN LUTHER KING, JR. DAY OF SERVICE** in Illinois, and urge citizens throughout Illinois to honor the memory of Dr. King and put his teachings into action by finding ways to give back to their communities on this day and throughout the year. To find a volunteer opportunity or to learn more about how to recognize your volunteers, visit the Serve Illinois Commission website at www.Serve.Illinois.gov or call 800-592-9896.

Issued by the Governor January 4, 2013
Filed by the Secretary of State January 24, 2013

2013-3
Seed Month

WHEREAS, the abundance of Illinois' crops relies on fertile soil, diligent farmers, and high quality seeds; and,

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and,

WHEREAS, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and,

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state's official seed-certifying agency, and an independent, nonprofit organization; and,

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating for their members' interests; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2013 as **SEED MONTH** in Illinois, in appreciation of the seed industry's contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor January 7, 2013
Filed by the Secretary of State January 24, 2013

2013-4
Congenital Diaphragmatic Hernia Awareness Day

WHEREAS, a congenital diaphragmatic hernia is an opening in the diaphragm that allows the abdominal organs to push into the chest cavity. This birth defect is often life-threatening because it limits the growth of the lungs; and,

WHEREAS, congenital diaphragmatic hernias occur in 1 of every 2,500 live births in the United States, affecting a total of 1600 babies nationwide with an average of 70 born in Illinois each year; and,

WHEREAS, with a 50% survival rate, 800 of the 1600 babies born every year with Congenial Diaphragmatic Hernia will die; and,

WHEREAS, since 2000, it is estimated that over 250,000 babies born with CDH have died; and,

WHEREAS, those with CDH often endure multiple surgeries and possible medical complications beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years; and,

WHEREAS, early diagnosis and appropriate management of fetuses with congenital diaphragmatic hernias can minimize the incidence of emergency situations and dramatically improve survival rates. However, there is a need for increased public awareness of the condition; and,

WHEREAS, many organizations are working to promote public awareness and encourage research efforts to one day prevent or successfully treat all those diagnosed with congenital diaphragmatic hernias; and,

WHEREAS, on April 19, families and friends whose lives have been affected by CDH will have an opportunity to celebrate life and remember the loved ones they have lost to congenital diaphragmatic hernias, and to honor dedicated health professionals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19, 2013 as **CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY** in Illinois, in order to raise public awareness of this condition, and to encourage all citizens to learn more about congenital diaphragmatic hernias and support those who are affected.

Issued by the Governor January 8, 2013
Filed by the Secretary of State January 24, 2013

2013-5
Women in Construction Week

WHEREAS, the National Association of Women in Construction (NAWIC) has distinguished itself as the voice of women in the construction industry since 1953; and,

WHEREAS, since its inception, the NAWIC has formed four different chapters throughout the state of Illinois, whose work with community development and educational programs has touched countless lives in the Land of Lincoln; and,

WHEREAS, based on their core values of "Believe in ourselves as women, persevere with the strength of our convictions, dare to move into new horizons," the NAWIC has remained dedicated to promoting the employment and advancement of women in the construction industry; and,

WHEREAS, the construction community, represented by the NAWIC, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision for the future of Illinois and the entire United States; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 3-9, 2013, as **WOMEN IN CONSTRUCTION WEEK** in Illinois and encourage all citizens to raise awareness of the opportunities available for women in construction and to emphasize the growing role of women in the industry.

Issued by the Governor January 8, 2013
Filed by the Secretary of State January 24, 2013

2013-6
Campus Fire Safety Month

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and,

WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and,

WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as: checking and turning off the oven and stove before going to sleep or leaving home, not overloading electrical circuits, safely stowing all dangerous and hazardous materials, keeping any electrical devices clear of water, checking and maintaining alarm and sprinkler systems, and noting the location of fire extinguishers to use in the event of an emergency; and,

WHERAS, education significantly helps minimize the risk of fire by raising awareness of those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **CAMPUS FIRE SAFETY MONTH** in Illinois, and encourage schools and municipalities to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor January 9, 2013
Filed by the Secretary of State January 24, 2013

2013-7
Barbershop Harmony Week

WHEREAS, the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc. (SPEBSQSA) – known now as the Barbershop Harmony Society – was officially organized April 11, 1938 in Tulsa, Oklahoma; and,

WHEREAS, what began as a small group has steadily blossomed into the world's largest all-male singing organization, an international organization of men from all stations of life; and,

WHEREAS, the Barbershop Harmony Society is dedicated to the spread of harmony for the enjoyment of all people of the world through organizing and encouraging close-harmony singing groups; and,

WHEREAS, the Barbershop Harmony Society encourages harmony amongst all people of the world through the universal language of music; and,

WHEREAS, the Barbershop Harmony Society has actively preserved and presented a distinct style of vocal music that originated in North America; and,

WHEREAS, the Barbershop Harmony Society is dedicated to sustaining and preserving an American tradition, the barbershop quartet; and,

WHEREAS, the Barbershop Harmony Society promotes musical education through music scholarships and other means, and supports charitable foundations; and,

WHEREAS, barbershoppers are engaged in laudable civic service and enrichment of our cultural life through the fostering of traditional values in entertainment and community endeavors; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 7 – 13, 2013 as **BARBERSHOP HARMONY WEEK** in Illinois.

Issued by the Governor January 14, 2013

Filed by the Secretary of State January 24, 2013

2013-8
Illinois Nurse Anesthetists Week

WHEREAS, Certified Registered Nurse Anesthetists (CRNAs) are essential to America's healthcare system, providing high-quality, cost-effective anesthesia care for more than 125 years; and,

WHEREAS, CRNAs are anesthesia specialists who are the hands-on providers of approximately 30 million anesthetics given to patients each year in the United States; and,

WHEREAS, CRNAs are the sole anesthesia providers in more than two-thirds of all rural hospitals, affording these medical facilities obstetrical, surgical, and trauma stabilization capabilities; and,

WHEREAS, CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, and plastic surgeons; U.S. Military, Public Health Services, and Veterans Affairs medical facilities; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of January 20-26, 2013 as **ILLINOIS NURSE ANESTHETISTS WEEK**, and urge all citizens to join me in recognizing these outstanding healthcare professionals for their contributions to the quality of life in our state.

Issued by the Governor January 14, 2013
Filed by the Secretary of State January 24, 2013

2013-9
Lynch Syndrome Hereditary Cancer Awareness Day

WHEREAS, Lynch Syndrome is a hereditary disorder caused by a mutation in a mismatched repair gene in which affected individuals have a significantly higher than normal chance of developing colorectal, endometrial, ovarian, stomach, urinary tract, brain, skin and various other types of cancers, often at a young age; and,

WHEREAS, approximately 600,000 people in the United States, including 25,000 in the State of Illinois, are currently estimated to have Lynch Syndrome even though only 5% have been diagnosed ; and,

WHEREAS, a family history of these cancers can suggest the possibility of Lynch Syndrome and genetic testing can positively confirm whether this condition exists and whether it has been passed down to individual family members; and,

WHEREAS, a positive genetic test result can be acted upon with more frequent screening so that the cancers can be detected early, and often removed or treated before becoming life threatening; and,

WHEREAS, the number of cancer deaths can be reduced as a result of the identification of Lynch Syndrome patients through increased public awareness and subsequent genetic testing and regular screening; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 22, 2013 as **LYNCH SYNDROME HEREDITARY CANCER AWARENESS DAY** in Illinois.

Issued by the Governor January 14, 2013
Filed by the Secretary of State January 24, 2013

2013-10
Illinois Electric and Telephone Cooperatives Youth Day

WHEREAS, for many years, the Electric and Telephone Cooperatives of Illinois has sponsored a paid tour of Washington, D.C., for approximately 70 outstanding Illinois high school students; and,

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and,

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour taking place on June 14-21, 2013; and,

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 17, 2013 for 275 contest finalists; and,

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation's governing bodies; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 17, 2013 as **ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY** in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor January 15, 2013
Filed by the Secretary of State January 24, 2013

2013-11
National Blood Donor Month

WHEREAS, with a strong commitment to helping others, thousands of citizens in Illinois donate blood each year; and,

WHEREAS, approximately four million patients in the United States receive blood transfusions every year, and roughly 38,000 units of blood are required in hospitals and emergency treatment facilities on any given day; and,

WHEREAS, while an estimated 10.8 million volunteers donate blood in the United States each year, twenty-nine percent of which are first time donors, our nation's blood supply is in constant need of replenishment; and,

WHEREAS, every two seconds someone in the United States needs blood, and a single blood donation can help save more than one life; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act and the Organ Donor Act; and,

WHEREAS, first observed in 1970, "National Blood Donor Month" provides an annual opportunity to recognize those who donate blood and to highlight the need for new donors; and,

WHEREAS, this year, the American Red Cross, the American Association of Blood Banks, and America's Blood Centers have joined together to advance this worthy initiative; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2013 as **NATIONAL BLOOD DONOR MONTH** in Illinois, and encourage all eligible donors to open their hearts this month by giving blood.

Issued by the Governor January 16, 2013
Filed by the Secretary of State January 24, 2013

PROCLAMATIONS

2013-12
Fair Housing Month

WHEREAS, April 11, 2013 marks the 45th anniversary of the passage of the U.S. Fair Housing Act, which enunciated a national policy of fair housing and today bars discrimination based on race, color, religion, national origin, sex, familial status or disability; and,

WHEREAS, this year also marks the 34th anniversary of the Illinois Human Rights Act, which bars discrimination in housing based on race, color, religion, national origin, sex (including sexual harassment), physical or mental disability, familial status, age (40 and over), ancestry, marital status, disability, military status, unfavorable discharge from military service, sexual orientation (including gender-related identity), or order of protection status; and,

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; and,

WHEREAS, decent, safe and affordable housing is part of the American dream and a right of all Illinois residents; and,

WHEREAS, economic stability, community health and human relations in all communities of the State of Illinois are improved by diversity and integration; and,

WHEREAS, stable, integrated and balanced residential patterns are threatened by discriminatory acts and unlawful housing practices that result in segregation of residents and opportunities in Illinois communities; and,

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, housing professionals, financial institutions, elected officials, state agencies and others must be combined to promote and preserve integration, fair housing and equal opportunity; and address the immense challenge of ensuring that every person in Illinois has access to affordable housing; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2013 as **FAIR HOUSING MONTH** in Illinois in commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, as well as to promote integration and equal housing opportunities for everyone and urge all Illinois residents to embrace diversity, recognize the importance of equal opportunity in housing, and to promote appropriate activities by private and public entities intended to provide or advocate for integration and affordable equal housing opportunities for all residents and prospective residents of the State of Illinois.

Issued by the Governor January 18, 2013
Filed by the Secretary of State January 24, 2013

2013-13
National Black HIV/AIDS Awareness Day

WHEREAS, February 7, 2013, is the 13th annual commemoration and observance of National Black HIV/AIDS Awareness Day; and,

WHEREAS, this observance is a nationwide effort to mobilize black communities to get educated, get tested, get involved and get treated around HIV/AIDS, as it continues to devastate black communities; and,

WHEREAS, Illinois has the seventh highest number of diagnosed HIV infections, and is fifth nationwide in the estimated number of AIDS cases; and,

WHEREAS, there are 60,000 Illinois residents living with HIV, of which 51 percent are black; and,

WHEREAS, African-American men have the highest number of HIV/AIDS cases among all racial/ethnic groups in Illinois, with 46 percent of all reported HIV cases; and,

WHEREAS, African-American women make up 68.5 percent of all reported HIV/AIDS cases among females in Illinois; and,

WHEREAS, the Illinois Department of Public Health, Center for Minority Health Services and its community partners are hosting community events throughout the state to recognize this day and its importance to blacks and all concerned citizens; and,

WHEREAS, it is fitting that we join with local, national and international community stakeholders to express our strong support for National Black HIV/AIDS Awareness Day and the initiatives that work to prevent the transmission of HIV and reduce AIDS diagnoses in black communities and provide access to and utilization of HIV/AIDS prevention, treatment and support services to those affected by HIV/AIDS; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby designate February 7, 2013 **as NATIONAL BLACK HIV/AIDS AWARENESS DAY** in Illinois, and encourage all residents to strongly support this day and participate in events planned to commemorate the occasion.

Issued by the Governor January 18, 2013

Filed by the Secretary of State January 24, 2013

2013-14
Rare Disease Day

WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States; and,

WHEREAS, while each of these diseases alone may affect only a small number of people, rare diseases as a group affect millions of Americans; and,

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and,

WHEREAS, unfortunately, there is often no treatment specific to these rare diseases; and,

WHEREAS, individuals and families affected by rare diseases often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,

WHEREAS, while some rare diseases, such as "Lou Gehrig's disease" and Huntington's disease are relatively well known, many others are not known at all by the public, which means that a large share of the burden of raising awareness of these diseases and raising funds for research is borne by patients and their families; and,

WHEREAS, statistically, nearly 1 in 10 Americans are affected by rare diseases, resulting in thousands of Illinois residents affected; and,

WHEREAS, a nationwide observance of Rare Disease Day affords patients, medical professionals, researchers, government officials, and companies developing treatments for rare diseases an opportunity to join together to focus attention on rare diseases as a public health issue; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2013 as **RARE DISEASE DAY** in Illinois, in support of this important public awareness campaign.

Issued by the Governor January 18, 2013
Filed by the Secretary of State January 24, 2013

2013-15

PROCLAMATIONS

Ride of Silence Day

WHEREAS, on May 15, 2013, at 7:00 PM, the Ride of Silence will begin in North America and roll across the globe. Cyclists will take to the roads in a silent procession to honor fellow cyclists who have been killed or injured while cycling on public roadways; and,

WHEREAS, in 2003, Chris Phelan organized the first Ride of Silence in Dallas after endurance cyclist Larry Schwartz was hit by the mirror of a passing bus and was killed; and,

WHEREAS, news of the ride, which was intended to be a one-time event, quickly spread. Over the years, participation in this event have increased dramatically and this year will mark the eleventh anniversary of the event; and,

WHEREAS, millions of Americans engage in cycling because it is a viable and environmentally sound form of transportation and an excellent form of physical exercise; and,

WHEREAS, there is a need to promote alternative forms of transportation such as walking and bicycling in order to reduce pollution, reduce America's dependence on fossil fuels, and improve the health and well-being of all people; and,

WHEREAS, although cyclists have a legal right to share the road with motorists, the motoring public often isn't aware of these rights, and sometimes not aware of the cyclists themselves; and,

WHEREAS, held during Bike Safety Month, the Ride of Silence is a free ride held on the same day and time across the world that asks its cyclists to ride no faster than 12 mph and remain silent during the ride, treating the ride as a funeral procession in mourning of fallen cyclists; and,

WHEREAS, the Ride of Silence aims to raise the awareness of motorists, police and city officials that cyclists have a legal right to the public roadways; and,

WHEREAS, the ride is also a chance to honor those who have been killed or injured while bicycling on public roadways; and,

WHEREAS, the State of Illinois is proud to promote bicycling as an alternative means of public mobility, and is committed to providing a safe and responsible bicycling environment for all of its residents; and,

WHEREAS, on May 15, communities across the State of Illinois will host Rides of Silence to show respect for fallen cyclists and to raise awareness of the importance of sharing our public roadways; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15, 2013 as **RIDE OF SILENCE DAY** in Illinois, in remembrance of cyclists who have been killed or injured while bicycling on public roadways, to encourage bicycle safety, and to raise awareness of cyclists' right to share the road.

Issued by the Governor January 18, 2013
Filed by the Secretary of State January 24, 2013

2013-16
St. Joseph Chargers Coach Gene Pingatore Day

WHEREAS, the contributions of sport in local communities foster a sense of inspiration and pride within our schools, our towns, and our state; and,

WHEREAS, these team sports inspire a sense of community, especially when student athletes display their excellence, persistence and teamwork; and,

WHEREAS, today, the State of Illinois has the opportunity to celebrate the All-American pastime of basketball, to recognize the contributions of sport, and to showcase the leadership of a coach who brings diverse groups of young men together to achieve their goals; and,

WHEREAS, on December 28, 2013, the St. Joseph High School Chargers men's basketball team won their game against Proviso West High School's Panthers, marking the 900th career win for head coach Gene Pingatore; and,

WHEREAS, Coach Gene Pingatore has served as head coach of the Chargers for the past forty-two years, creating a lasting impact in the game of basketball; and,

WHEREAS, Coach Gene Pingatore has accumulated a win-loss record of 900-312, making him one of the most winningest high school coaches not only in Illinois, but in the country; and,

WHEREAS, Coach Gene Pingatore has coached many accomplished athletes throughout his tenure at St. Joseph, including NBA legend Isiah Thomas, high school All-Americans Daryl Thomas and Deryl Cunnigham, and collegiate star Tony Freeman; and,

WHEREAS, under Coach Gene Pingatore' leadership, the St. Joseph Chargers have consistently demonstrated extraordinary teamwork by winning several championships and upholding the rich athletic traditions of the State of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby commend the St. Joseph High School men's basketball team for their spirit, their determination and their outstanding

teamwork in winning do hereby proclaim January 18, 2013 as **ST. JOSEPH CHARGERS COACH GENE PINGATORE DAY** in Illinois, in recognition of his remarkable leadership and dedication to the program.

Issued by the Governor January 18, 2013
Filed by the Secretary of State January 24, 2013

2013-17
AMBUCS Appreciation Month

WHEREAS, AMBUCS is a National Organization comprised of local civic clubs located throughout the United States dedicated to creating mobility and independence for people with disabilities, by performing community service, providing AmTryke therapeutic tricycles for individuals with disabilities and providing scholarships for therapists; and,

WHEREAS, there are thirteen AMBUCS Chapters located in the great State of Illinois and devoted to the Mission of National AMBUCS, namely: Cornbelt Bloomington AMBUCS; Champaign-Urbana AMBUCS; Danville AMBUCS; Decatur AMBUCS; Lincolnland Decatur AMBUCS; Jacksonville AMBUCS; Pekin AMBUCS; Rockford AMBUCS; Springfield AMBUCS; Sullivan AMBUCS; Rock River AMBUCS;Greater Champaign County AMBUCS and Chicago AMBUCS; and,

WHEREAS, the number of AMBUCS actively involved in their local and National AMBUCS Chapters in the great State of Illinois totals 630, with the largest AMBUCS Chapter in the entire National AMBUCS network being the Springfield AMBUCS Chapter, with 200 members and friends; and,

WHEREAS, AMBUCS Chapters and Ambuc individuals throughout the great State of Illinois annually and freely contribute thousands of hours of community service and hundreds of thousands of dollars of monetary gifts to providing AmTrykes to disabled individuals, endowing scholarships for therapy students, building ramps for disabled persons, and countless other deserving local and national projects; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2013 as **AMBUCS APPRECIATION MONTH** in Illinois, in recognition of the fine accomplishments, unequaled charitable giving, and selfless contributions of the individual Ambucs and AMBUCS Chapters throughout the Land of Lincoln.

Issued by the Governor January 23, 2013
Filed by the Secretary of State January 24, 2013

PROCLAMATIONS

2013-18
Order Sons of Italy/Alzheimer's Association "Partners in Progress" Day

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and,

WHEREAS, the OSIA's goal was to create a support system for all Italian immigrants that could assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and,

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and,

WHEREAS, to date, OSIA members have given millions to educational programs, disaster relief, cultural preservation and promotion and medical research; and,

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer's disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and,

WHEREAS, joining their cause will be the Alzheimer's Association, a group that provides services and support to Alzheimer's patients and their families; and,

WHEREAS, on May 18, 2013, the OSIA and the Alzheimer's Association will hold an event to support the approximately 5.4 million Americans affected by Alzheimer's disease; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 18, 2013 as **ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY** in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor January 23, 2013
Filed by the Secretary of State January 24, 2013

2013-19
Ronald Reagan Day

PROCLAMATIONS

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois and subsequently lived in many locations throughout Illinois during his childhood and adolescence including Galesburg and Dixon, where he graduated from High School; and,

WHEREAS, Ronald Wilson Reagan enrolled in Eureka College in Eureka, Illinois in 1928 and majored in Economics and Sociology. It was here that he discovered an interest in drama while serving as student body president; and,

WHEREAS, Ronald Wilson Reagan enjoyed successful careers in many fields: lifeguard, military officer, spokesman, broadcaster and most notably as a celebrated Hollywood actor; and,

WHEREAS, Ronald Wilson Reagan began a life of public service when he enlisted in the Army Reserves as a Private in 1937. He was eventually promoted to 2nd Lieutenant in the Officers Reserve Corps of the Cavalry before being called into active duty by the United States Air Force in 1942; and,

WHEREAS, Ronald Wilson Reagan began his political career in 1966, defeating incumbent Governor Edmund G. "Pat" Brown to become Governor of the State of California; and,

WHEREAS, Ronald Wilson Reagan began developing his natural leadership skills while serving the student body at Eureka College, further honed them through his military career and through his many acting credits and perfected them while serving the citizens of the State of California; and,

WHEREAS, Ronald Reagan Wilson, native son of Illinois, was elected President of the United States in 1980, becoming our Nation's 40th President; and,

WHEREAS, President Ronald Reagan served the people of the United States of America for two terms with honor, always with the interest of the public good in mind; and,

WHEREAS, the quote "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit" holds especially true in an era of political partisanship and demonstrates that President Reagan possessed a true servant's heart; and,

WHEREAS, on February 6, 2011, the State of Illinois, along with the United States of America, will celebrate the 102nd anniversary of President Reagan's birthday; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 6, 2013 as **RONALD REAGAN DAY** in Illinois, in honor of the legacy and achievements of our Nation's 40th President.

PROCLAMATIONS

Issued by the Governor January 23, 2013
Filed by the Secretary of State January 24, 2013

ILLINOIS ADMINISTRATIVE CODE
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