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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1, 2014 until July 1, 2014.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Section Number: 190.25 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305]
- 5) A Complete Description of the Subjects and Issues Involved: Under the Illinois Credit Union Act, Section 9, HB 5342 is designed to permit the adoption of regulator standards that address industry concerns and to further ensure consistency and due process in the examination process for DFPR-DFI field examiners and their supervisory staff. The requirements found in new Section 190.25 were developed to provide guidance, to enhance clarity and to establish examination procedures that will be relied upon by credit unions and DFPR-DFI management, examiners and administrative personnel.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

320 West Washington, 3rd Floor
Springfield IL 62786

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Please see new Section 190.25.
 - C) Types of professional skills necessary for compliance: No
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 190

ILLINOIS CREDIT UNION ACT

SUBPART A: GENERAL PROVISIONS

Section

190.2	Definitions
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.15	Civil Penalty
190.20	Hearings
<u>190.25</u>	<u>Regulatory Examination Consistency and Due Process</u>
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Fixed Asset Investments
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits – Consumer Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.185	Investment in "Other Financial Institutions"
190.190	Liquidation
190.200	Conversion of Charter
190.210	Reimbursement for Financial Records
190.220	Registration of Out of State Credit Unions

SUBPART B: HIGH RISK HOME LOANS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section	
190.500	Definitions
190.505	Applicability of Rule
190.510	Good Faith Requirements
190.515	Fraudulent or Deceptive Practices
190.520	Prohibited Refinances
190.525	Negative Amortization
190.530	Negative Equity
190.535	Balloon Payments
190.540	Financing of Certain Points and Fees
190.545	Financing of Single Premium Insurance Products
190.550	Lending Without Due Regard to Ability to Repay
190.555	Verification of Ability to Repay
190.560	Payments to Contractors
190.565	Counseling Prior to Perfecting Foreclosure
190.570	Mortgage Awareness Program
190.575	Offer of Mortgage Awareness Program
190.580	Third Party Review

SUBPART C: PAYDAY LOANS

Section	
190.600	Definitions
190.601	Purpose and Scope
190.605	Applicability of Rule
190.610	Issuance of Payday Loans by Credit Unions

190.APPENDIX A Estimated Monthly Income and Expenses Worksheet

190.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793,

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effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086, effective February 23, 1999, for a maximum of 150 days; emergency expired July 22, 1999; amended at 23 Ill. Reg. 12614, effective October 4, 1999; amended at 23 Ill. Reg. 14031, effective November 12, 1999; amended at 25 Ill. Reg. 6244, effective May 17, 2001; amended at 25 Ill. Reg. 13278, effective October 19, 2001; amended at 26 Ill. Reg. 17999, effective December 9, 2002; amended at 28 Ill. Reg. 11699, effective July 29, 2004; amended at 29 Ill. Reg. 10579, effective July 8, 2005; amended at 30 Ill. Reg. 18919, effective December 4, 2006; amended at 32 Ill. Reg. 1377, effective January 16, 2008; amended at 34 Ill. Reg. 10500, effective July 12, 2010; amended at 37 Ill. Reg. 12450, effective July 16, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 190.25 Regulatory Examination Consistency and Due Process

To ensure consistency and due process, the Department shall make every reasonable effort to adhere to the following standards of performance in conducting its regulatory examinations of credit unions. To supplement this Part, the Department may establish guidelines that define the scope of the examination process and clarify the manner in which examination items shall be resolved. The guidelines furnished to credit unions by the Department may be relied upon by the credit unions. The Department reserves the right to change these guidelines. The Department will provide reasonable notice when any change to the guidelines occurs.

a) Reasonable Notification

- 1) Prior to commencement of the examination, the Department shall make a reasonable effort to provide prior and written notification to management and the board of directors (Board) of the credit union of the commencement date of the examination and the information it deems necessary to conduct the examination. Prior notification is not required if the Department suspects criminal activity or unsafe and unsound activity for which advance notice may compromise or otherwise interfere with the examination. Prior to and during the exam, the credit union shall provide

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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timely information in response to requests by the Department for information.

- 2) During each stage of the examination, the Department shall make a reasonable effort to provide prior notification to management of the credit union of all joint conferences and the exit meeting. It shall be the responsibility of management to contact the Board and applicable committees of all joint conferences and the exit meeting.
- b) Communication Protocol in Identifying and Addressing Examination Findings – The Department shall take reasonable steps to work with the credit unions it supervises to proactively identify problems and solutions during the examination process.
- c) Delivery of Examination Reports
 - 1) Definitions
 - A) An "exit meeting" is held when field work is completed and preliminary results are shared with management.
 - B) The "examination report meeting" with the Board and management customarily takes place after the exit meeting and is held with the Board and/or senior management. At the examination report meeting, any draft Document of Resolution (DOR) and any draft examiner's findings shall be presented to the Board and/or senior management.
 - C) The "final examination report" is delivered after the examination report meeting and is issued by the Department after the review examination process is finalized.
 - 2) Examiners shall provide management and the Board with the examiner's draft findings and any draft DOR, with sufficient time to review these items before the examination report meeting with the credit union's senior management and/or Board.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 3) At the exit meeting and/or at the examination report meeting, each Board member shall be permitted to participate in the meeting to fulfill his or her fiduciary duties.
 - 4) The Department shall submit its final examination report to the credit union after the examination report meeting.
- d) Examination Due Process: Enforcement Action Procedures
- 1) Background. The Department, acting through the Division of Financial Institutions, Credit Union Section, may determine it is prudent to take an enforcement action against a credit union. The enforcement action may either be specified by the Act or not.
 - A) Enforcement actions not specified by the Act are DORs and Letters of Understanding and Agreement (LUAs). Violations of the terms of a DOR or LUA may be enforced through administrative actions specified by the Act.
 - i) A DOR is set forth in the Examination Report and outlines an identified problem and corrective action plan to resolve the problem. A problem included in a DOR shall be significant enough that the Department may escalate the matter to the next level of elevated enforcement action for failure to correct the problem. Problems requiring attention that may be addressed in a DOR include, without limitation, unsafe or unsound practices that reasonably threaten the stability of the credit union.
 - ii) An LUA is an enforcement action presented to a credit union by the Department to initiate corrective action of identified material deficiencies or weaknesses in the credit union's administration or operations. The LUA shall be structured as an agreement between the Department and the credit union, pursuant to which the credit union agrees to the terms specified in the LUA.
 - B) Other enforcement actions are Cease and Desist Orders, Orders of Removal and Civil Penalty Orders. These enforcement actions are

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specified by the Act and may be unilaterally imposed on the credit union by the Department, provided that a credit union may appeal such actions to the extent provided by the Act and this Part. The Department may take enforcement actions for, among other things, significant and material violations of laws or rules, unsafe and unsound practices, breach of fiduciary duty, violations of orders and failure to implement or comply with previous regulatory actions.

- 2) Progressive Steps of Review. In connection with any request for reconsideration of any examination finding and/or examination corrective action item, the following procedures shall apply:
 - A) Examiner Level – Credit union management officials shall be encouraged to directly resolve disagreements, complaints or issues with the Examiners on-site during the regulatory examination, including the Examiner in Charge (EIC), or directly with any Examiner who otherwise identifies a deficiency or issue during any examination, visitation, investigation or review of the credit union.
 - B) Supervisory Level – In the event the credit union and Examiner are unable to reach a mutually acceptable resolution of the issue, the credit union may discuss the issue with the Assistant Supervisor or Supervisor of the Credit Union Section.
 - C) Director Level – If the credit union and Supervisor or Assistant Supervisor are unable to resolve the issue, either party may ask the Division Director to rule on the dispute. The Director may agree to do so or decline to do so.
 - D) Department Internal Review Committee – Irrespective of whether the Director renders a decision on the issue, the Director may elect to request that an internal panel of Department personnel consider the issue and render a final regulatory recommendation to the credit union. The internal review committee shall consist of the Director or his or her designee, Supervisor, Assistant Supervisor, Problem Case Officer and an Examiner not involved in the examination. In cases in which there is a vacancy in a designated

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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office, the committee comprised of the other designated incumbents shall proceed to review the matter.

- E) Nothing in this subsection (d)(2) shall be construed to impair or abrogate the right of a credit union to request a formal hearing under Section 190.20 to review the propriety of an administrative action or regulatory decision of the Department.

(Source: Added at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Filing Policy and Endorsements Form
- 2) Code Citation: 50 Ill. Adm. Code 753
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
753.10	Amendment
753.20	Amendment
753.30	Amendment
753.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing Article VII A and authorized by Sections 401 and 143 of the Illinois Insurance Code (215 ILCS 5/Art. VII A, 401 and 143)
- 5) A Complete Description of the Subjects and Issues Involved: Sec. 143(2) of the Illinois Insurance Code requires filings to be submitted using SERFF (System for Electronic Rate and Form Filing), which is initiated and maintained by the National Association of Insurance Commissioners (NAIC). The proposed amendments require SERFF to be used in submitting form filings.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule 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 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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

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Simone Arthur	or	Susan Anders
Assistant General Counsel		Rules Coordinator
Illinois Department of Insurance		Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl		320 W. Washington St.
Chicago IL 60603		Springfield IL 62767
312/814-8580		217/558-0957
fax: 312/814-2862		

- 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: Submission of rate and rule filings
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER i: ADVISORY ORGANIZATIONSPART 753
FILING POLICY AND ENDORSEMENTS FORM

Section

753.10 Companies Must File
753.20 Form and Content of Filings
753.30 Submission of Filing

753.EXHIBIT A Authorization to Accept Filings by Reference (Form RF-1) (Repealed)

AUTHORITY: Implementing Article VIIA and authorized by Sections 401 and 143 of the Illinois Insurance Code [215 ILCS 5/Art. VIIA and 401 and 143].

SOURCE: Filed May 20, 1977, effective June 1, 1977; codified at 6 Ill. Reg. 12459; amended at 38 Ill. Reg. _____, effective _____

Section 753.10 Companies Must File

- a) All companies writing any of the kinds of business enumerated in Class 2 casualty, except paragraphs (a) (accident and health), (d) (workers' compensation) and (g) (fidelity and surety), and Class 3 (inland marine) of Section 4 of the Code must file using the System for Electronic Rate and Form Filing (SERFF):
- 1) copies of all policy forms on these kinds of business;:-
 - 2) copies of generally used endorsement forms on these kinds of business;:-
 - 3) copies of all application forms used on these kinds of business, including a separate proxy signature line for the insured to sign if applicable;:-
 - 4) a copy of the declaration page; and
 - 5) a copy of the policy jacket.
- b) This filing requirement can be met by:

DEPARTMENT OF INSURANCE

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- 1) a company making a direct filing on its own behalf or through a third party filer with the company's authorization; or
 - ~~2) a company making a reference filing on its own behalf by utilizing an advisory organization's Standard Provisions forms; or~~
 - 23) a company authorizing the advisory organization, of which it is a member or subscriber, to make the filing on the company's behalf.
- ~~e) A company making a reference filing under b) 2) above must file in duplicate a Form RF-1. (See exhibit attached to this Rule). The RF-1 Form lists the kinds of business to be written and the corresponding advisory organization to which the reference is being made.~~
- cd) A company authorizing its advisory organization to file on the company's behalf under subsection (b)(23) above must have on file ana forms authorization that letter, in duplicate, which includes:
- 1) the name of its~~their~~ authorized advisory organization~~;~~;
 - 2) the kinds of business for which filings will be made~~;~~;
 - 3) authorization clause or language~~; and~~;
 - 4) effective date of authorization.
- de) All filings must be accompanied by a forms submission letter that, in duplicate, which includes:
- 1) the name of the advisory organization or company making the filing~~;~~;
 - 2) title, form number, and edition identification of the forms~~;~~;
 - 3) information as to what Class and Clause coverage is written under~~;~~;
 - 4) identification of all applicable endorsements and applications as to the policy forms for which the endorsements and applications are used~~;~~;

DEPARTMENT OF INSURANCE

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- 5) notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, filing as well as identification of all superseded forms, is required; ~~and:~~
 - 6) effective date of use.
- f) ~~Companies under the same ownership or general management are required to make separate individual company filings. Company Group filings are unacceptable.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 753.20 Form and Content of Filings

- a) There must be printed at the head of the policy the name of the insurer or insurers issuing the policy, the location of the Home Office of the insurer or insurers thereof; a statement of whether the insurer is a stock, mutual, reciprocal, Lloyds, alien insurer, or ~~an~~ insurer operating under a charter by Special Act of the Legislature of any state. ~~Devices There may be added thereto such devices,~~ emblems or designs and dates as are appropriate for the insurer issuing the policy may also be added.
- b) In a policy in which contingent liability of members or subscribers is provided for, ~~that~~ the provision ~~therefor~~ shall be plainly stated in each policy with prominence equal to the indemnifying clause. Any insurer may also print upon the policy such regulations or provisions as may be required by its home ~~state~~ State or such as may be appropriate to or required by its form of organization or plan of operation. There may be substituted for the word "company", where it appears in the policy, another term more accurately descriptive of the insurer.
- c) All forms must be identified by a descriptive title, form number and edition identification.
- d) All changes from currently filed forms must be highlighted. The preferred format is to underline the new wording and overstrike the deleted or changed language and give an explanation for the changes being made, but alternative methods of indicating changes will also be accepted. Any changes not highlighted will not be deemed filed.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- e) Typed or printer's proof copies may be submitted for review, but must be refiled in printed form. Statements, provisions, or endorsements may not be typed or superimposed on a policy or endorsement.
- f) All forms must be printed in not less than eight-point type.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 753.30 Submission of Filing

a) All ~~filings~~ filing required in Section 753.10 ~~above~~ must be received in SERFF or in an electronic format approved by the Director no later than their effective date of use. Filings will only be considered received during the regular business hours from 8:00 am through 5:00 pm Central Standard Time (CST), Monday through Friday, excluding holidays.

- ~~b) All filings required in Section 753.10 above must be accompanied by a self-addressed stamped envelope.~~
- ~~e) All filings required in Section 753.10 above must be received by:~~

~~Illinois Department of Insurance
Property and Casualty Evaluation Division
Springfield, Illinois 62767~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

**Section 753.EXHIBIT A Authorization to Accept Filings by Reference (Form RF-1)
(Repealed)**

Date

~~AUTHORIZATION TO ACCEPT FILINGS BY REFERENCE~~

~~To the Director of Insurance
State of Illinois~~

Advisory Organization	Line of Insurance	Manual Rules	Policies and Endorsements
_____	Private Passenger Automobile	<input type="checkbox"/>	<input type="checkbox"/>
_____	Commercial Automobile		<input type="checkbox"/>
_____	General Liability		<input type="checkbox"/>
_____	Buglary and Theft		<input type="checkbox"/>
_____	Glass		<input type="checkbox"/>
_____	Boiler and Machinery		<input type="checkbox"/>
_____	Workmen's Compensation	<input type="checkbox"/>	<input type="checkbox"/>
_____	Dwelling Fire and Allied Lines	<input type="checkbox"/>	<input type="checkbox"/>
_____	Commercial Fire and Allied Lines		<input type="checkbox"/>
_____	Inland Marine		<input type="checkbox"/>
_____	Homeowners	<input type="checkbox"/>	<input type="checkbox"/>
_____	Farmowners		<input type="checkbox"/>

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

	Commercial Multiple Line	☒
	Crop Hail	☒

~~The undersigned company hereby requests that it shall be deemed to have independently submitted as its own filing the manual rules and/or forms filed by the advisory organizations indicated above, and as a change in its own filing any future change in the manual rules and/or forms filed by said advisory organizations and accepted for use in this State, such change to become effective for this company upon the same date as it becomes effective for advisory organization members and subscribers, unless otherwise stipulated by the company.~~

~~This request and direction shall become effective as of the date or dates listed below, and shall remain in force until rescinded by either party.~~

~~Effective Date of Authorization _____~~

~~Exceptions (if any):~~

Company	Official	Title
---------	----------	-------

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Workers' Compensation Rate and Manual Filing
- 2) Code Citation: 50 Ill. Adm. Code 2902
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2902.10	Amendment
2902.20	Amendment
2902.30	Amendment
2902.40	Amendment
2902.50	Amendment
2902.60	Amendment
2902.70	Amendment
2902.ILLUSTRATION A	Repeal
- 4) Statutory Authority: Implementing Section 457 and authorized by Sections 454 and 401 of the Illinois Insurance Code [215 ILCS 5/457, 454 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The rule is being revised for clarity, to require electronic filing and to delete the requirement of the Summary Sheet (RF-3).
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule 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 require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

Mary Jane Adkins
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl.
Chicago IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

312/814-5411
fax: 312/814-2862

217/558-0957

- 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: Filing of workers' compensation rates and manuals with the Department of Insurance
 - C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because amendments to the rule had not been anticipated at that time.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2902

WORKERS' COMPENSATION RATE AND MANUAL FILING

Section

2902.10	Authority
2902.20	Purpose and Scope
2902.30	Filings Required
2902.40	Manual Filings
2902.50	Rate Filings
2902.60	Exemption From Filings
2902.70	Submission of Filings

| [2902.ILLUSTRATION A](#) Summary Sheet [\(Repealed\)](#)

AUTHORITY: Implementing Section 457 and authorized by Sections 454 and 401 of the Illinois Insurance Code [215 ILCS 5/457, 454 and 401].

SOURCE: Emergency rule adopted and codified at 7 Ill. Reg. 719, effective December 30, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 11224, effective August 31, 1983; amended at 38 Ill. Reg. _____, effective _____

Section 2902.10 Authority

| This Part is promulgated by the Director of [the Illinois Department of Insurance \(Director\)](#) under Section 401 of the [Illinois Insurance Code \[215 ILCS 5\] \(Code\)](#)~~(Ill. Rev. Stat. 1981, ch. 73, par. 1013)~~, which empowers the Director "to make reasonable rules and regulations as may be necessary for making effective" the insurance laws of this State. The purpose of this Part is to implement Section 457 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.4)~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2902.20 Purpose and Scope

- a) This Part establishes a uniform format for the filing of every manual of classifications, every manual of rules and rates, every rating plan, every schedule rating plan, [loss cost multipliers, dividend plan](#) and every modification ~~that~~[which](#)

DEPARTMENT OF INSURANCE

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is intended for use in this State.

- b) This Part shall apply to all companies licensed and writing in this State, the kind of insurance commonly referred to as Worker's Compensation and Employer's Liability as authorized by Class 2(c) and (d) of Section 4 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 616)~~ and every Rating Organization licensed under Section 459 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.6)~~.
- c) All filings shall be submitted using the System for Electronic Rate and Form Filing (SERFF) or in another electronic format approved by the Director.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2902.30 Filings Required

Except as provided in Section 2902.60 ~~of this Part~~, all companies subject to this Section shall file the following materials with the Illinois Department of Insurance (Department):

- a) All ~~Manuals~~manuals – Every manual of classifications, every manual of rules, every rating plan, every schedule rating plan, loss cost multipliers, dividend plan and every modification of any such manual or plan used in this State or intended for use in this State; and
- b) All ~~Rates~~rates – All rates, and/or modification factors, if adopting a pure premium filed by a rating organization.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2902.40 Manual Filings

- a) Manual filing requirements can be met either by: ~~1)~~ a company making a direct filing on its own behalf; ~~or 2)~~ a company authorizing a rating organization of which it is a member or subscriber to make the filing on the company's behalf.
- 1A) If the filing is made by a rating organization, the rating organization shall indicate whether it will require its members and subscribers to adhere to ~~the such~~ filing. If the ~~rating organization~~Rating Organization does not require adherence to ~~the such~~ filing, ~~then~~ the members and subscribers

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shall notify ~~the~~this Department ~~if they are adopting the Rating Organization filing or,~~ if they do not intend to adopt ~~the~~such filing, ~~they shall notify the Department within 30 days after the first of the year.~~

~~2B)~~ A company ~~that~~which does not adopt a rule or rule change filed by its rating organization ~~which does not require adherence, or submitting a direct filing on its own behalf if it wishes to file its own rule, such company~~ must file:

~~Ai)~~ Manual size exception pages; ~~in duplicate.~~

~~Bi)~~ The manual rule number, which must be the same as the rule number being replaced; ~~and.~~

~~Cii)~~ The effective date of use.

~~3)~~ A company shall submit a complete up-to-date manual upon request. The company shall also identify the tracking number of a particular section of the manual upon request.

b) All manual filings must ~~include be accompanied by duplicate copies of a rule submission letter which includes:~~

- 1) The name of the rating organization or company making the filing;
- 2) Identification of the rule with the manual to which it applies;
- 3) Notification as to whether the filing is new or supersedes a present filing. Identification of all superseded filings as well as identification of all changes from the superseded filings is required; and
- 4) The effective date of use.

c) Companies under the same ownership or general management ~~may submit multiple company rate filings under the same SERFF tracking number. are required to make separate individual filings. Company group filings are unacceptable.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 2902.50 Rate Filings

- a) Rate filing requirements can be met by:
- 1) A company making a direct filing on its own behalf; ~~or~~
 - 2) A company adopting its rating organization ~~Rating Organization~~ advisory rate filing; ~~or~~
 - 3) A company filing a deviation to its rating organization ~~its Rating Organization~~ advisory rate filing; or
 - 4) A company adopting its rating organization ~~Rating Organization~~ pure premium rate filing, providing the company files its modification factor or factors used for expenses and profits.
- b) All company rate filings in SERFF must include the Company Rate Information, which shall include: ~~All company rate filings must include a Form RF-3 (Illustration A) which provides information on changes in rate level based on the distribution of business with respect to the kinds of insurance to which the rate revision applies. If the rate filing is not a change in rate level, no Form RF-3 is required.~~
- 1) Overall % indicated change;
 - 2) Overall % rate impact (meaning the statewide average percentage change to the accepted rates for the coverage's included for each company);
 - 3) Written premium change for this program (meaning the statewide change in written premium based on the proposed overall percentage rate impact for each company);
 - 4) Number of policyholders affected for this program (meaning the number of policyholders affected by the overall percentage rate impact for each company);
 - 5) Written premium for this program (meaning the statewide written premium for each company);

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- 6) Maximum % change; and
- 7) Minimum % change.
- c) All ~~rating~~ filings ~~above~~ must ~~include~~ be accompanied by duplicate copies of a ~~rate submission letter which includes:~~
- 1) The name of the company making the filing;
 - 2) Notification of whether the filing is new or supersedes a present filing. Identification of the superseded filing, as well as identification of all changes from the superseded filing, is required; and;
 - 3) Effective date of use.
- d) Documentary data for rates and changes filed under this Section ~~above~~ must be maintained by the company or its rating organization to be available upon and in accordance with the Department's request for review by the Department's Property and Casualty Compliance Unit ~~Evaluation Section~~.
- e) ~~Companies under the same ownership or general management are required to make separate individual filings. Company group filings are unacceptable.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2902.60 Exemption From Filings

- a) A company is not required to file under this Part for individual risks in this State ~~that~~ which cannot be rated in the normal course of business because of special or unusual characteristics, as provided in Section 456(1)(c) of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.3)~~ and ~~that~~ which must be rated on the basis of underwriting ~~judgment~~ judgement.
- b) A company must maintain documentary information regarding rates determined under subsection (a) ~~above~~ for review by the Department's Property and Casualty Compliance Unit ~~Evaluation Section~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 2902.70 Submission of Filings

- a) All manual and rate filings required by this ~~Part~~Rule must be received no later than ~~30~~thirty days after ~~the~~their effective date of use.
- b) All manual filings made by a ~~rating organization~~Rating Organization to which it will require adherence of its members and subscribers must be filed 30 days prior to the effective date of use.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 2902.ILLUSTRATION A Summary Sheet (Repealed)

Form (RF-3)

SUMMARY SHEET

~~Change in Company's premium or rate level produced by rate revision effective _____ :~~

(1) Coverage	(2) Annual Premium Volume (Illinois)*	(3) Percent Change (+ or -)**
1. Automobile Liability		
Private Passenger		
Commercial		
2. Automobile Physical Damage		
Private Passenger		
Commercial		
3. Liability Other Than Auto		
4. Burglary and Theft		
5. Glass		
6. Fidelity		
7. Surety		
8. Boiler and Machinery		
9. Fire		
10. Extended Coverage		
11. Inland Marine		
12. Homeowners		
13. Commercial Multi-Peril		
14. Crop Hail		
15. Worker's Compensation		
16. Other _____		
Line of Insurance		

~~Does filing only apply to certain territory (territories) or certain classes? If so, specify~~

~~Brief description of filing. (If filing follows rates of an advisory organization, specify organization): _____~~

*Adjusted to reflect all prior rate changes.

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~~**Change in Company's premium level which will
result from application of new rates.~~

Name of Company

Official Title

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing of Public Adjusters
- 2) Code Citation: 50 Ill. Adm. Code 3118
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3118.10	Amendment
3118.20	Amendment
3118.25	Amendment
3118.35	New Section
3118.45	New Section
3118.50	Amendment
3118.60	Repeal
3118.65	New Section
3118.80	Amendment
3118.85	Amendment
3118.90	Amendment
3118.95	New Section
3118.115	New Section
- 4) Statutory Authority: Implementing Articles XXXI³/₄ and XLV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXXI³/₄ and XLV and 215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-1332 enacts a new statute that supplements and will eventually repeal the Illinois Insurance Code Article concerning Public Insurance Adjusters and Registered Firms. The rule needs to be amended to address fingerprinting procedures, new contract language to be filed and approved by the Department, continuing education, and other issues related to the new statute.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|--|----|--|
| Louis Butler, Deputy General Counsel
Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago IL 60601-3251

312/814- 5398
fax: 312/814-2862 | or | Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4 th Floor
Springfield IL 62767-0001

217/558-0957
fax: 217/524-9033 |
|--|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Insurance Adjusters
- B) Reporting, bookkeeping or other procedures required for compliance: License application, contract filing procedures
- C) Types of professional skills necessary for compliance: Insurance Adjuster
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE~~FINANCIAL AND PROFESSIONAL REGULATION~~

SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE

REPRESENTATIVES AND BUSINESS ENTITIES~~REGISTERED FIRMS~~

PART 3118

LICENSING OF PUBLIC ADJUSTERS

Section

3118.10	Authority
3118.20	Purpose and Scope
3118.25	Definitions
3118.30	Engaged in the Business of Adjusting Insurance Claims (Repealed)
<u>3118.35</u>	<u>License Required</u>
3118.40	Valuable Consideration (Repealed)
<u>3118.45</u>	<u>Application for License</u>
3118.50	Records Material
3118.60	Grandfather License Provisions (<u>Repealed</u>)
<u>3118.65</u>	<u>Resident License</u>
3118.70	Nonresident Public Adjusters (Repealed)
3118.80	<u>Contract Between Public Adjuster and Insured</u> Filing of Contract Forms
3118.85	Client Disclosure
3118.90	Filing for Rate Schedule of Charges for Services
<u>3118.95</u>	<u>Required Disclosure</u>
3118.100	Maintenance of Records (Repealed)
3118.110	Performance Standards Applicable to All Public Adjusters (Repealed)
<u>3118.115</u>	<u>Performance Standards Applicable to All Public Adjusters</u>
3118.120	Hearings
3118.130	Severability

AUTHORITY: Implementing Articles XXXI³/₄ and XLV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXXI³/₄ and XLV and 401].

SOURCE: Adopted and codified at 6 Ill. Reg. 14622, effective November 16, 1982; amended at 14 Ill. Reg. 17978, effective October 18, 1990; amended at 30 Ill. Reg. 19367, effective November 29, 2006; amended at 38 Ill. Reg. _____, effective _____.

Section 3118.10 Authority

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NOTICE OF PROPOSED AMENDMENTS

This Part is promulgated by the Director of the ~~Illinois Department~~Division of Insurance under Section 401 of the Illinois Insurance Code that empowers the Director *to make reasonable rules and regulations as may be necessary for making effective* the insurance laws of this State. This Part is promulgated pursuant to ~~Articles~~Article XXXI³/₄ ~~and XLV~~entitled Public Insurance Adjuster and Registered Firms.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.20 Purpose and Scope

The purpose of this Part is to regulate the activities of public adjusters. This Part applies to all public adjusters licensed in accordance with ~~Articles~~Article XXXI³/₄ ~~and XVL~~ of the Code.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.25 Definitions

"Adjusting Insurance Claims" means ~~representing an insured with an insurer for compensation, and while representing that insured, either~~ negotiating values, damages, or depreciation or applying the loss circumstances to insurance policy provisions.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of ~~Insurance~~Financial and Professional Regulation.

"Director" means the Director of the Illinois Department ~~of Financial and Professional Regulation~~Division of Insurance.

~~Division means the Department of Financial and Professional Regulation-Division of Insurance.~~

"Fingerprints" means an impression of the lines on the finger taken for the purpose of identification. The impression may be electronic or in ink converted to electronic format.

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"Person" means an individual or a business entity and includes an individual, aggregation of individuals, corporation, association and partnership embraces both natural persons and business entities of whatever type.

"Public Insurance Adjuster" means any person who, for compensation or any other thing of value, on behalf of the insured:

acts or aids, solely in relation to first party claims arising under insurance contracts that insure the real or personal property of the insured, in adjusting a claim for loss or damage covered by an insurance contract;

advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or

directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy for the insured a person engaged in the business of adjusting insurance claims.

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

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.35 License Required

All contracts entered into by anyone violating Section 1515 of the Code are void.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 3118.45 Application for License

Prior to applying for a public adjuster's license or requesting an extension of the existing license, the applicant or adjuster (resident and non-resident) must have his or her fingerprints on file with the Department before a license will be issued as provided by Section 1520 of the Code.

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(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 3118.50 Records Material

As used in ~~Articles~~**Article XXXI³/₄ and XLV** of the Code, records material means all books, papers and documentary materials regardless of physical form or characteristics made, produced, executed or received by any public adjuster pursuant to a law or in connection with the transaction of its business and preserved or appropriate for preservation by such adjuster or its successors as evidence of the organization, function, policies, decisions, procedures, obligations and business of the adjuster or because of the informational data contained therein.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.60 Grandfather License Provisions (Repealed)

- a) ~~For the purpose of implementing Article XXXI³/₄ of the Code, any persons engaged in business as a public adjuster before December 16, 1983 will be issued a license pursuant to Section 512.54(c) of the Code. Being engaged in the business as a public adjuster shall mean any person who has adjusted or has participated in the adjustment of a minimum of 12 insurance claims for insureds in the State of Illinois between the period from September 3, 1981 through June 30, 1982.~~
- b) ~~Any persons whose application to qualify under the grandfather provision is received after January 1, 1983 shall be subject to a written examination and interrogatories as provided in Section 512.54(c) of the Code.~~
- e) ~~Any person who has successfully passed the examination referred to in subsection (b), before being issued a license in Illinois, and prior to any renewal of that license, will be subjected to a criminal background check to determine whether the applicant is competent, trustworthy and of good business reputation. In the event that the criminal background reveals that an applicant has been convicted of a felony of any type, or has engaged in any of the acts enumerated in Section 512.61 of the Code [215 ILCS 5/512.61(a)], the Director may deny the application for a license, or initiate proceedings to suspend or revoke a renewal license in accordance with Sections 402, 403 and 512.61 of the Code [215 ILCS 5/402, 403 and 512.61] and 50 Ill. Adm. Code 2402.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

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Section 3118.65 Resident License

- a) Each public adjuster shall complete 24 hours of continuing education prior to requesting an extension of the public adjuster license. Three of the 24 hours of continuing education must consist of classroom ethics instruction. The public adjuster should complete the continuing education no later than 30 days prior to the license extension date to allow time for the continuing education provider to submit proof of completion to the Department.
- b) Courses completed prior to the original issue date of the license shall not be used to meet the continuing education requirements.
- c) The public adjuster may accumulate a maximum of 36 credit hours on file with the Department. Ethics hours shall not be accumulated to meet the next compliance period. Ethics must be completed in the continuing education compliance period for the renewal.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 3118.80 Contract Between Public Adjuster and Insured Filing of Contract Forms

- a) Each public adjuster shall file with and secure the approval of the Director of each ~~form of~~ contract before it is used in the State of Illinois.
- b) Each contract form filing submitted for approval ~~must be accompanied by a forms submission letter, in duplicate, that~~ must include:
 - 1) the ~~names and license numbers~~~~name~~ of the public ~~adjusters~~~~adjuster~~ making the filing.
 - 2) ~~the title, form number, and edition identification of the forms.~~
 - 3) notification as to whether the filing is new or supersedes a ~~current~~~~present~~ filing. Identification of all changes in all superseding filings, as well as identification of all superseded forms, is required.
 - 4) the effective date of use.

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- c) All contracts must contain the following and be formatted in no less than 10 point font~~Each control form filing submitted for approval must:~~
- 1) Legible full name of the person signing the contract, as specified in the Department records;
 - 2) Form number and edition of the form must appear in the lower left hand corner of the contract form to be approved;
 - 3) Effective date of use;
 - 4) Permanent home state, business address and phone number;
 - 5) License number or space for indicating same if more than one public adjuster will be using the contract;
 - 6) The title "Public Adjuster Contract" printed at the head of the contract form with the name of the public adjuster or the public adjuster business entity and the location and telephone number of the public adjuster's principal place of business. Unless located in a rural area that does not use a street address, P.O. Box addresses are not permitted unless the street address is also included;
 - 7) A place to list the insured's full name, street address, insurance company name, and policy number, if known or upon notification;
 - 8) A description of the loss and its location, if applicable;
 - 9) A description of services to be provided to the insured;
 - 10) A place for the signatures of the public adjuster and the insured;
 - 11) A place for the date and time the contract was signed by the public adjuster and date and time the contract was signed by the insured;
 - 12) Attestation language stating that the public adjuster is fully bonded pursuant to State law;

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 13) Disclosure of full salary, fee, commission, compensation or other considerations the public adjuster is to receive for services;
- 14) Notice that, at the option of the insured, any such contract shall be voidable for 5 business days after execution and that the written contract shall constitute the entire agreement between the public adjuster and the insured;
- 15) Notice that, at the option of the insured, any such contract that is executed within 5 business days after conclusion of the loss-producing occurrence shall be voidable for 10 days after execution. The insured may void the contract by notifying the public insurance adjuster in writing by:
- A) registered or certified mail, return receipt requested, to the address shown on the contract; or
- B) personally serving the notice on the public insurance adjuster. [215 ILCS 5/512.58(a)];
- 16) Notice as required by the Fire Damage Representation Agreement Act [815 ILCS 625];
- 17) Notice that, if not later than 5 business days after the date of the loss is reported to the insurer, the insurer either pays or commits in writing to pay the policy limit, the public adjuster shall not receive a commission but only reasonable compensation for services provided.
- ~~1) be submitted in duplicate.~~
- ~~2) have printed at the head of the contract form the name of the public adjuster and the location and telephone number of the public adjuster's principal place of business. Unless located in a rural area that does not use a street address, Post Office Box (P.O. Box) addresses are not permitted unless the street address is also included.~~
- ~~3) be identified by a descriptive title, form number and edition identification number. The form number must appear in the lower left hand corner of the contract form to be approved.~~

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- 4) ~~in addition to the requirements of the Fire Damage Representation Agreement Act [815 ILCS 625], each contract form must include the following:

"Pursuant to Article XXXI³/₄ of the Code, a contract which is executed within 5 days after the conclusion of the loss-producing occurrence shall be voidable at the option of the insured for 10 days after execution of the contract. The written contract shall constitute the entire agreement between the public adjuster and the insured."~~
- 5) ~~have highlighted all changes from currently filed forms. Any changes not highlighted will not be deemed filed.~~
- 6) ~~be made out in "John Doe" fashion, exactly as it is to be presented to an insured, except for any variable material.~~
- 7) ~~be submitted in final printed form. Typed or printer's proof copies may be submitted for review, but must be refiled in final printed form.~~
- 8) ~~be printed in not less than ten-point type.~~
- d) ~~Where contract forms submitted by a partnership, association or corporation will be used by other public adjusters engaged or employed by the partnership, association or corporation, the forms submission letter must, in addition to meeting the other requirements of this Section, include the following information concerning the public adjusters who will use the forms:
 - 1) ~~name;~~
 - 2) ~~license identification number.~~~~
- e) ~~Contract forms shall not include:
 - 1) ~~hold harmless agreements that provide indemnification to the public adjuster by the insured resulting from the public adjuster's negligence.~~
 - 2) ~~power-of-attorney by which the public adjuster can act in the place and instead of the insured as attorney-in-fact.~~~~

DEPARTMENT OF INSURANCE

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.85 Client Disclosure

If the client of the public adjuster chooses either a board up company, contractor or any other vendor in which the public adjuster, or its employees, agents or assigns, has or receives any ownership, beneficial or equitable interest in that ownership, then the nature of that ownership or interest must be disclosed to the public adjuster's client in writing prior to execution of any contract between the public adjuster's client and any entity in which the public adjuster has ownership or beneficial or equitable interest. The disclosure must contain, at a minimum, the following wording in 10+4 point font, ~~upper case, red lettering~~:

"In addition to the amount you will pay your public adjuster for loss settlement, [public adjuster name] will receive an additional payment from [contractor or vendor name] because of your agreement to work with that company. [Public adjuster name] has an arrangement with [contractor or vendor name] whereby [contractor vendor name] agrees to pay [public adjuster name] if you agree to have [contractor or vendor] complete work for you. You are not required to use any person recommended to you by the public adjuster and may choose any contractor or vendor you so choose."

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.90 ~~Filing for Rate Schedule of~~ Charges for Services

~~All public adjusters shall file with the Director prior to July 1, 1982 a Rate Schedule of Charges for Services. Any changes subsequent to July 1, 1982 shall also be filed with the Director prior to their use.~~

- a) ~~All filing required under the above must be accompanied by duplicate copies of a rate submission letter that includes:~~
 - 1) ~~the name of the public adjuster making the filing.~~
 - 2) ~~notification of whether the filing is new or supersedes a present filing.~~
 - 3) ~~the effective date of use.~~
- b) ~~Rate Schedule of Charges for Services submitted by partnerships, associations or corporations that will be used by other public adjusters engaged or employed by~~

DEPARTMENT OF INSURANCE

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~~those partnerships, associations or corporations must, in addition to meeting the other requirements of this Section, be accompanied by a list of these public adjusters, including their name and license identification number.~~

- ae) A public adjuster client shall not be required by the licensed public adjuster, or its agent, to pay higher fees to the public adjuster if the client does not elect to work with the contractor or vendor preferred or primarily recommended by the public adjuster. A licensed public adjuster, or its agent, shall present to the public adjuster client not fewer than two good faith, competitive bids for any contractor, vendor or service provider recommended to the client by the public adjuster.
- b) If the public insurance adjuster refers the insured to a contractor, the public insurance adjuster warrants that all work will be performed in a workmanlike manner and conform to all statutes, ordinances and codes. Should the work not be completed in a workmanlike manner, the public insurance adjuster shall be responsible for any and all costs and expense required to complete or repair the work in a workmanlike manner.
- c) A public adjuster commission, charges or fee shall not include the deductible amount and shall only be based on net claim payment made by the insurer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 3118.95 Required Disclosure

The public adjuster must provide written disclosures regarding financial interests and claim process, in addition to a consumer rights notice, prior to the insured signing the contract. Sample notices containing recommended language may be found on the Department website.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 3118.115 Performance Standards Applicable to All Public Adjusters

A public adjuster shall not allow any unlicensed individual or entity in which the public adjuster has any interest, or that will compensate the adjuster, to solicit a loss in violation of Section 1590(b) of the Code.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.601	Repeal
130.605	Amendment
130.610	Repeal
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: This amendment will make the regulations governing the Retailers' Occupation Tax Act consistent with the decision of the Illinois Supreme Court in *Hartney Fuel Oil Co. v. Hamer* (2013 IL 115130) and the regulations governing the various Retailers' Occupation Tax Acts for local taxing jurisdictions, such as the Home Rule County Retailers' Occupation Tax Act (86 Ill. Adm. Code 220.115).

The amendments are made to the three sections comprising Subpart F of the regulations governing the Retailers' Occupation Tax Act. Subpart F is entitled "Interstate Commerce," but it addresses two subjects. First, consistent with its title, it addresses the interstate commerce limits on the application of the Retailers' Occupation Tax. Second, it discusses how to determine the situs of a sale when property originates outside of Illinois. In *Hartney*, the Illinois Supreme Court held that determining the situs of a sale under the Retailers' Occupation Tax Act requires analysis of the composite of selling activities that comprise a retailer's business. The location of the tangible personal property that is sold is one of the selling activities relevant to the situs of the seller under the statute, but, under *Hartney*, it is not correct to determine situs based on where the property originates as Section 130.610 does. Section 130.610 is therefore not consistent with *Hartney* and should be repealed. Furthermore, Section 130.610 is not necessary because the regulations governing allocation of local jurisdiction Retailers' Occupation Tax Acts provide guidance on determining when a sale properly should be sourced to a jurisdiction in Illinois and when it should be sourced outside of Illinois.

Conforming changes are made to Sections 130.601 and 130.605 to omit references to situs of the sale. These changes make the Sections consistent with *Hartney* and are limited to the issue of how the Retailers' Occupation Tax Act applies to transactions in interstate commerce.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.321	Amendment	38 Ill. Reg. 7555, April 4, 2014
130.311	Amendment	38 Ill. Reg. 8294, April 18, 2014
130.745	Amendment	38 Ill. Reg. 8294, April 18, 2014
130.801	Amendment	38 Ill. Reg. 8294, April 18, 2014
130.350	Amendment	38 Ill. Reg. 8785, April 25, 2014
130.351	Amendment	38 Ill. Reg. 8785, April 25, 2014
130.2080	Amendment	38 Ill. Reg. 9171, May 2, 2014
130.ILLUSTRATION A	Amendment	38 Ill. Reg. 9171, May 2, 2014

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Berks
 Deputy General Counsel
 Illinois Department of Revenue
 100 W. Randolph St., 7th Floor
 Chicago IL 60601

312/814-4680
 fax: 312/814-4344

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Legal
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014 (general updating)

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

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- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
- 130.540 Returns on a Transaction by Transaction Basis

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130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

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SUBPART I: PENALTIES AND INTEREST

- Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

- Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

- Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

- Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the

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- 130.1405 Sale
Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths

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- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others

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130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam

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- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising,
Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

- 130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal
- 130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective

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November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196,

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effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. _____, effective _____.

SUBPART F: INTERSTATE COMMERCE

Section 130.601 Preliminary Comments (Repealed)

- a) ~~All Department Regulations which relate to the Retailers' Occupation Tax Act and which state that persons who are engaged in specific occupations or activities are engaged in the business of selling tangible personal property to purchasers for use or consumption are subject to the provisions of this Regulation:~~
- 1) ~~Whenever a question of the situs of the "business of selling" is involved, and~~
 - 2) ~~whenever a question of interstate commerce is involved. The Department reserves the right to pass upon each such question as and when such~~

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~~question arises.~~

- b) ~~The Department will not state its position upon hypothetical questions. If a ruling under this Regulation is desired, the Department will make such ruling, provided that all of the pertinent facts surrounding the transaction, copies of pertinent contracts of sale and other relevant data are submitted to the Department.~~
- e) ~~This Regulation deals solely with the question of whether or not a person who is "engaged in the business of selling tangible personal property at retail" is engaged in such business in this State, and with the question of the relation of such business to interstate commerce. (For information concerning the elements which are involved in determining whether or not an occupation or enterprise is "the business of selling tangible personal property at retail," see Subpart A of this Part.)~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 130.605 Sales of Property Originating in Illinois; Questions of Interstate Commerce

- a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then delivered in Illinois to the purchaser, the seller is taxable if the sale is at retail.
- 1) The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of the property in this State.
 - 2) This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
 - 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.

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- b) There are three exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.
- 1) Except as otherwise provided in subsection (b)(1)(C), the tax is not imposed upon the sale of a motor vehicle in this State *even though the motor vehicle is delivered in this State*, if all of the following conditions are met: *the motor vehicle is sold to a nonresident; the motor vehicle is not to be titled in this State; and either a drive-away permit for purposes of transporting the motor vehicle to a destination outside of Illinois is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code [625 ILCS 5/3-603], or the nonresident purchaser has non-Illinois vehicle registration plates to transfer to the motor vehicle upon transporting the vehicle outside of Illinois. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.* [35 ILCS 120/2-5(25)]
- A) Documentation of nonresidency. The exemption under subsection (b)(1) is available only to nonresidents. A vehicle purchased by an Illinois resident is not eligible for the exemption (even if the purchaser is only a part-time Illinois resident or has dual residency in both Illinois and another state, and, in the case of more than one purchaser, even if only one of the purchasers is an Illinois resident). Effective July 1, 2008, if a retailer claims the exemption under subsection (b)(1), the retailer must keep evidence that the purchaser is not a resident of Illinois, along with the records related to the sale (e.g., in the deal jacket).
- i) When the purchaser is a natural person, the best evidence of nonresidence is a non-Illinois driver's license. Retention of a copy of the purchaser's permanent non-Illinois driver's license in the records related to the sale is prima facie evidence that the purchaser is a nonresident eligible for the exemption under this subsection (b)(1). In addition, the retailer must also obtain and keep in the records related to the sale a certification from the purchaser in substantially the following form:

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"I, (purchaser), under applicable penalties, including penalties for perjury and fraud, state that I am not an Illinois resident. I understand that if I am a resident of Illinois or use the motor vehicle in Illinois for 30 or more days in a calendar year, I am also liable for tax, penalty and interest on this purchase."

- ii) When the purchaser is a natural person, failure to keep a copy of the purchaser's non-Illinois driver's license or the presence of a copy of the purchaser's Illinois driver's license in the records related to the sale creates a rebuttable presumption that the purchaser is an Illinois resident ineligible for the exemption under this subsection (b)(1). To rebut this presumption, the retailer must keep evidence of the nonresidency of the purchaser in the records related to the sale, such as a voter registration card listing a non-Illinois address, a copy of a purchase contract or lease agreement for a new residence outside of Illinois, a copy of a tax return from another state that declares residency in that other state, a credit report listing the primary address as out-of-state, property tax records claiming a homestead exemption for an out-of-state residence, or any other documentation that clearly shows that the purchaser is not an Illinois resident. In addition, the retailer must also obtain and keep in the records related to the sale a certification from the purchaser in substantially the following form:

"I, (purchaser), under applicable penalties, including penalties for perjury and fraud, state that I am not an Illinois resident. I understand that if I am a resident of Illinois or use the motor vehicle in Illinois for 30 or more days in a calendar year, I am also liable for tax, penalty and interest on this purchase."

- iii) When the purchaser is not a natural person (e.g., corporation, partnership, limited liability company, trust, etc.), then the purchaser shall be deemed a resident of the state or foreign country under whose laws the purchaser

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was incorporated, created or organized, as well as the state or foreign country of the purchaser's commercial domicile, if different. When the purchaser is a grantor trust or other entity that claims it has no state or foreign country of incorporation, creation, organization and commercial domicile, then the purchaser's state or foreign country of residence shall be deemed to be the place of residency of the principal user of the vehicle and a copy of the user's non-Illinois driver's license or other evidence of non-Illinois residency must be kept by the retailer in the records related to the sale. When the purchaser is not a natural person, the retailer must obtain and keep in the records related to the sale a certificate from the purchaser that states substantially the following:

"(Purchaser) states, under applicable penalties, including penalties for perjury and fraud, that it is a (corporation, partnership, LLC, trust, etc.), incorporated, organized or created under the laws of (state or foreign country) and has its commercial domicile in (state or foreign country), or alternatively that it has no state or foreign country of incorporation, creation, organization and commercial domicile, but the principal user's state or foreign country of residence is (state). The undersigned has authority to sign this certification on behalf of the purchaser, and understands that in doing so, if the purchaser is a resident of Illinois or uses the motor vehicle in Illinois for 30 or more days in a calendar year, it will be liable for tax, penalty and interest on this purchase."

- iv) If the retailer meets the requirements of subsection (b)(1)(A)(i), (ii) or (iii) to document the exemption, then, absent fraud, the Department shall pursue any claim that the exemption does not apply solely against the vehicle purchaser. If, however, the retailer does not meet the requirements of subsection (b)(1)(A)(i), (ii) or (iii) to document the exemption, then the exemption claimed by the retailer shall be disallowed subject to further review by the Department.

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- B) When the motor vehicle is purchased for lease and delivery to a lessee, the provisions of subsection (b)(1) shall apply to the lessee as if the lessee is the purchaser of the motor vehicle.
- C) The exemption under this subsection (b)(1) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under the Retailers' Occupation Tax Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under the Retailers' Occupation Tax Act. (See 35 ILCS 120/2-5(25-5).)
- D) For purposes of this subsection (b)(1), the term "motor vehicle" does not include (list not exhaustive):
- i) "watercraft" or "personal watercraft" as defined in the Boat Registration and Safety Act [625 ILCS 45] or any boat equipped with an inboard motor, regardless of whether the watercraft, personal watercraft or boat is sold individually or included with the sale of a trailer. If the watercraft, personal watercraft or boat is included with the sale of a trailer, the trailer may be an exempt "motor vehicle" under this subsection (b)(1), but the watercraft, personal watercraft or boat is not an exempt motor vehicle and tax is still owed on it. If the two items are sold together for one non-itemized price, and the trailer is exempt under this subsection (b)(1), only the gross receipts representing the selling price of the trailer are exempt. Please note that Section 130.540 requires separate transaction returns to be filed with the Department for each item of property sold by the retailer that is required to be titled or registered with an agency of Illinois government;

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- ii) "all-terrain vehicles" as defined in Section 1-101.8 of the Illinois Vehicle Code;
 - iii) "motorcycles", as defined in Section 1-147 of the Illinois Vehicle Code, that are not eligible for vehicle registration because they are not properly manufactured or equipped for general highway use;
 - iv) "motor driven cycles", as defined in Section 1-145.001 of the Illinois Vehicle Code, that are not eligible for vehicle registration because they are not properly manufactured or equipped for general highway use;
 - v) "off-highway motorcycles" as defined in Section 1-153.1 of the Illinois Vehicle Code; or
 - vi) "snowmobiles" as defined in Section 1-2.15 of the Snowmobile Registration and Safety Act [625 ILCS 40/1-2.15].
- 2) *Beginning July 1, 2007, the Retailers' Occupation Tax is not imposed on the sale of an aircraft, as that term is defined in Section 3 of the Illinois Aeronautics Act [620 ILCS 5/3], if all of the following three conditions are met:*
- A) *the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the sale of the aircraft, or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 CFR 91.407;*
 - B) *the aircraft is not based or registered in this State after the sale of the aircraft; and*
 - C) *the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this subsection (b)(2) are met. The certificate must also include the name and address of the*

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purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require. [35 ILCS 120/2-5(25-7)] (See Section 130.120.)

- D) For purposes of this subsection (b)(2):
- i) *"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.*
 - ii) *"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State. [35 ILCS 120/2-5(25-7)]*
- 3) The seller does not incur Retailers' Occupation Tax liability with respect to *the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois. [35 ILCS 120/2-5(17)]* The exception for sales to common carriers by rail or motor, which is described in subsection (b)(3), is also applicable to local occupation taxes administered by the Department.
- c) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his or her agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that the delivery is actually made.
- d) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his or

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her agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State. The fact that the purchaser actually arranges for the common carrier or pays the carrier that effects delivery does not destroy the exemption. However, it is critical that the seller is shown as the consignor or shipper on the bill of lading. If the purchaser is shown as either the consignor or the shipper, the exemption will not apply.

- e) ~~The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial.~~ Sales of the type described in subsections (c) and (d) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States.
- f) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his or her records, to support deductions taken on his or her tax returns proof that satisfies the Department that there was an agreement and a bona fide delivery outside this State of the property that is sold. The most acceptable proof of this fact will be:
- 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
 - 2) if sent by mail, an authorized receipt from the United States Post Office department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of the mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;
 - 3) if sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his or her representative, showing the name and address of the seller, the name and address of the purchaser and the time and place of the delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the Act.

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- g) Retailers who ship property to freight forwarders who take possession of the property in Illinois and ship the property to foreign countries, not to be returned to the United States, are making exempt sales in foreign commerce and do not incur Retailers' Occupation Tax liability on the gross receipts from those sales. However, there is no exemption for property delivered in Illinois to foreign vessels. If foreign vessels purchase items of tangible personal property from Illinois retailers and have those items delivered to the vessels in an Illinois port, the sale is made in Illinois, the purchaser takes possession of the items in Illinois, and therefore, the sale is taxable.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 130.610 Sales of Property Originating in Other States (Repealed)**a) Preliminary Comments**

- 1) ~~In all examples set out herein below, there are three basic facts which will not be restated in the examples in the interest of avoiding repetition, but which will be assumed to be present in each of the examples. These assumed facts are the following:~~
- A) ~~That the property which is involved is located outside Illinois at the time of its sale (or subsequently will be produced outside Illinois);~~
 - B) ~~that the purchaser or his representative (not an independent carrier engaged in the business of transporting property for hire) first receives the physical possession of the property in Illinois; it is immaterial that the purchaser or his representative subsequently takes or sends the property out of Illinois for use outside Illinois or for use in the conduct of interstate commerce after receiving physical possession of the property in Illinois, and~~
 - C) ~~that the sale is at retail and is not made as a necessary and incidental part of a transaction in which the seller is engaged in a tax-exempt service-occupation.~~
- 2) ~~Each type of sale will be considered on its own facts. If the sale is made~~

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~~by or through an Illinois place of business at which the seller sometimes makes intrastate retail sales, refer to Subsection (b) below. If the sale is made by or through an Illinois place of business at which the seller does not make any intrastate retail sales, refer to Subsection (c) below. If the sale is made by or through the seller's place of business outside Illinois, refer to Subsection (d).~~

- b) ~~Sales Made by or Through an Illinois Place of Business at Which the Seller Sometimes Makes Intrastate Retail Sales~~
The seller incurs Retailers' Occupation Tax liability with respect to his receipts from a particular sale if the sale is made by or through an Illinois place of business at which the seller sometimes makes intrastate retail sales. This happens, for example, if such a place of business either
- 1) ~~makes a complete and unconditional offer to sell, which is accepted without modification by the purchaser so as to create a contract, or~~
 - 2) ~~receives an offer or counteroffer to purchase (regardless of where the seller accepts such offer or counteroffer), or~~
 - 3) ~~accepts (i.e., approves so as to create a contract) an offer or counteroffer to purchase, or~~
 - 4) ~~makes final delivery of the property in Illinois to the purchaser. (The reference, immediately above, to the making of final delivery of the property in Illinois does not include the delivery of the property by the seller outside Illinois to an independent carrier for transportation directly to the purchaser.)~~
- e) ~~Sales Made by or Through an Illinois Place of Business at Which the Seller Makes No Intrastate Retail Sales~~
- 1) ~~The seller may incur Retailers' Occupation Tax liability when the sale is made by or through an Illinois place of business at which he does not make any intrastate retail sales. This is the case, for example, where such a place of business either~~
 - A) ~~accepts the contract of sale for the seller, or~~

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- ~~B) receives an offer or counteroffer to purchase, which, under authority granted by the seller, can be accepted for the seller by someone in Illinois so as to create a contract (whether such authority is exercised in a particular case or not), or~~
 - ~~C) makes a complete and unconditional offer to sell which offer is accepted without modification by the purchaser so as to create a contract, or~~
 - ~~D) receives an order subject to acceptance by the seller outside Illinois, but the seller transfers title to the property in Illinois to the purchaser, or the seller or his representative makes final delivery of the property in Illinois to the purchaser. (The reference, immediately above, to the making of final delivery of the property in Illinois does not include the delivery of the property by the seller outside Illinois to an independent carrier for transportation directly to the purchaser.)~~
- 2) ~~The seller's maintenance, in Illinois, of a place of business at which the seller makes no intrastate retail sales does not make the seller taxable in a particular case merely because such place of business engages in promotional activities in Illinois and receives an order which is subject to acceptance outside Illinois by the seller. However, for information concerning the application of the Use Tax to mere solicitation in Illinois by the seller, see Subpart B of the Use Tax Regulations (86 Ill. Adm. Code 150).~~
- d) ~~Sales Made by or Through a Place of Business Outside Illinois~~
- 1) ~~No Retailers' Occupation Tax liability will be incurred in the following situations:~~
 - ~~A) Where a representative of the seller who reports directly to an out-of-State place of business of the seller, and who is not connected in any way with any Illinois place of business of the seller, receives, in Illinois, an order which is subject to acceptance by the seller outside Illinois;~~
 - ~~B) where the seller, from a point outside Illinois, makes an offer~~

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- ~~directly to the purchaser who transmits his acceptance directly to the seller outside Illinois, or~~
- ~~C) where the purchaser sends an offer or counteroffer to purchase directly to the seller outside Illinois and the seller accepts the offer or counteroffer outside Illinois.~~
- 2) ~~In these situations, it is immaterial where title to the property passes to the purchaser. It is also immaterial how or by whom delivery of the property is made, provided that final delivery is not made by or through an Illinois place of business at which the seller does some intrastate retail selling.~~
- 3) ~~In the following situations where the sale is made by or through an out-of-State place of business of the seller, Retailers' Occupation Tax liability will, nevertheless, be incurred:~~
- A) ~~Where the seller or his authorized representative accepts an order in Illinois so as to create a contract, or~~
- B) ~~where the order is received in Illinois on behalf of the seller and someone in Illinois has authority to accept such order so as to create a contract (whether such authority is exercised in the particular case or not).~~
- 4) ~~Even though the seller's out-of-State place of business is involved in the transaction in some way, Subsection (b) or Subsection (c) of this Section, rather than Subsection (d), applies if an Illinois place of business of the seller receives the offer or counteroffer to purchase, or accepts the offer or counteroffer to purchase so as to create a contract, or transmits a complete and unconditional offer to sell to the purchaser, or makes the final delivery of the property in Illinois to the purchaser. In that event, the answer to the question of whether Subsection (b) or Subsection (c) applies depends on whether or not such Illinois place of business of the seller is a place of business at which the seller does some intrastate retail selling in Illinois.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Number: 150.201 Proposed Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment deletes a sentence in Section 150.201(i)(8): "The Seller's acceptance of the purchase order or other contracting action in making the sale is the single most important factor in determining selling location." This amendment results from the Illinois Supreme Court's decision in *Hartney Fuel Oil Co. v. Hamer* (2013 IL 115130) that the "business of selling" is a composite of selling activities and that Department regulations identifying "acceptance of the purchase order" as "the most important factor in the determining selling location" were contrary to statute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Berks
Deputy General Counsel
Illinois Department of Revenue

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100 W. Randolph St. 7th Floor
Chicago IL 60601

312/814-4680
fax: 312/814-4344

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers subject to collection obligations under the Illinois Use Tax Act
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Legal
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014 (general updating)

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.311	Commercial Distribution Fee Sales Tax Exemption
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

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- Game Hunting Areas
- 150.336 Fuel Brought into Illinois in Locomotives
- 150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
- 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

- Section
- 150.401 Collection of the Tax by Retailers From Users
- 150.405 Tax Collection Brackets
- 150.410 Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
- 150.415 Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
- 150.420 Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
- 150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
- 150.430 Tax Collection Brackets for a 3⅛% Rate of Tax (Repealed)
- 150.435 Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
- 150.440 Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
- 150.445 Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
- 150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
- 150.455 Tax Collection Brackets for a 4⅛% Rate of Tax (Repealed)
- 150.460 Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
- 150.465 Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
- 150.470 Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
- 150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
- 150.480 Tax Collection Brackets for a 5⅛% Rate of Tax (Repealed)
- 150.485 Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
- 150.490 Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
- 150.495 Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
- 150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
- 150.505 Optional 1% Schedule (Repealed)
- 150.510 Exact Collection of Tax Required When Practicable
- 150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
- 150.520 Display of Tax Collection Schedule (Repealed)
- 150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

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Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or
Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax
Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under
Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from
Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS
AND ADMINISTRATIVE PROCEDURES

Section
150.1001 General Information

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SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS
RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax
Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit – Limitations – Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623,

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effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008; amended at 38 Ill. Reg. _____, effective _____

SUBPART B: DEFINITIONS

Section 150.201 General Definitions

- f) **Department**
"Department" means the Department of Revenue.
- g) **Person**
"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.
- b) **Purchase at Retail**
"Purchase at retail" means the acquisition of the ownership of, or title to, tangible personal property through a sale at retail.
- e) **Purchaser**
"Purchaser" means anyone who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration.

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- h) **Retailer**
"Retailer" means and includes every person engaged in the business of selling tangible personal property for use, and not for resale in any form. Effective October 1, 1974, a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (42 [USC U.S.C.A.](#) 3001 et seq.) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act is not a retailer under the Use Tax Act with respect to [thosesueh](#) transactions.
- 1) **Nonprofit Sellers**
A person whose activities are organized and conducted primarily as a not-for-profit service enterprise, and who engages in selling tangible personal property at retail (whether to the public or merely to members and their guests), shall be deemed to be a retailer with respect to [thosesueh](#) transactions, excepting only a person organized and operated exclusively for charitable, religious or educational purposes to the extent of sales by [thatsueh](#) person to its members, students, patients or inmates of tangible personal property to be used primarily for the purposes of [thatsueh](#) person, or to the extent of sales by [thatsueh](#) person of tangible personal property [thatwhieh](#) is not sold or offered for sale by persons organized for profit.
- 2) **Special Order Sales**
A person who holds himself [or herself](#) out as being engaged (or who habitually engages) in selling tangible personal property at retail shall be deemed to be a retailer [under this definition hereunder](#) with respect to [thosesueh](#) sales (and not primarily in a service occupation), notwithstanding the fact that [thesueh](#) person designs and produces [thatsueh](#) tangible personal property on special order for the purchaser and in such a way as to render the property of value only to [thatsueh](#) purchaser, if [thesueh](#) tangible personal property so produced on special order serves substantially the same function as stock or standard items of tangible personal property that are sold at retail.
- 3) **When Construction Contractor or Real Estate Developer is a Retailer**
A construction contractor or real estate developer is a retailer under the Use Tax Act to the same extent to which he [or she](#) is a retailer under the Retailers' Occupation Tax Act, as described in [86 Ill. Adm. Code Section](#)

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130.1940 ~~of the Retailers' Occupation Tax.~~

1) ~~Retailer Maintaining a Place of Business in This State~~

1) "Retailer maintaining a place of business in this State", or any like term, shall mean and include any retailer:

~~Having~~ having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether ~~that such~~ place of business or agent or other representative is located here permanently or temporarily, or whether ~~the such~~ retailer or subsidiary is licensed to do business in this State;

2) *Soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;*

3) *Pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;*

4) *Soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;*

5) *Being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;*

6) *Having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;*

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- 7) Pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or
- 8) ~~Engaging~~ ~~engaging~~ in activities in Illinois, which activities in the state in which the retail business engaging in such activities is located would constitute maintaining a place of business in that state. (Section 2 of the Use Tax Act) ~~(Ill. Rev. Stat. 1989, ch. 120, par. 439.2).~~ For the purpose of determining ~~thesueh~~ state of domicile, the Department will look to the place at which the selling activity takes place. ~~The seller's acceptance of the purchase order or other contracting action in making the sale is the single most important factor in determining selling location.~~
- 9) It does not matter that an agent may engage in business on his or her own account in other transactions, nor that ~~thesueh~~ agent may act as agent for other persons in other transactions, nor that ~~the agent~~ is not an employee but is an independent contractor acting as agent. The term "agent" is broader than the term "employee". "Agent" includes anyone acting under the principal's authority in an agency capacity.
- d) **Sale at Retail**
"Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use, and not for the purpose of resale in any form as tangible personal property to the extent not first subjected to a use for which it was purchased, for a valuable consideration; ~~provided:~~ **Provided** that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. For this purpose, slag produced as an incident to manufacturing pig iron or steel and sold is considered to be an intentionally produced by-product of manufacturing. "Sale at retail" includes any such transfer made for resale unless made in compliance with Section 2c of the Retailers' Occupation Tax Act [\[35 ILCS 120\]](#), as incorporated by reference into Section 12 of the Use Tax Act [\[35 ILCS 105\]](#). Transactions whereby the possession of the property is transferred but the seller retains the title as security for payment of the selling price are sales.
- e) **Selling Price**
"Selling price" means the consideration for a sale valued in money whether

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received in money or otherwise, including cash, credits, property other than as ~~hereinafter~~ provided in this definition, and services, but not including the value of or credit given for traded-in tangible personal property ~~when~~where the item that is traded-in is of like kind and character as that which is being sold, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever. "Selling price" does not include interest or finance charges ~~that~~which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's tax liability under the Retailers' Occupation Tax Act, or on account of the seller's duty to collect, from the purchaser, the tax that is imposed by the Use Tax Act, or on account of the seller's tax liability under the Home Rule Municipal Retailers' Occupation Tax Act ~~[65 ILCS 5/8-11-1](Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1)~~, on account of the seller's tax liability under the Non-Home Rule Municipal Retailers' Occupation Tax Act ~~[65 ILCS 5/8-11-1.3](Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1.3)~~, on account of the seller's tax liability under the Home Rule County Retailers' Occupation Tax Act ~~[55 ILCS 5/5-1006](Ill. Rev. Stat. 1989, ch. 34, par. 5-1006)~~, on account of the seller's tax liability under Section 4 of the Water Commission Act of 1985 ~~[70 ILCS 3720/4](Ill. Rev. Stat. 1989, ch. 111½, par. 254)~~, on account of the seller's tax liability under Section 5.01(b) of the Local Mass Transit District Act ~~[70 ILCS 3610/5.01(b)](Ill. Rev. Stat. 1989, ch. 111½, par. 355.01)~~ or Section 4.03(e) of the Regional Transportation Authority Act ~~[70 ILCS 3615/4.03(e)](Ill. Rev. Stat. 1989, ch. 111½, par. 704.03)~~. "Selling price" shall include charges that are added to prices by sellers on account of the seller's liability under the Cigarette Tax Act ~~[35 ILCS 130](Ill. Rev. Stat. 1989, ch. 120, par. 453.1 et seq.)~~ on account of the seller's duty to collect, from the purchaser, the tax imposed under the Cigarette Use Tax Act ~~[35 ILCS 135](Ill. Rev. Stat. 1989, ch. 120, par. 453.31 et seq.)~~ and on account of the seller's duty to collect, from the purchaser, any cigarette tax imposed by a home rule unit. The phrase "like kind and character" shall be liberally construed (including but not limited to any form of motor vehicle for any form of motor vehicle, or any kind of farm or agricultural implement for any other kind of farm or agricultural implement), while not including a kind of item which, if sold at retail by that retailer, would be exempt from Retailers' Occupation Tax and Use Tax as an isolated or occasional sale.

a) ~~Use~~

"Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of ~~thesuch~~ property in any form as tangible personal property

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in the regular course of business to the extent that ~~thesuch~~ property is not first subjected to a use for which it was purchased, and does not include the use of ~~thatsuch~~ property by its owner for demonstration purposes; ~~provided: Provided~~ that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. "Use" does not mean the interim use of tangible personal property by a retailer before he ~~or she~~ sells such tangible personal property and does not mean the physical incorporation of tangible personal property, to the extent not first subjected to a use for which it was purchased, as an ingredient or constituent, into other tangible personal property:

- 1) ~~that~~~~which~~ is sold in the regular course of business; or
- 2) ~~that~~~~which~~ the person incorporating ~~thesuch~~ ingredient or constituent therein has undertaken at the time of ~~such~~ purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois; ~~provided: Provided~~ that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Number: 160.105 Proposed Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment deletes a sentence in Section 160.105(f): "The Seller's acceptance of the purchase order or other contracting action in making the sale is the single most important factor in determining selling location." This amendment results from the Illinois Supreme Court's decision in *Hartney Fuel Oil Co. v. Hamer* (2013 IL 115130) that the "business of selling" is a composite of selling activities and that the Department regulations identifying "acceptance of the purchase order" as "the most important factor in the determining selling location" were contrary to statute.
- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Berks
Deputy General Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100 W. Randolph St., 7th Floor
Chicago IL 60601

312/814-4680
fax: 312/814-4344

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Servicemen subject to collection obligations under the Illinois Service Use Tax Act
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Legal
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014 (general updating)

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 160

SERVICE USE TAX

Section	
160.101	Nature of the Tax
160.105	Definitions
160.110	Kinds of Uses And Users Not Taxed
160.111	Commercial Distribution Fee Sales Tax Exemption
160.115	Collection Of The Service Use Tax By Servicemen
160.116	Persons Who Lease Tangible Personal Property to Exempt Hospitals
160.117	Persons Who Lease Tangible Personal Property to Governmental Bodies
160.120	Receipt For The Tax (Repealed)
160.125	Special Information For Users
160.130	Registration Of Servicemen
160.135	Serviceman's Return
160.140	Penalties, Interest, Statute of Limitations and Administrative Procedures
160.145	Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.150	Claims To Recover Erroneously Paid Tax – Limitations – Procedures
160.155	Disposition Of Credit Memoranda By Holders Thereof
160.160	Refunds
160.165	Interest

AUTHORITY: Implementing the Service Use Tax Act [35 ILCS 110] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. 16219, effective December 16, 1996; amended at 24 Ill. Reg. 8135, effective May 26, 2000; amended at 25 Ill. Reg. 5015, effective March 23, 2001; amended at 26 Ill. Reg. 4929, effective March 15, 2002; amended at 27 Ill. Reg. 822, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11216, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15275, effective November 3, 2004,

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for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7088, effective April 26, 2005; amended at 38 Ill. Reg. _____, effective _____.

Section 160.105 Definitions

a) For definitions of terms other than "Use", "Purchased from a Serviceman", "Purchaser", "Selling Price", and "Serviceman maintaining a place of business in this State", see Section 140.201 of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140.201).

"Act" means the Service Use Tax Act [35 ILCS 110].

e) "Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

e) "Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

e) "Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges ~~that~~ which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by ~~the~~ this Act. For purposes of calculating the serviceman's tax base, the selling price shall not be less than the cost price to the serviceman of the tangible personal property transferred to the service customer.

e) *"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State; soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State; pursuant to a*

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*contract with a broadcaster or publisher located in this state, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions; soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this state or benefits from the location in this State of authorized installation, servicing, or repair facilities; being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State; having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section; pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State, or engaging in activities in Illinois ~~that~~*which* would, in the state in which the service business engaging in ~~these~~*such* activities is located, constitute maintaining a place of business in that state [35 ILCS 110/2]. For the purpose of determining ~~the~~*such* state of location, the Department will look to the place at which the selling activity takes place. ~~The seller's acceptance of the purchase order or other contracting action in making the sale is the single most important factor in determining selling location.~~*

- b) "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him ~~or her~~ of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property;
- 1) ~~that~~*which* is sold in the regular course of business; or
 - 2) ~~that~~*which* the person incorporating ~~the~~*such* ingredient or constituent ~~therein~~ has undertaken at the time of ~~such~~ purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.410 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed revisions will strike all portions of the rule involving an alternate refund calculation for members retiring with more than 34 years of service credit. TRS will now calculate all refunds for service credit over 34 years using the 2.2 upgrade refund amount provided in Pension Code Section 16-129.1(b), and will no longer calculate the optional service refund for that purpose. The optional service refund described in this rule will remain applicable when the member has purchased more optional service than he or she is able to claim at the date of retirement or death under Pension Code Section 16-127(b)(2).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Cynthia M. Fain

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

Sr. Asst. General Counsel
Teachers' Retirement System
2815 West Washington
PO Box 19253
Springfield IL 62794-9253

217/753-0375

- 13) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 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 2013

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section	
1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section	
1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

Section

1650.910	Summary and Purpose (Repealed)
1650.920	Definitions (Repealed)
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests (Repealed)
1650.950	Appeal of a Denial (Repealed)
1650.960	Executive Director's Response to Appeal (Repealed)
1650.970	Response to FOIA Requests (Repealed)
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
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SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

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FOR INVESTMENT SERVICES

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1650.3110 USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115 Required Minimum Distributions
1650.3120 Federal Contribution and Benefit Limitations
1650.3125 Mortality Tables and Interest Rates

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective

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January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions for Duplicate or Excess Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's beneficiaries.

- 1) The term "excess service" shall mean:

- A) ~~that period of service in excess of the number of years of service necessary for members retiring under 40 ILCS 5/16-133.2(b) to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or~~

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- ~~B)~~ that period of service exceeding the amount of service allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)].~~;~~ ~~or~~
- ~~C)~~ ~~that period of service in excess of 35 years of creditable service (34 years if the member is over age 60 or retires reciprocally and the System is not the last employer) if the member elected pursuant to 40 ILCS 5/16-129.1 to upgrade the retirement benefit based upon pre-July 1998 service.~~
- ~~2)~~ ~~To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(A) of this Section, the System shall apply the following formula:~~
- ~~A)~~ ~~divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.~~
- ~~B)~~ ~~multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.~~
- ~~C)~~ ~~the resulting figure shall be the amount returned to the member at retirement.~~
- ~~23)~~ The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].
- ~~4)~~ ~~If a member elects to receive a return of contributions under subsection (b) of this Section, he or she may not utilize the optional service removed from the member's service record due to the return of contribution as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40 ILCS 5/16-129.1.~~
- ~~35)~~ No interest shall be payable upon the amount returned.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Number: 300.Appendix B Proposed Action:
Amend
- 4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3]
- 5) Effective Date of Rule: June 11, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 608; January 10, 2014
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: Revised the organization and use of headings to completely distinguish Allegation #10 (Substantial Risk of Physical Injury) from Allegation #60 (Environment Injurious to Health and Welfare); added language to the introductory paragraph of Allegation #60 to further define "blatant disregard" within the context of the allegation; revised the list of circumstances the Department must take into consideration when investigating reports of Allegation #60, including the definition of the common circumstances underlying domestic violence to be consistent with the language in the Illinois Domestic Violence Act of 1986 [750 ILCS 60]; and added "precautionary measures" to the list of Factors to be Considered when adding Allegation #60 to a report or taking a report based on Allegation #60. In addition to the substantive changes made to the proposed version, the Department made numerous changes to this rulemaking that are grammatical and technical in nature, including additional statutory references and language in response to suggestions from JCAR.

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- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to the Abused and Neglected Child Reporting Act require the following revisions to Rule 300 (Reports of Child Abuse and Neglect):
- adding the definition of "Blatant Disregard" to Allegation #60; improving consistency of language within Allegation #60;
 - adding "Precautionary Measures" to the Factors to be Considered when considering taking a report based on Allegation #60;
 - revising the list of examples of Circumstances that place a child in an Environment Injurious; and
 - delineating Allegation #10 Substantial Risk of Physical Injury from Allegation #60 Environment Injurious to Health and Welfare for the purpose of clarifying to Child Protection staff the use of the respective allegations in investigative practice.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section	
300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.45	Five Year Demonstration of the Differential Response Program
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
300.180	Abandoned Newborn Infants
300.APPENDIX A	Acknowledgement of Mandated Reporter Status
300.APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985;

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amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days; emergency expired May 30, 2014; amended at 38 Ill. Reg. 1962, effective December 31, 2013; amended at 38 Ill. Reg. 13214, effective June 11, 2014.

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Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under 50. All neglect allegations of harm are coded with a two digit number greater than 50. The allegations of harm are defined as follows:

ALLEGATION #**DEFINITION****1/51****Death**

Death means the permanent cessation of all vital functions.

The following definitions of death are also commonly used:

- Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system;
- The final and irreversible cessation of perceptible heartbeat and respiration.

Verification of death must come from a physician or coroner.

2/52**Head Injuries**

As used in this Part, head injury means a serious head injury causing skull fracture, brain damage or bleeding on the brain, such as subdural hematoma. Brain damage, skull fractures, hematomas and subdural hematomas are considered head injuries.

Brain Damage

Brain damage means injury to the brain contained within the cranium skull.

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Skull Fracture

Skull fracture means a broken bone of the skull.

Hematoma

Hematoma means a swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

Subdural Hematoma

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in the loss of consciousness, seizures, mental or physical damage, or death.

Additional abusive head trauma includes subarachnoid subgaleal and epidural hematomas.

Shaken Baby Syndrome

Abusive head trauma in infants and children is the medical diagnosis and communication to describe the historical term shaken baby syndrome.

Shaking of an infant causes stretching and tearing of blood vessels in the brain causing subdural hematoma, bleeding in the brain and retinal hemorrhage. These injuries may occur with or without obvious evidence of impact.

Verification of head injuries and the presence or absence of any predisposing medical condition that may have caused or contributed to the injuries must come from a physician, preferably a neurosurgeon or radiologist.

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An internal injury is an injury which is not visible from the outside, e.g., an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow or a penetrating injury. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55

BurnsBurns

Burns are tissue injuries resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as first, second, third or fourth degree.

- First Degree (Partial Thickness)
First degree burns are superficial burns in which damage is limited to the outer layer of the epidermis (skin) and are characterized by scorching or painful redness of the skin.
- Second Degree (Partial Thickness)
Second degree burns are burns in which the damage extends through the outer layer of the skin into the inner layers (dermis). Blistering will be present within 24 hours.
- Third Degree (Full Thickness)
Third degree burns are burns in which both layers of the skin (epidermis and dermis) are destroyed with damage extending into underlying tissues, which may be charred or coagulated.
- Fourth Degree (Full Thickness)
Fourth degree burns are burns that extend beyond skin and underlying tissues into bone, joints and muscles.

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Scalding

Scalding is a burn to the skin or flesh caused by moist heat and hot vapors, as steam.

Verification must come from a physician.

6/56**Poison/Noxious Substances**Poison

A poison is any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. Virtually any substance can be poisonous if consumed in sufficient quantity. Therefore, the term poison more often implies an excessive amount rather than the existence of a specific substance.

Noxious Substances

Any substance deemed to be harmful, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator that the poison/noxious substance was given to the minor by other than accidental means.

7/57**Wounds**

A wound is a gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

9/59**Bone Fractures**

A fracture is a broken bone or certain cartilage injuries such as a broken nose.

Metaphyseal/Epiphyseal Fractures

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Fractures located at the end of bones. They are commonly described as corner fractures, chipped fractures or bucket-handle fractures.

Diaphyseal Fractures

Diaphyseal fractures are located in the bone shaft. Fractures in the shaft of long bones of the extremities are spiral (oblique) or transverse. A spiral fracture is caused by twisting or rotational force. Transverse fractures results from a direct blow or bending force.

Verification of the injury and the likely cause, including presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

10/60

**Substantial Risk of Physical Injury (Abuse)/Environment
Injurious to Health and Welfare (Neglect)**

10 – Substantial Risk of Physical Injury (Abuse)

Substantial risk of physical injury means that the *parent*, caregiver, *immediate family member* aged 16 or over, other person *residing in the home* aged 16 or over, or the *parent's paramour* has created a real and significant danger of *physical injury by other than accidental means that would likely cause* ~~disfigurement, death, disfigurement, or~~ *impairment of physical health or loss or impairment of any body function [325 ILCS 5/3] bodily functions (abuse)*. This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is ~~at~~ *in* substantial risk of physical injury. This allegation of harm also includes incidents of violence or intimidation directed toward the child that have not yet resulted in injury or impairment but that clearly threaten ~~such~~ *injury or impairment, (abuse) or placing a child in an environment that is injurious to the child's health and welfare (i.e., domestic violence, intimidation, and a child's participation in a criminal act) (neglect). Intimidation of a child means subjecting a child to participation in or the witnessing of the physical abuse or restraint of another person when it can be used by the perpetrator to intimidate the child (e.g., this could happen to you, this*

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~~will happen to you, this would happen to you).~~

Incidents

Examples of incidents that can cause a substantial risk of physical injury include, but are not limited to:

- = Choking the child;
- = Smothering the child;
- = Pulling the child's hair out;
- = Violently pushing or shoving the child into fixed or heavy objects;
- = Throwing or shaking a smaller child;
- = Subjecting the child to participation in or witnessing the physical abuse or restraint of another person when it is used by the perpetrator to intimidate the child (e.g., this could happen to you, this will happen to you); or
- = Other violent or intimidating acts directed toward the child that cause excessive pain or fear.

Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to:

- = A perpetrator of child abuse who has been ordered by a court to remain out of the home returns home and has access to the abused child;
- = Anyone living in the home has a documented history of violence toward children or has been arrested for violence to a child;
- = Domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence

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or uncontrolled behavior on the part of the perpetrator;

- Allowing or encouraging a child to be involved in a criminal activity;
or
- The circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm.

60 – Environment Injurious to Health and Welfare (Neglect)

Environment injurious means that a *child's environment creates a likelihood of harm to the child's health, physical well-being or welfare and that the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities* [325 ILCS 5/3]. This allegation shall be used when the type or extent of harm is undefined but the totality of circumstances, including inculpatory and exculpatory evidence, leads a reasonable person to believe that the child's environment may likely cause harm to the child's health, physical well-being or welfare due to the parent's or caretaker's blatant disregard. Blatant disregard is defined as *an incident where the real, significant and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm* [325 ILCS 5/3]. This allegation of harm shall also be used when there are conditions that create a real, significant and imminent likelihood of harm to the child's health, well-being or welfare (i.e., domestic violence, intimidation, or a child's participation in a criminal act) and the parent or caretaker blatantly disregarded his/her parental responsibility by failing to exercise reasonable precautionary measures to prevent or mitigate the imminent risk of moderate to severe harm.

Incidents of Maltreatment

Examples of incidents that could place the child in substantial risk of physical injury include, but are not limited to, the following:

- Choking the child (abuse);

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- ~~= Smothering the child (abuse);~~
- ~~= Pulling the child's hair out (abuse);~~
- ~~= Violently pushing or shoving the child into fixed or heavy objects (abuse);~~
- ~~= Throwing or shaking a smaller child (abuse);~~
- ~~= Other violent or intimidating acts directed toward the child that cause excessive pain or fear (abuse);~~
- ~~= Situations that place a child at substantial risk of harm due to environmental issues in the home include but are not limited to exposure to toxic vapors resulting from flammable and/or corrosive chemicals used in the manufacture of illicit drugs in a child's home environment (neglect);~~
- ~~= Situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the physical force or restraint of another (neglect);~~
- ~~= Allowing or encouraging a child to be involved in a criminal activity (neglect).~~

Circumstances

Examples of circumstances that may create real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- = exposure to toxic vapors resulting from flammable or corrosive chemicals used in the manufacture of illicit drugs;
- = the circumstances surrounding the death of one child provides reason to believe that another child is at real, significant and imminent risk of harm;
- = exposing a child to an environment that significantly affects the health and safety of the child, based on the sale or manufacture of

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illegal drugs;

- a court has adjudicated a parent as unfit and the parent has not completed services that would correct the conditions or behavior leading to the court finding;
- situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the use of physical force or restraint of another.

Examples of circumstances that may, though not by themselves, create a real, significant and imminent risk of moderate to severe harm include, but are not limited to:

- Domestic Violence: The Illinois Domestic Violence Act defines domestic violence as a crime in which *physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation* [750 ILCS 60/103(1) and (3)] is perpetrated by one family or household member against another. *Family or household members include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who shared or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012* [720 ILCS 5/12-4.4a]. [720 ILCS 5/12-0.1]
- An incident of past or current domestic violence may qualify for an allegation of environment injurious if the domestic violence creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being, or welfare, and the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.
- Domestic violence is also referred to as "intimate partner violence". The adult victim of domestic violence, who is the non-offending parent or caregiver, is presumed to not be neglectful or

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to have created an environment injurious to the child so long as he or she has exercised precautionary measures to prevent or mitigate the real, significant and imminent risk of moderate to severe harm to the child.

- Mental Health: A parent's or caregiver's mental illness and behavior may qualify for an allegation of environment injurious if an incident or behavior that is symptomatic of the mental illness creates a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child. To indicate an allegation based on this factor, the Investigation Specialist must rule out dependency, as defined in the Juvenile Court Act of 1987 [705 ILCS 405], as the presenting problem.
- Substance Abuse/Dependence: A parent's or caregiver's substance abuse/dependence and behavior may qualify for an allegation of environment injurious if an incident or behavior caused by the substance abuse/dependence creates a real, significant and imminent risk of moderate to severe harm to a child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.
- Prior Harm to a Child: Prior harm to a child may qualify for an allegation of environment injurious on behalf of another child if the prior incidents of harm create a real, significant and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of harm to the child.

Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to, the following:

- Domestic violence in the home when the child has been threatened

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~~and the threat is believable, as evidenced by a past history of violence or uncontrolled behavior (neglect).~~

- ~~= A perpetrator of child abuse who has been court ordered to remain out of the home returns home and has access to the abused child (abuse).~~
- ~~= Anyone living in the home has a documented history of violence toward children or has been arrested for violence to a child (abuse).~~
- ~~= The circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm (neglect).~~
- ~~= Anyone in the home exposes the child to an environment that significantly affects the health and safety based on use, sale or manufacturing of illegal drugs or alcohol (neglect).~~
- ~~= Parent's or caregiver's mental illness and behavior poses a significant danger to the child's health and safety (neglect). To indicate an allegation based on this factor, the Investigation Specialist must rule out dependency as defined in the Juvenile Court Act as the presenting problem (abuse or neglect).~~
- ~~= The parent has been adjudicated unfit by a court and the parent has not completed services that would correct the conditions which led to the court finding (abuse/neglect).~~

Factors To Be Considered

Whether there is a real and significant danger to justify taking a report is determined by the following factors. All factors need not be present to justify taking the report. One factor alone may present sufficient danger to justify taking the report. The list of factors does not ~~constitute~~ constitute child abuse or neglect in every instance. All factors must be given consideration in order to identify potential aggravating ~~or,~~ ~~as well as~~ mitigating, circumstances.

- The child's age;

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- The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself;
- The severity of the occurrence;
- The frequency of the occurrence;
- The alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions;
- The dynamics of the relationship between the alleged perpetrator and the child;
- The alleged perpetrator's access to the child;
- The previous history of indicated abuse or neglect;
- The current stresses or crisis in the home;
- The presence of other supporting persons in the home; or
- [The precautionary measures exercised by a parent or caregiver to protect the child from harm.](#)

11/61

Cuts, Bruises, Welts, Abrasions and Oral InjuriesCut (Laceration)

A cut is an opening, incision or break in the skin made by some external agent.

Bruise

A bruise is an injury that results in bleeding under the skin, in which the skin is discolored but not broken. A bruise is also referred to as a contusion.

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Welt

A welt is an elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Abrasion

An abrasion is the scraping away of the skin.

Oral Injuries

Oral injuries are injuries to the child's mouth, including broken teeth.

Factors To Be Considered

Not every cut, bruise, welt, abrasion, or oral injury constitutes an allegation of harm. The following factors should be considered when determining whether an injury that resulted in cuts, bruises, welts, abrasions or oral injuries constitutes an allegation of abuse or neglect:

- The child's age, mobility and developmental stage. Bruises on children younger than 6 months are suspicious due to the limited mobility often seen in children 0 to 6 months of age.
- The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to seek help.
- A single incident or pattern or chronicity of similar events.
- The severity/extent of the cuts, bruises, welts, abrasions, or oral injuries (size, number, depth, extent of discoloration). Some bruises may fade quickly, such as around a young child's mouth, but still be considered serious if the type of bruise (e.g., fingerprint marks) suggest intentionality.
- The location of the cuts, bruises, welts, abrasions, or oral injuries. Accidental bruises are frequently seen over boney areas such as knees, shins, the forehead, and other exposed bony surfaces. Bruises

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located on padded areas such as the buttocks, cheeks, genitalia, or on relatively protected areas like the ear lobes, neck or upper lip, or on soft areas such as the stomach are highly suspicious.

- The pattern of the injury.
- Whether the injury was caused by an instrument used on the child.
- Previous history of indicated abuse or neglect, or history of previous injuries.

If the child has been treated by a physician, verification of the injury and the likely cause, including the presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from the physician who treated the child. Direct admission of the alleged perpetrator.

12/62**Human Bites**

A human bite is a bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

Previous history of indicated abuse or neglect or history of previous injuries.

13/63**Sprains/Dislocations**Sprain

A sprain is a trauma to a joint that causes pain and disability, depending upon the degree of injury to ligaments and/or surrounding muscle tissue. In a severe sprain, ligaments and/or muscle tissue may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

A dislocation is the displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types of

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dislocations include complicated, compound, closed and complete.

- Complicated. A complicated dislocation is associated with other major injuries.
- Compound. A compound dislocation is one in which the joint is exposed to the external air.
- Closed. A closed dislocation is a simple dislocation.
- Complete. A complete dislocation is a dislocation that completely separates the surfaces of a joint.

The injury was inflicted or allowed to be inflicted through other than accidental means or was a result of blatant disregard of parental or caregiver responsibilities.

Verification of the injury and likely cause, including the presence or absence of any predisposing medical condition that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

14**Tying/Close Confinement**

Tying/close confinement is the unreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area that restricts physical movement. Examples include, but are not limited to:

- Locking a child in a closet or small room;
- Tying one or more limbs to a bed, chair, or other object, except as authorized by a licensed physician;
- Tying a child's hand behind his or her back;
- Putting a child in a cage;

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- Locking or blocking exits with the intention of preventing the child's ability to escape in case of an emergency.

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Substance MisuseOption A

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine and methamphetamine), sedatives (including alcohol and Valium), narcotics, or inhalants (abuse/neglect). Abuse occurs if the parent provides the substance to the child. Neglect occurs if the parent allows the use or fails to protect the child from consumption.

Option B

A diagnosis of fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect (neglect).

Option C

Any amount of a controlled substance or a metabolite thereof that is found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102] (neglect). The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples

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- Giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.
- Giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.
- Encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Parents supervising children permitted to drink a small amount of alcohol as part of a religious or family celebration should not be considered abusive/neglectful.

Factors To Be Considered

- Age of the child;
- Frequency of substance misuse;
- Amount of substance consumption;
- Whether the substance is illegal for general population use;
- Degree of behavioral dysfunction, or physical impairment linked to substance misuse;
- The child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;
- Whether the parent or caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances;
- Whether the parent or caregiver knew or should have known of the child's substance misuse.

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16**Torture**

Torture means inflicting, or subjecting the child to, intense physical and/or mental pain, suffering or agony that can be a one time incident or is severe, repetitive, increased or prolonged. This definition includes genital mutilation.

17/67**Mental and Emotional Impairment**

Mental and emotional impairment means injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, psychiatrist, registered psychologist, certified social worker, registered nurse or a therapist or counselor of a community mental health agency or a licensed therapist in private practice.

18**Sexually Transmitted Diseases**

A sexually transmitted disease is a disease that was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted with the disease. The diseases may include, but are not limited to:

- Acquired Immune Deficiency Syndrome (AIDS)
- AIDS Related Complex (ARC)
- Chancroid
- Chlamydia Trachomatis
- Genital Herpes
- Genital Warts

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- Gonorrhea
- Granuloma Inquinale
- HIV Infection
- Lymphogranuloma Venereum
- Neisseria Gonorrhea
- Proctitis
- Syphilis
- Trichomonas Vaginalis (Symptomatic)

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child...for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

Sexual Penetration

Sexual penetration is any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex

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(cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

In order to indicate this allegation, benign touching for the purpose of rendering normal, routine and reasonable care must be ruled out.

20**Sexual Exploitation**

Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

- Indecent solicitation of a child/explicit verbal enticement;
- Child pornography;
- Intentionally exposing a child to sexually explicit material in any form;
- Exposing sexual organs to a child for the purpose of sexual arousal or gratification;
- Forcing the child to watch sexual acts;
- Self-masturbation in the child's presence;
- Other behavior by an eligible perpetrator that, when considered in the context of the circumstances, would lead a reasonable person to conclude that sexual exploitation of a child has occurred.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21**Sexual Molestation**

Sexual molestation is sexual conduct with a child when the contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Parts of the body, as used in the examples below, refer to the parts of the body described in the definition of sexual conduct found in the Illinois Criminal Sexual Assault Act [720 ILCS 5/12-12] as quoted above under Allegation 18, Sexually Transmitted Diseases. Examples

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include, but are not limited to:

- Fondling;
- The alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity;
- Encouraging, forcing, or permitting the child to touch parts of the alleged perpetrator's body normally associated with sexual activity.

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Substantial Risk of Sexual Injury

Substantial risk of sexual injury means that the parent, caregiver, immediate family member, other person residing in the home, or the parent's paramour has created a real and significant danger of sexual abuse as explained in the following options.

Option A

An indicated, registered, or convicted sex perpetrator has significant access to children, and the extent/quality of supervision during contact is unknown or suspected to be deficient.

Option B

There are siblings or other children in the same household as the alleged perpetrator of a current allegation of sexual abuse. There is credible information/evidence of a current or previous incident of child sexual abuse that did not meet Department eligibility requirements for a report to be taken (e.g., an ineligible victim or the victim discloses after attaining the age of 18) and the alleged perpetrator has current access to children.

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of 5 chronologically or developmentally) that is grossly age inappropriate, and there is reasonable cause to believe that the most likely manner in which this behavior or knowledge was learned is in having been sexually abused.

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Reports of risk of sexual harm are not to be taken solely on the inappropriate or suggestive behavior of the alleged offender or because there is insufficient information for an allegation of specific sexual abuse.

If, during the course of the investigation, a specific allegation of harm is identified, the appropriate allegation must be added and a determination made on all the allegations. If another allegation is determined to be more appropriate, that allegation should be utilized and the substantial risk of sexual injury allegation unfounded.

Option D

A member of the household is suspected of, or known to possess or engage in, the making and/or distribution of child pornography and has significant access to the children and the extent/quality of the supervision is unknown or suspected to be deficient.

A member of the household has engaged in child pornography activities outside and/or inside the residence and has significant access to the child and the extent/quality of the supervision is unknown or suspected to be deficient.

40/90**Human Trafficking of Children**

Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(8))

Incidents of Maltreatment

- Coerced labor exploitation (abuse);
- Domestic servitude (abuse);

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- Commercial sexual exploitation (i.e., prostitution) (abuse);
- Anyone in the home exposes the child to an environment that significantly influences the child's health and safety (neglect).

Factors To Be Considered

All factors need not be present to justify taking a report. One factor alone may present sufficient danger to justify taking a report.

- The child's age.
- The child's inability to attend school on a regular basis due to actions of the perpetrator.
- A child who is a chronic runaway has been recruited, enticed, harbored and transported for the purpose of forced labor and/or commercial sexual exploitation.
- The child makes references to frequent travel to other cities.
- The child makes reference to having a pimp.
- The child makes reference to being coerced into performing illegal activities.
- The child exhibits bruises or other physical trauma, withdrawn behavior, depression or fear.
- The child lacks control over his or her identification documents.
- The child shows signs of exposure to drug manufacturing.

Additional factors that may indicate sex-related trafficking include the following:

- The child has a sudden change in attire, behavior or material possessions (e.g., expensive items).

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- The child makes references to sexual situations that are beyond age-specific norms.
- The child has a "boyfriend/girlfriend" who is noticeably older (10+ years).
- The child makes references to terminology of the commercial sex industry that are beyond age-specific norms or engages in promiscuous behavior and may be labeled "fast" by peers.

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Inadequate Supervision

The child has been placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. *A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for this or her welfare has left the child in the care of an adult relative for any period of time [325 ILCS 5/3].* Examples include, but are not limited to:

- Leaving children alone when they are too young to care for themselves.
- Leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental or emotional problems, or developmental or physical disabilities.
- Leaving children in the care of an inadequate or inappropriate caregiver.
- Being present but unable to supervise because of the caregiver's condition. (This includes (1) the parent or caregiver repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or physical disability.)

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- Leaving children unattended in a place that is unsafe for them when their maturity, physical condition, and mental abilities are considered.

Factors To Be Considered

The following factors should be considered when determining whether a child is inadequately supervised:

Child Factors

- The child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.
- The child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?
- The child's mental abilities, particularly as they relate to the child's ability to comprehend the situation.

Caregiver Factors

- Presence or Accessibility of Caregiver
 - How long does it take the caregiver to reach the child?
 - Can the caregiver see and hear the child?
 - Is the caregiver accessible by telephone?
 - Has the child been given access to a phone and numbers to call in the event of an emergency?
- Caregiver's Capabilities

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- Is the caregiver mature enough to assume responsibility for the situation?
 - Does the caregiver depend on extraordinary assistance to care for self and the child, i.e., meal preparation, laundry, grocery shopping, transportation? Is the caregiver without consistent or reliable assistance?
 - Is the child assuming primary care giving duties, i.e., meal preparation, laundry, grocery shopping, transportation?
- Caregiver's Physical Condition
- Is the caregiver physically able to care for the child? Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?
- Caregiver's Cognitive and Emotional Condition
- Is the caregiver able to make appropriate judgments on the child's behalf?
 - Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?

Incident Factors

- What is the frequency of occurrence?
- What is the duration of the occurrence (as related to the "child factors" above)?
- What is the time of the day or night when the incident occurs?

What is the condition and location of the place where the minor was left without supervision?

- What were the weather conditions, including whether the minor was left in a location with adequate protection from the natural

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elements such as adequate heat or light?

- Were there other supporting persons who are overseeing the child? Was the child given a phone number of a person or location to call in the event of an emergency, and whether the child was capable of making an emergency call?
- Was there food and other provisions left for the child?
- Are there other factors that may endanger the health and safety of the child?

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Abandonment/DesertionAbandonment

Abandonment is parental/legal guardian conduct that demonstrates the purpose of relinquishing all parental/legal rights and claims to the child. Abandonment is also defined as any parental or caregiver conduct that evinces a settled purpose to forego all parental/legal claims to the child.

Desertion

Desertion is any conduct on the part of a parent or legal guardian that indicates that the parent or legal guardian has no intention, now or in the future, to maintain any degree of interest, concern or responsibility for the child. Desertion includes leaving a child with no apparent intention to return unless the child has been left in the care of a relative.

Examples

- Leave a baby on a doorstep;
- Leave a baby in a garbage can;
- Leave a child with no apparent intention to return;
- Leave a child with an appropriate caregiver without a proper plan of care.

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Inadequate Food

Inadequate food means that there is a lack of food adequate to sustain normal functioning. It is not as severe as malnutrition or failure to thrive, both of which require a medical diagnosis.

Examples

- The child frequently and repeatedly misses meals or is frequently and repeatedly fed insufficient amounts of food;
- The child frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed;
- The child is frequently and repeatedly fed unwholesome foods when his or her age, developmental stage and physical condition are considered.

Factors To Be Considered

Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly related to the need for a special diet;
- The child's mental abilities, particularly related to his or her ability to obtain and prepare his or her own food.

Incident Factors

- The frequency of the occurrence;
- The duration of the occurrence;

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- The pattern or chronicity of occurrence;
- Previous history of occurrences;
- The availability of adequate food.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Inadequate Shelter

Inadequate shelter means there is a lack of shelter that is safe and that protects the children from the elements.

Examples

- No housing or shelter;
- Condemned housing;
- Housing with exposed, frayed wiring;
- Housing with structural defects that endanger the health or safety of a child;
- Housing with indoor temperatures consistently below 50°F;
- Housing with broken windows in sub-zero weather;
- Housing that is an obvious fire hazard to a reasonable person;
- Housing with an unsafe heat source that poses a fire hazard or threat of asphyxiation.

Factors To Be Considered

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Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly when it may be aggravated by the inadequate shelter;
- The child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- Seriousness of the problem;
- Frequency of the problem;
- Duration of the problem;
- Pattern or chronicity of the problem;
- Previous history of shelter-related problems.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

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Inadequate Clothing

Inadequate clothing means a lack of appropriate clothing to protect the child from the elements.

Factors To Be Considered

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Child Factors

- The child's age;
- The child's developmental stage;
- The child's physical condition, particularly related to conditions that may be aggravated by exposure to the elements;
- The child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

Incident Factors

- Frequency of the incident;
- Duration of the incident;
- Chronicity or pattern of similar incidents;
- Weather conditions such as extreme heat or extreme cold.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

Medical Neglect

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute

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serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

Treatment is the administration of a remedy to cure a health condition.

Management is the practice of providing care of a chronic medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals include physicians, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

Factors To Be Considered

- The child's age, particularly as it relates to the child's ability to obtain and implement a treatment/management plan;
- The child's developmental stage;
- The child's physical condition;
- The seriousness of the current health problem;
- The probable outcome if the current health problem is not treated and the seriousness of that outcome;
- The generally accepted health benefits of the prescribed treatment;

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- The generally recognized side effects/harms associated with the prescribed treatment;
- Whether the parent has been informed about the availability of preventive health care services and how services can be obtained.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. The verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

81**Failure to Thrive (Non-Organic)**

Failure to thrive is a serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In a small percentage of these cases, there is an organic cause such as a serious kidney, heart or intestinal disease, a genetic error of metabolism or brain damage. Usually in non-organic failure to thrive cases there is a disturbed parent/child relationship that manifests itself as physical and emotional neglect of the child. Diseases that may prevent growth and psychosocial reasons that cause growth failure are not mutually exclusive. They are often found together. Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician who has the relevant information to make a diagnosis.

Factors That Must Be Present

- The infant or child's weight and head circumference do not match standard growth charts. The person's weight falls lower than 3rd percentile (as outlined in standard growth charts) or 20% below the ideal weight for his or her height.
- There is emotional deprivation as a result of parental withdrawal,

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rejection or hostility.

- The physician has made a diagnosis of failure to thrive after eliminating medical causes such as Down syndrome and Turner syndrome or diseases involving major organs (e.g., heart, kidney, intestinal).

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Environmental Neglect

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage that the child can reach.

Factors To Be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

- The child's age (children aged 6 and under are more likely to be harmed);
- The child's developmental stage;
- The child's physical condition;
- The child's mental abilities.

Incident Factors

- The severity of the conditions;
- The frequency of the conditions;

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- The duration of the conditions;
- The chronicity or pattern of similar conditions.

83**Malnutrition (Non-Organic)**

Malnutrition is the lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. This is also known as marasmus or kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;
- Hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;
- The child is often pale and suffers from anemia;
- Excessive perspiration, especially about the head;
- The face appears lined and aged, often with a pinched and sharp appearance;
- The skin has an old, wrinkled look with poor turgor and typically; skin folds hang loose on the inner thigh and buttock;
- The abdomen is often protuberant;
- There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

84**Lock-Out**

The parent or caregiver has denied the child access to the home and has

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refused or failed to make provisions for another living arrangement for the child.

85

Medical Neglect of Disabled Infants

Medical neglect of a disabled infant is the withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care that is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

- The infant is chronically and irreversibly comatose;
- The provision of the treatment would be futile and would merely prolong dying;
- The provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors To Be Considered

- The infant's physical condition;
- The seriousness of the current health problem;
- The probable medical outcome if the current health problem is not treated and the seriousness of that outcome;

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- The generally accepted medical benefits of the prescribed treatment;
- The generally recognized side effects associated with the prescribed treatment;
- The opinions of the Infant Care Review Committee (ICRC), if the hospital has an ICRC;
- The judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect;
- The parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

(Source: Amended at 38 Ill. Reg. 13214, effective June 11, 2014)

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: Adopted Action:
146.410 Amendment
146.440 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 11, 2014
- 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 rule, including any materials 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*: December 2, 2013; 37 Ill. Reg. 18951
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive technical 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 rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
146.840	Amendment	38 Ill. Reg. 18005; November 15, 2013
146.100	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.105	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.110	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.115	Amendment	38 Ill. Reg. 4628; February 21, 2014

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146.125	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.130	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.840	Amendment	38 Ill. Reg. 4628; February 21, 2014
146.550	Amendment	38 Ill. Reg. 6499; March 21, 2014

15) Summary and Purpose of Rulemaking: These amendments require participants in the State Hemophilia Program to meet the eligibility requirements of the Affordable Care Act by obtaining and providing proof of health coverage.

16) Information and questions regarding this adopted rule 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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

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

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section

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

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

SUBPART C: STATE HEMOPHILIA PROGRAM

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

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

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

SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

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

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146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited

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correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014.

SUBPART C: STATE HEMOPHILIA PROGRAM

Section 146.410 Patient Eligibility

- a) An eligible person shall:
 - 1) Be a resident of the State of Illinois; and
 - 2) Not be otherwise eligible for comprehensive benefits under the Public Aid Code [305 ILCS 5] or the Children's Health Insurance Program Act [215 ILCS 106]; and
 - 3) Submit an application form accompanied by a copy of the most recent State Income Tax Return (IL 1040) for the person or, in the case of a minor, for the person's parents or guardian; and
 - 4) Submit the Illinois Hemophilia Program Medical Form signed by the medical director of an approved Hemophilia Treatment Center to document the person has a diagnosis of hemophilia.
- b) On an annual basis, the patient shall:
 - 1) Receive a complete comprehensive care evaluation in a Hemophilia Treatment Center, unless otherwise recommended by the center's director.
 - 2) Submit an application form accompanied by a copy of the most recent State Income Tax Return (IL 1040) for the patient or, in the case of a minor, for the patient's parents or guardian.
 - 3) [Meet the requirements of the Patient Protection and Affordable Care Act \(ACA\) \(26 USC 5000A\) by obtaining and providing proof of health coverage. Payment of a tax penalty for not obtaining insurance does not meet the requirement.](#)
- c) Patient Participation Fee

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- 1) The Patient Participation Fee will be determined annually and is equal to 20 percent of the patient's available family income.
 - 2) In cases where the family has more than one patient participating in the State Hemophilia Program, the Patient Participation Fee will be applied to the family as a unit.
 - 3) The patient or, in the case of a minor, the patient's parent or guardian will be notified in writing of the Patient Participation Fee.
- d) Hardship Cases
- 1) A hardship case refers to a patient who has been determined by the Department to owe a Patient Participation Fee and the patient or, in the case of a minor, the patient's parent or guardian believes the charge will cause financial hardship.
 - A) The patient or, in the case of a minor, the patient's parent or guardian may request a redetermination of the Patient Participation Fee. The request shall include the following information:
 - i) Reduction in family income since the previous year;
 - ii) Accrued medical bills for the entire family;
 - iii) Other illness in the family;
 - iv) Increased childcare costs;
 - v) Extraordinary expenses incurred during the previous year;
 - vi) Casualty losses experienced during the previous year; and
 - vii) Resources to which the family has access for medical care, vocational assistance and other supportive services.
 - B) The patient or, in the case of a minor, the patient's parent or guardian may also submit a written narrative explaining any

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additional factors supporting the request for a reduction in the Patient Participation Fee.

- 2) The Department shall review and evaluate each hardship request. Criteria used in the review shall include the number and severity of demands being made on the family's financial resources, the availability of assistance from other sources and the potential stress placed on the family if the Patient Participation Fee is not reduced.
- 3) The Department will respond in writing with its determination regarding the hardship request. The Department will take one of the following actions:
 - A) Make no changes in the Patient Participation Fee originally assigned to the patient;
 - B) Reduce the amount of the Patient Participation Fee; or
 - C) Remove the Patient Participation Fee.

(Source: Amended at 38 Ill. Reg. 13255, effective June 11, 2014)

Section 146.440 Home Transfusion Arrangements

- a) The State Hemophilia Program shall assist patients for whom the Hemophilia Treatment Center hematologists request assistance in securing and funding home transfusion materials, including the necessary anti-hemophilia factors [in coordination with their insurance coverage](#). The obligation for training and supervision of patients shall remain with the center directors.
- b) The Hemophilia Treatment Center hematologists shall provide to the selected manufacturer's representative or other recognized provider a prescription for the required amount, type, and assay of the specific factor.

(Source: Amended at 38 Ill. Reg. 13255, effective June 11, 2014)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.600	Amendment
148.610	Amendment
148.630	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 11, 2014
- 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 rule, including any materials 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*: December 2, 2013; 37 Ill. Reg. 18959
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive technical 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 rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.20	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.25	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.30	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.40	Amendment	38 Ill. Reg. 4640; February 21, 2014

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148.50	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.60	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.70	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.82	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.85	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.90	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.95	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.100	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.103	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.105	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.110	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.112	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.115	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.116	New Section	38 Ill. Reg. 4640; February 21, 2014
148.117	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.120	Aamendment	38 Ill. Reg. 4640; February 21, 2014
148.122	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.126	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.140	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.150	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.160	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.170	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.175	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.180	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.200	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.210	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.220	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.230	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.240	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.250	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.260	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.270	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.280	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.290	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.295	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.296	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.297	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.298	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.300	Amendment	38 Ill. Reg. 4640; February 21, 2014

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148.310	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.320	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.330	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.370	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.390	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.400	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.440	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.442	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.444	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.446	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.448	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.450	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.452	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.454	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.456	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.458	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.460	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.462	Repeal	38 Ill. Reg. 4640; February 21, 2014
148.464	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.466	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.468	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.470	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.472	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.474	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.476	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.478	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.480	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.482	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.484	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.486	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.860	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.Table C	Amendment	38 Ill. Reg. 4640; February 21, 2014
148.130	Amendment	38 Ill. Reg. 6505; March 21, 2014

- 15) Summary and Purpose of Rulemaking: The rulemaking requires participants in the State Chronic Renal Disease Program to meet the eligibility requirements of the Affordable Care Act by obtaining and providing proof of health coverage.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

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- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments (Repealed)
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements
- 148.402 Medicaid Eligibility Payments (Repealed)
- 148.404 Medicaid High Volume Adjustment Payments (Repealed)
- 148.406 Intensive Care Adjustment Payments (Repealed)
- 148.408 Trauma Center Adjustment Payments (Repealed)
- 148.410 Psychiatric Rate Adjustment Payments (Repealed)
- 148.412 Rehabilitation Adjustment Payments (Repealed)
- 148.414 Supplemental Tertiary Care Adjustment Payments (Repealed)
- 148.416 Crossover Percentage Adjustment Payments (Repealed)
- 148.418 Long Term Acute Care Hospital Adjustment Payments (Repealed)
- 148.420 Obstetrical Care Adjustment Payments (Repealed)
- 148.422 Outpatient Access Payments (Repealed)
- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
- 148.428 Rehabilitation Hospital Adjustment Payments (Repealed)
- 148.430 Perinatal Outpatient Adjustment Payments (Repealed)
- 148.432 Supplemental Psychiatric Adjustment Payments (Repealed)
- 148.434 Outpatient Community Access Adjustment Payments (Repealed)
- 148.440 High Volume Adjustment Payments
- 148.442 Inpatient Services Adjustment Payments
- 148.444 Capital Needs Payments
- 148.446 Obstetrical Care Payments
- 148.448 Trauma Care Payments
- 148.450 Supplemental Tertiary Care Payments
- 148.452 Crossover Care Payments
- 148.454 Magnet Hospital Payments
- 148.456 Ambulatory Procedure Listing Increase Payments
- 148.458 General Provisions
- 148.460 Catastrophic Relief Payments
- 148.462 Hospital Medicaid Stimulus Payments
- 148.464 General Provisions
- 148.466 Magnet and Perinatal Hospital Adjustment Payments
- 148.468 Trauma Level II Hospital Adjustment Payments
- 148.470 Dual Eligible Hospital Adjustment Payments
- 148.472 Medicaid Volume Hospital Adjustment Payments
- 148.474 Outpatient Service Adjustment Payments

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148.476	Ambulatory Service Adjustment Payments
148.478	Specialty Hospital Adjustment Payments
148.480	ER Safety Net Payments
148.482	Physician Supplemental Adjustment Payments
148.484	Freestanding Children's Hospital Adjustment Payments
148.486	Freestanding Children's Hospital Outpatient Adjustment Payments

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Section	
148.500	Definitions
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- 148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg.

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12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill.

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Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective

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May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; expedited correction at 38 Ill. Reg. 12618, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. 4363, effective January 29, 2014; amended at 38 Ill. Reg. 11557, effective May 13, 2014; amended at 38 Ill. Reg. 13263, effective June 11, 2014

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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Section 148.600 Definitions

~~"Committee" means the Renal Disease Advisory Committee. The Committee, which is appointed by the Department's Director, consults with the Department in the administration of the Renal Disease Treatment Act [410 ILCS 430]. The Committee is composed of 15 persons representing entities involved in or interested in kidney diseases, to include hospitals and medical schools, physicians, voluntary agencies and the general public. The Committee meets at least once each year, as specified in the Act.~~

"Department" means the Illinois Department of [Healthcare and Family Services](#)~~Public Aid~~.

"Dialysis Facility" means a facility that provides dialysis treatments, such as in-facility and home dialysis, and is certified by the federal Centers for Medicare ~~and~~ Medicaid Services as a Medicare-approved dialysis facility.

"Dialysis Treatment" means the filtering of blood in order to remove liquid and unwanted material so that fluid, electrolyte and acid-base balance in the blood can be maintained.

"End Stage Renal Disease" means the level of renal impairment that is irreversible and permanent, results in the kidneys losing their ability to filter blood and excrete urine, and requires a regular course of dialysis or kidney transplantation to maintain life.

"Patient" means an eligible person whose kidneys are non-functioning or absent and who requires dialysis treatment to maintain life.

"Program" means the Illinois Department of [Healthcare and Family Services](#)~~Public Aid's~~ State Chronic Renal Disease Program.

(Source: Amended at 38 Ill. Reg. 13263, effective June 11, 2014)

Section 148.610 Scope of the Program**a) General Description**

The Illinois Department of [Healthcare and Family Services](#)~~Public Aid's~~ State Chronic Renal Disease Program assists patients with End Stage Renal Disease who have not qualified for

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benefits under Medical Assistance or ~~All KidsKidCare~~. The Program assists eligible patients suffering from chronic renal diseases who require lifesaving care and treatment for such renal diseases, but who are unable to pay for the necessary services on a continuing basis. The Program is supplementary to all other resources, including Medicare, private insurance and private income. Services under the State Chronic ~~Renalrenal~~ Disease Program are not available as emergency medical services to ineligible non-citizens. The Program will assist in connecting individuals with health coverage through Medicaid or the Illinois Health Insurance Marketplace under the Affordable Care Act (42 USC 18001 et seq.).

- b) ~~Role of the Renal Disease Advisory Committee~~
- 1) ~~The Committee shall act in an advisory capacity to the Department in the development of standards for determining eligibility for care and treatment. Such standards shall provide that Program candidates are evaluated in properly staffed and equipped facilities.~~
 - 2) ~~The Committee shall make recommendations to the Department on financial assistance for patients, including reasonable charges and fees for:~~
 - A) ~~Treatment in a dialysis facility.~~
 - B) ~~Hospital treatment for dialysis and transplant surgery;~~
 - C) ~~Treatment in a limited care facility;~~
 - D) ~~Home dialysis training; and~~
 - E) ~~Home dialysis.~~

(Source: Amended at 38 Ill. Reg. 13263, effective June 11, 2014)

Section 148.630 Criteria and Information Required to Establish Eligibility

- a) An eligible person shall:
- 1) Be a resident of the State of Illinois as provided in 305 ILCS 5/2-10; ~~and~~
 - 2) Meet requirements of citizenship as provided in 305 ILCS 5/1-11; ~~and~~

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3) [Meet the requirements of the Patient Protection and Affordable Care Act \(ACA\) \(26 USC 5000A\) by obtaining health coverage. Payment of a tax penalty for not obtaining insurance does not meet the requirement.](#)

b) The following information shall be verified by the dialysis facility and maintained in the patient's record:

1) Citizenship or immigration status;

2) Address; ~~and~~

3) Social Security Number; ~~and~~

4) [Documentation of health coverage.](#)

c) Eligibility of patients shall be determined by the Department based on the information required in this Section. To maintain eligibility for participation in the Program, a patient shall meet the following criteria on an ongoing basis:

1) A physician's diagnosis of End Stage Renal Disease for the patient must be on file at the dialysis facility;

2) The designated Department of Human Services office has determined the patient is not eligible for medical assistance; and

3) The patient shall provide documentation to the dialysis facility of his or her ineligibility for non-spenddown Medicaid or QMB (Qualified Medicare Beneficiary) status.

d) Participation Fees

1) Participants in the Program shall be responsible for paying a monthly participation fee to the dialysis facility from which they receive dialysis treatment. The amount of the Department's payment, as determined under Section 148.620, shall be reduced by the amount of the participation fee. The fee shall be determined by the Department based on income and information contained in the Bureau of Labor Statistics (BLS) standards, as described in ~~Section 148~~ Table B, and calculated pursuant to the Direct Care Program Renal Participation Worksheet (~~Section 148~~ Table A).

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- 2) The following shall be obtained and verified by the dialysis facility and submitted with the patient's application to the Department for determination of the amount of a patient's participation fee.
 - A) Pay stubs for the 90 days preceding the date of signature on the application if not employed for the past year; or
 - B) Previous year's federal and State Income Tax Returns if employed during the previous year.
- 3) The following are allowed as deductions from income:
 - A) Federal, State and local taxes;
 - B) Special care for children;
 - C) Support (child, relative or alimony);
 - D) Retirement or Social Security benefits;
 - E) Employment expenses (union dues, special tools and clothing);
 - F) Transportation to and from the site of dialysis; and
 - G) Medical expenses, both paid and outstanding.
- 4) If a substantial change in the financial status of any patient occurs after the patient has been found eligible for the Program, the patient shall report the change to the dialysis center. Based on the extent of the change, a new participation fee may be determined and imposed by the Department.
- e) The following shall be verified by the dialysis facility and submitted with the patient's application to the Department for determination of nonfinancial eligibility by the Department:
 - 1) Third Party Liability
 - A) Proof of insurance coverage; and

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- B) Proof of Medicare coverage.
- 2) Consent form required under subsection (f) ~~of this Section~~, signed by the patient or his or her representative.
- f) The applicant or the applicant's parent or guardian must sign a consent form authorizing the release of all medical and financial records to the Department and to an approved chronic renal disease treatment facility.

(Source: Amended at 38 Ill. Reg. 13263, effective June 11, 2014)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
250.100	Renumbered; Amendment
250.105	Renumbered; Amendment
250.120	Amendment
250.150	Renumbered
250.160	Renumbered
250.260	Amendment
250.310	Amendment
250.450	Amendment
250.710	Amendment
250.1030	Amendment
250.1830	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rule: June 10, 2014
- 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 rule, 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*: July 19, 2013; 37 Ill. Reg. 11128
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

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1. In the definition for physician's assistant, "Physician" and "only" were deleted, the strike-out was removed from "Physician's", and the second sentence of the definition was stricken.
2. Subsections 250.120(g)(1) and (2) were changed to read:
 - 1) When ownership and responsibility for the operation of the assets constituting the licensed entity are transferred from the licensee to another person or another legal entity (including a corporation, limited liability company, partnership, or sole proprietor) as part of an asset purchase or similar transaction;
 - 2) A material change in a partnership that is caused by the removal, addition, or substitution of a partner;

And a new subsection (h) and new subsection (i) were inserted:

- h) Prior to completing the transactions described in subsection (g)(1) or (g)(2), the new person, legal entity, or partnership shall apply for a new license in compliance with Section (6)(b) of the Act. The transaction shall not be complete until the Director issues a new license to the new person, legal entity, or partnership.
- i) The transactions described in subsection (g) do not constitute a change in ownership when all of the entities that are parties to the transaction are under common control or ownership before and after the transaction is completed. In these transactions, the name of the corporation, its officers, its independent subsidiaries, and any other relevant information that the Department may require shall be made available to the Department upon request.

And the rest of the Section was re-lettered accordingly.

3. In Section 250.310(e), "or distant-site entity" was inserted after "distant-site hospital".

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

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1. In subsection 250.310(a)(2), "a hospital that participates in the Medicare" was changed to "an Illinois licensed hospital".
2. In subsection 250.310(a)(3), ", consisting of a group of licensed physicians," was inserted after "Entity".
3. In subsection 250.310(e)(1), "a Medicare-participating" was changed to "an Illinois licensed".

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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Hospital Licensing Requirements regulate hospitals in Illinois, including emergency services, patient safety, patient rights, obstetric care, and the health requirements for hospital personnel. Section 250.260 (Patients' Rights) is being amended to add statutory language from PA 97-0485, which provides minimum requirements for discrimination grievance procedures and a new statutory requirement for hospitals to post an anti-discrimination notice in emergency rooms.

Section 250.450 (Personnel Health Requirements) is being amended to insert a reference to the Department's Control of Tuberculosis Code and to delete a reference to the Department's Control of Communicable Diseases Code. Section 250.710 (Classification of Emergency Services) is being amended to add statutory language from PA 97-667. This statutory language exempts long-term acute care hospitals from the requirement for each hospital to provide emergency services. Section 250.1030 (Policies and Procedures) is being amended to implement statutory language from PA 97-122. This language enhances the existing safe patient handling language in Section 250.1030 by establishing minimum requirements for protecting patient dignity, self-determination, and choice. Section 250.1830 (General Requirements for All Obstetric Departments) is being amended to add statutory language from the Hospital Infant Feeding Act [210 ILCS 81].

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Section 250.150 (Definitions) is being amended to add statutory definitions from PA 97-0122 and Section 250.160 is being amended to add references to federal statutes and regulations, and to add references to State statutes.

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

Susan Meister
Administrative Rules Coordinator
Department of Public Health
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
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 b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section

250. 100 150	Definitions
250. 105 160	Incorporated and Referenced Materials
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions (<u>Renumbered</u>)
250.160	Incorporated and Referenced Materials (<u>Renumbered</u>)

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.245	Failure to Initiate Criminal Background Checks
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section

250.310	Organization
250.315	House Staff Members

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- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

- Section
- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning

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- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

- Section
- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General
- 250.830 Classifications of Restorative and Rehabilitation Services
- 250.840 General Requirements for all Classifications
- 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
- 250.860 Medical Direction
- 250.870 Nursing Care
- 250.880 Additional Allied Health Services
- 250.890 Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

- Section
- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs
- 250.1020 Licensure
- 250.1030 Policies and Procedures
- 250.1035 Domestic Violence Standards
- 250.1040 Patient Care Units
- 250.1050 Equipment for Bedside Care
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250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

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250.TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17

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Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014.

SUBPART A: GENERAL PROVISIONS**Section 250.100150 Definitions**

~~The following terms shall have the meanings ascribed to them when used in this Part.~~

Abnormal Slide – a slide not having the characteristics of healthy tissue.

Act – the Hospital Licensing Act [210 ILCS 85].

Allied Health Personnel – persons other than medical staff members, licensed or registered by the State of Illinois or recognized by an organization acceptable to the Department and recognized to ~~so~~-function within their licensed, registered or

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[recognized capacity](#) by the medical staff and the governing authority of the hospital.

~~ASHRAE—the American Society of Heating, Refrigerating, and Air Conditioning Engineers.~~

~~ASTM—the American Society for Testing and Materials.~~

~~CGA—the Compressed Gas Association.~~

Control Materials – a sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. The control materials are routinely analyzed along with patient specimens ~~in order~~ to determine the precision and accuracy of the analytical process used.

Demonstration of proficiency – a laboratory meeting the standards for acceptable proficiency testing as stated in Section 250.530 by means of on-site analysis of specimens sent to the laboratory by agencies approved by the Department for that purpose.

Dentist – any person licensed to practice dentistry as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – the Illinois Department of Public Health.

Drugs – the term "drugs" means and includes:

articles recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to ~~either any~~ of them and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

articles (other than food) having for their main use and intended to affect

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the structure or any function of the body of man or other animals; and

articles having for their main use and intended for use as a component or any articles specified [in this definition above](#) but does not include devices or their components, parts or accessories.

Federally designated organ procurement agency – the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located; except that in the case of a hospital located in a county adjacent to Wisconsin which currently contracts with an organ procurement agency located in Wisconsin that is not the organ procurement agency designated by the U.S. Secretary of Health and Human Services for the service area in which the hospital is located, if the hospital applies for a waiver pursuant to 42 USC 1320b-8(a), it may designate an organ procurement agency located in Wisconsin to be thereafter deemed its federally designated organ procurement agency for the purposes of ~~the~~[this](#) Act. (Section 3(F) of the Act)

Hospital – the term "hospital" shall have the meaning ascribed in Section 3(A) of the Act.

Hospitalization – the reception ~~and/or~~ care of any person in any hospital either as an inpatient or as an outpatient.

House Staff Member – an individual who is a graduate of a medical, dental, osteopathic, or podiatric school; who is licensed as appropriate; who is appointed to the hospital's medical, osteopathic, dental, or podiatric graduate training program ~~that, which~~ is approved or recognized in accordance with the statutory requirements applicable to the practitioner; and who is participating in patient care under the direction of licensed practitioners who have clinical privileges in the hospital and are members of the hospital's medical staff.

~~ICBO – the International Conference of Building Officials.~~

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse [under the Nurse Practice Act](#).

Medical Staff – an organized body composed of the following individuals granted the privilege by the governing authority of the hospital to practice in the hospital:

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persons who are graduates of a college or school approved or recognized by the Illinois Department of [Financial and Professional Regulation](#), and who are currently licensed by the Department of [Financial and Professional Regulation](#) to practice medicine in all its branches; practice dental surgery; or, practice podiatric medicine in Illinois, regardless of the title of the degree awarded by the approving college or school.

Medicines – drugs or chemicals or preparations ~~of drugs or chemicals thereof~~ in suitable form intended for and having for their main use the prevention, treatment, relief, or cure of diseases in man or animals when used either internally or externally.

~~NBS—the National Bureau of Standards.~~

~~NCRP—the National Council on Radiation Protection.~~

~~NFPA—the National Fire Protection Association.~~

Normal Slide – a slide having the characteristics of healthy tissue.

Nurse – a registered nurse or licensed practical nurse as defined in the [Nurse Practice Illinois Nursing Act of 1987 \[225 ILCS 65\]](#).

Nursing Staff – registered nurses, licensed practical nurses, nursing ~~assistants, aides, orderlies,~~ and others [who render rendering](#) patient care under the supervision of a registered professional nurse.

Patient Care Unit ~~or (Nursing Care Unit)~~ – an organized unit in which nursing services are provided on a continuous basis. This unit is a clearly defined administrative and geographic area to which specific nursing staff is assigned.

Pharmacist – a person who [is licensed holds a certificate of registration](#) as a ~~registered~~ pharmacist under the Pharmacy Practice Act ~~of 1987 [225 ILCS 85]~~.

Pharmacy – the term "Practice of Pharmacy" includes, but is not limited to:

the soliciting of prescriptions;

the compounding of prescriptions;

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the dispensing of any drug or medicine on a prescription;

the transfer of any drug or medicine from one container into another container that is to be delivered to or for the ultimate patient, on a prescription, or to or for the ultimate consumer, without a prescription; and

the placing of directions for use or other required labeling information on a container of any drug or medicine which is to be delivered to or for the ultimate consumer, without a prescription.

The term "pharmacy" or "a drug store" as referred to in Section 3 of the Pharmacy Practice Act ~~of 1987~~, means and includes that area licensed by the Department of ~~Financial and~~ Professional Regulation in which the practice of pharmacy is conducted. Any room or designated area where drugs and medicines are dispensed (including the repackaging for distribution to a nursing station or storage area) shall be considered to be a pharmacy and be licensed by the Department of ~~Financial and~~ Professional Regulation.

~~PHCC—the National Association of Plumbing, Heating and Cooling Contractors.~~

Physical Rehabilitation Facility – a licensed specialty hospital or clearly defined special unit or program of an acute care hospital providing physical rehabilitation services ~~as defined above~~ either through the facility's own staff members or when appropriate, through the mechanism of formal affiliations and consultations.

Physical Rehabilitation Services – a complete, intensive multi-disciplinary process of individualized, time-limited, goal-oriented services, including evaluation, restoration, personal adjustment, and continuous medical care under the supervision and direction of a physician "qualified by training ~~and/or~~ experience in physical rehabilitation." Physical rehabilitation ~~hasis made up of~~ two major components: inpatient and outpatient care. Both components involve the patient and, whenever possible, the family, in establishing treatment goals and discharge plans, and ~~consiste~~nsists of the following scope of services available for inpatient care: physician, rehabilitation nursing, physical therapy, occupational therapy, speech therapy, audiology, prosthetic and orthotic services, as well as rehabilitation counseling, social services, recreational therapy, psychology, pastoral care, and vocational counseling. Basic scope of services for

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outpatient facilities ~~shall~~^{should} include at least a physician, physical therapy, occupational therapy, speech therapy, vocational services, psychology and social service. The purpose of ~~such~~ multi-faceted services is to reduce the disability and dependency in activities of daily living while promoting optimal personal adjustment in ~~such~~ dimensions ^{such} as psychological, social, economic, spiritual and vocational.

Physician – a person licensed to practice medicine in all ^{of} its branches as provided in the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.

Physician's Assistant – a person authorized to practice under the Physician Assistant Practice Act of 1987 ~~[225 ILCS 95]~~. ~~A Physician's Assistant is only authorized to practice upon the patients of his or her supervising physician.~~

Podiatrist – a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987 ~~[225 ILCS 100]~~.

Reference Materials – a sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. The reference materials are routinely analyzed along with patient specimens ~~in order~~ to determine the precision and accuracy of the analytical process used.

Registered Nurse – a person with a valid Illinois license to practice as a registered professional nurse under the ~~Illinois Nursing Act of 1987~~ ^{Nurse Practice}.

Safe Lifting Equipment and Accessories – mechanical equipment designed to lift, move, reposition, and transfer patients, including, but not limited to, fixed and portable ceiling lifts, sit-to-stand lifts, slide sheets and boards, slings, and repositioning and turning sheets. (Section 6.25(a) of the Act)

Save Lifting Team – at least 2 individuals who are trained in the use of both safe lifting techniques and safe lifting equipment and accessories, including the responsibility for knowing the location and condition of such equipment and accessories. (Section 6.25(a) of the Act)

Standard Solution – a solution used for calibration in which the concentration is determined solely by dissolving a weighted amount of primary standard material

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in an appropriate amount of solvent.

Tissue bank – any facility or program operating in Illinois that is certified by the American Association of Tissue Banks or the Eye Bank Association of America and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank. For the purposes of ~~the~~[this](#) Act, "tissue" does not include organs. (Section 3(G) of the Act)

~~UL—Underwriters' Laboratories, Inc.~~

(Source: Section 250.100 renumbered from Section 250.150 and amended at 38 Ill. Reg. 13280, effective June 10, 2014)

Section 250.~~105160~~ Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See Section 250.2420.)
 - B) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329: (See Section 250.2480.)
 - i) ASHRAE Handbook of Fundamentals (2005);
 - ii) ASHRAE Handbook for HVAC Systems and Equipment (2004);

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iii) ASHRAE Handbook-HVAC Applications (2003)-

C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) NFPA 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)

ii) NFPA 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)

iii) NFPA 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)

iv) NFPA 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)

v) NFPA 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

vi) NFPA 30 (1996): Flammable and Combustible Liquids Code; (See Section 250.1980.)

vii) NFPA 45 (1996): Standard on Fire Protection for Laboratories Using Chemicals;

viii) NFPA 54 (1999): National Fuel Gas Code;

ix) NFPA 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)

x) NFPA 72 (1999): National Fire Alarm Code;

xi) NFPA 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)

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- xii) NFPA 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)
- xiii) NFPA 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
- xiv) NFPA 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)
- xv) NFPA 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, 250.1910, 250.1980, 250.2460, 250.2480, 250.2490 and 250.2660.)
- xvi) NFPA 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
- xvii) NFPA 110 (1999): Standard for Emergency and Standby Power Systems;
- xviii) NFPA 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
- xix) NFPA 221 (1997): Standard for Fire Walls and Fire Barrier Walls;
- xx) NFPA 241 (1996): Standard for Safeguarding Construction, Alteration and Demolition Operations;
- xxi) NFPA 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)
- xxii) NFPA 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Sections

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250.2460 and 250.2650.)

- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Sixth Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264)- (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264)- (See Section 250.1820.)
- F) American Academy of Pediatrics (AAP), Red Book: Report of the Committee on Infectious Diseases, 28th Edition (2009), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007- (See Section 250.1820.)
- G) American Academy of Pediatrics and the American Heart Association, 2011 American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines, which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007, or at pediatrics.aappublications.org/cgi/reprint/117/5/e1029.pdf. (See Section 250.1830.)
- H) National Association of Neonatal Nurses, Position Statement #3009 Minimum RN Staffing in NICUs, which may be obtained from the National Association of Neonatal Nurses, 4700 W. Lake Ave., Glenview, Illinois 60025, or at nann.org/pdf/08_3009_rev.pdf. (See Section 250.1830.)
- I) National Council on Radiation Protection and Measurements (NCRP), Report 49: Structural Shielding Design and Evaluation

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for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)

- J) DOD Penetration Test Method MIL STD 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)
- K) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2003), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 (703-237-8100).
- L) The International Code Council, International Building Code (2000), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)
- M) American National Standards Institute, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American National Standards Institute, 25 West 433rd Street, 4th Floor, New York, New York 10036. (See Section 250.2420.)
- N) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610. (See Section 250.315.)
- O) The Joint Commission, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint

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Commission, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181- (See Section 250.1035.)

- P) National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13th Street, NW, Suite 500 North, Washington DC 20005, or from www.qualityforum.org-

2) Federal Government Publications:

- A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for Infection Control in Health Care Personnel, 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161- (See Section 250.1100.)
- B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care Facilities: Recommendations – Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, MS K-95, Atlanta, Georgia 30333-
- C) Department of Health and Human Services, United States Public Health Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161-
- D) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for

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Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333-

- E) National Center for Health Statistics and World Health Organization, Geneva, Switzerland, "International Classification of Diseases", 10th Revision, Clinical Modification (ICD-10-CM) (1990), Version for 2007, which can be accessed at <http://www.who.int/classifications/icd/en/>-

3) Federal Regulations

- A) 45 CFR 46.101, To What Does the Policy Apply? (October [1, 2012](#)~~2010~~)-
- B) 45 CFR 46.103(b), Assuring Compliance with this Policy – Research Conducted or Supported by any Federal Department or Agency (October [1, 2012](#)~~2010~~)-
- C) 42 CFR 482, Conditions of Participation for Hospitals (October [1, 2012](#)~~2010~~)-
- D) 21 CFR, Food and Drugs (April [1, 2012](#)~~2010~~)-
- [E\) 42 CFR 489.20, Basic Commitments \(October 1, 2012\)](#)
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
- A) Hospital Licensing Act [210 ILCS 85]-
- B) Illinois Health Facilities Planning Act [20 ILCS 3960]-
- C) Medical Practice Act of 1987 [225 ILCS 60]-

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- D) Podiatric Medical Practice Act of 1987 [225 ILCS 100]-
- E) Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85]-
- F) ~~Physician~~**Physicians** Assistant Practice Act of 1987 [225 ILCS 95]-
- G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]-
- H) X-ray Retention Act [210 ILCS 90]-
- I) Safety Glazing Materials Act [430 ILCS 60]-
- J) Mental Health and Developmental Disabilities Code [405 ILCS 5]-
- K) Nurse Practice Act [225 ILCS 65]-
- L) Health Care Worker Background Check Act [225 ILCS 46]-
- M) MRSA Screening and Reporting Act [210 ILCS 83]-
- N) Hospital Report Card Act [210 ILCS 88]-
- O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]-
- P) Smoke Free Illinois Act [410 ILCS 82]-
- Q) Health Care Surrogate Act [~~755775~~ ILCS 40]-
- R) Perinatal HIV Prevention Act [410 ILCS 335]-
- S) Hospital Infant Feeding Act [210 ILCS 81]-
- T) [Medical Patient Rights Act \[410 ILCS 50\]](#)
- U) [Hospital Emergency Service Act \[210 ILCS 80\]](#)
- V) [Illinois Anatomical Gift Act \[775 ILCS 50\]](#)

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- [W\)](#) [Illinois Public Aid Code \[305 ILCS 5\]](#)
- [X\)](#) [Illinois Alcoholism and Other Drug Abuse and Dependency Act \[20 ILCS 305\]](#)
- [Y\)](#) [ID/DD Community Care Act \[210 ILCS 47\]](#)
- [Z\)](#) [Specialized Mental Health Rehabilitation Act \[210 ILCS 48\]](#)
- [AA\)](#) [Veterinary Medicine and Surgery Practice Act of 2004 \[225 ILCS 115\]](#)
- [BB\)](#) [Alternative Health Care Delivery Act \[210 ILCS 3\]](#)

2) State of Illinois [administrative](#) rules:

- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)-
- B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)-
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)-
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750)-
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)-
- F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657)-
- G) Department of Public Health, Control of Sexually Transmissible [InfectionsDiseases](#) Code (77 Ill. Adm. Code 693)-
- H) Department of Public Health, Control of Tuberculosis Code (77 Ill.

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Adm. Code 696)-

- I) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)-
 - J) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940)-
 - K) Department of Public Health, Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)-
 - L) Health Facilities and Services Review Board, Narrative and Planning Policies (77 Ill. Adm. Code 1100)-
 - M) Health Facilities and Services Review Board, Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)-
 - N) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)-
 - O) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)-
 - P) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)-
 - Q) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)-
 - R) Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340)-
 - S) Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)-
- 3) Federal [Statutes](#)~~Statute~~:

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- A) Health Insurance Portability and Accountability Act of 1996 (~~§~~110 USC 1936)~~]~~
- B) [Emergency Medical Treatment & Labor Act \[42 USC 1395dd\]](#)

(Source: Section 250.105 renumbered from Section 250.160 and amended at 38 Ill. Reg. 13280, effective June 10, 2014)

Section 250.120 Application for and Issuance of a License to Operate a Hospital

- a) Applicant and Licensee. The applicant or licensee is the "person" as defined in Section 3(B) of the Act who establishes, conducts, operates and maintains a hospital, or proposes to do so, and who is responsible for meeting licensing requirements.
- b) Hospitals to be Licensed. A license is required of all places that are hospitals ~~within the meaning of the word~~ as defined in Section 3 of the Act, providing that ~~thesuch~~ place is not specifically excluded by the Act.
- c) Places not to be ~~Licensed~~~~icensed~~. The Act excludes the following:
- 1) *Any person or institution required to be licensed pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45];*
 - 2) *Hospitalization or care facilities maintained by the State or any Department or agency thereof, where such Department or agency has authority under law to establish and enforce standards for the hospitalization or care facilities under its management and control;*
 - 3) *Hospitalization or care facilities maintained by the federal government or agencies thereof;*
 - 4) *Hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation;*
 - 5) *Any person or facility required to be licensed pursuant to the Alcoholism*

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and Other Drug Dependency Act (~~Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6351-1 et seq. [20 ILCS 305]; or~~

- 6) *Any facility operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination;* ~~(Section 3 of the Act)~~
- 7) *An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act; or*
- 8) *Any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 or maintained by a State-supported or publicly funded university or college. (Section (3)(A) of the Act)*
- d) Application for License
- 1) The application for a license shall be made to the Department ~~on upon~~ forms provided by ~~the Department~~ and shall contain ~~such pertinent~~ information as the Department requires for the administration of the Act.
- 2) Applications on behalf of a corporation or association or governmental unit or agency shall be made and verified by any two officers ~~of the corporation or association or governmental unit or agency~~ thereof.
- 3) No fee shall be charged.
- e) Issuance and Renewal of License. Licenses issued under the Act and this Part ~~hereunder~~ shall be valid for a period of one year. The ~~renewal shall be made by the~~ Department will issue renewal licenses to those hospitals meeting licensing requirements as determined by an ongoing review of reports, surveys, and recommendations on file with the Department as related to the operation of the hospital.
- f) License not ~~Transferable~~ transferable; ~~Notification~~ notification of ~~Change~~ change of ~~Licensee~~ licensee, ~~Location~~ location or ~~Name~~ name.
- 1) The license is not transferable. Each license is separate and distinct and

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shall be issued to a specific licensee for a specific location. The Department shall be notified prior to any change in the licensee, the name, or the location of a hospital.

- 2) If the hospital's name is changed, a new license certificate will be issued upon notification to the Department of the change.
- 3) Prior to changing the location of a hospital, the hospital shall meet the requirementsprovisions of Section 250.110 and this Section ~~shall be applicable~~.
- 4) A change in the legal identity of the licensee of a hospital constitutes the establishment of a new hospital, and the hospital shall meet the requirementsprovisions of Section 250.110 and this Section ~~shall be applicable~~.

g) A change of ownership of a hospital occurs when one of the following transactions is completed:

- 1) When ownership and responsibility for the operation of the assets constituting the licensed entity are transferred from the licensee to another person or another legal entity (including a corporation, limited liability company, partnership or sole proprietor) as part of an asset purchase or similar transaction;
- 2) A material change in a partnership that is caused by the removal, addition, or substitution of a partner;
- 3) In a corporation, when the licensee corporation merges into another corporation, or with the consolidation of two or more corporations, one of which is the licensee, resulting in the creation of a new corporation;
- 4) The leasing of all the hospital's operations to another corporation or partnership.

h) Prior to completing the transactions described in subsection (g)(1) or (g)(2), the new person, legal entity or partnership shall apply for a new license in compliance with Section (6)(b) of the Act. The transaction shall not be complete until the Director issues a new license to the new person, legal entity or partnership.

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- i) The transactions described in subsection (g) do not constitute a change in ownership when all of the entities that are parties to the transaction are under common control or ownership before and after the transaction is completed. In these transactions, the name of the corporation, its officers, its independent subsidiaries and any other relevant information that the Department may require shall be made available to the Department upon request.
- j) Pursuant to subsection (g), the transfer of corporate stock or the merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence.
- ~~k)g)~~ License Category; Approval of Services-
- 1) Each license shall apply only to the categories of service offered by the hospital at the time the license is issued, and as reflected in the CON or COE issued by the Health Facilities ~~and Services Review~~Planning Board. A ~~general~~General license shall be issued for a hospital that offers a variety of categories of service. A specialized license (e.g., Psychiatric, Pediatric, Rehabilitation, Tuberculosis) shall be issued for a hospital that offers primarily that special category of service.
 - 2) The license shall apply only to the number of beds and the clinical services operating at the time the license is issued. If a new clinical service is to be initiated, or an existing service expanded or discontinued, the approval of the Department ~~shall~~must first be obtained. If a change in clinical service results in change of license category, then a new application for license shall be submitted to the Department and the hospital shall meet the requirements~~provisions~~ of Section 250.110 and this Section ~~shall apply~~.
- ~~l)h)~~ Provisional License. The Director may issue a provisional license to any hospital ~~that~~which does not substantially comply with the provisions of the Act and this Part provided that ~~the~~he finds that such hospital has undertaken changes and corrections ~~that, which~~that, which upon completion, will render the hospital in substantial compliance with the provisions of the Act and this Part, and provided that the health and safety of the patients of the hospital will be protected during the period for which ~~the~~such provisional license is issued. The Director ~~will~~shall advise the licensee of the conditions under which such provisional license is issued,

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including the manner in which the hospital ~~fails~~~~facilities fail~~ to comply with the provisions of the Act and this Part, ~~and~~ The Director also will advise the licensee of the time within which the changes and corrections necessary for ~~thesueh~~ hospital ~~facilities~~ to substantially comply with the Act and this Part shall be completed.

~~m)j)~~ Separate Licenses. The Department may require a hospital that houses patients in more than one building to have separate licenses for one or more ~~of thesueh~~ separate buildings.

~~n)j)~~ Posting of License. The license shall be posted where it may ~~be~~ readily ~~be~~ seen and read by the public.

~~o)k)~~ Notification of ~~Closure~~~~closure~~ of ~~Hospital~~~~hospital~~. The licensee shall notify the Department of the impending closure of the hospital, at least 90 days prior to ~~thesueh~~ closure. The hospital shall be responsible for the removal ~~and replacement~~ of patients and their placement in other hospitals. The hospital shall implement the policies for preservation of patient medical records and medical staff credentialing files in accordance with Section 250.1510(d)(2) and Section 250.310(a)(16).

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

Section 250.150 Definitions (Renumbered)

(Source: Section 250.150 renumbered to Section 250.100 at 38 Ill. Reg. 13280, effective June 10, 2014)

Section 250.160 Incorporated and Referenced Materials (Renumbered)

(Source: Section 250.160 renumbered to Section 250.105 at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.260 Patients' Rights

a) Policy on Patients' Rights

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- 1) Hospitals shall adopt a written policy on patients' rights.
 - 2) This policy shall be available to all patients and personnel upon request.
- b) Patient Morale
- 1) Emotional and Attitudinal Support
Hospitals shall have a written plan for the provision of those components of total patient care that relate to the spiritual, emotional and attitudinal health of the patient, patients' families and hospital personnel.
 - 2) Social Services
Hospitals shall have a written plan for providing social services ~~to those patients with social problems~~. This service may be provided through:
 - A) An organized social service within the hospital; or
 - B) A social worker employed on a part-time basis; or
 - C) Social work consultant services from a community agency.
- c) *Patient Protection from Abuse*

- 1) For purposes of this subsection (c):

"Abuse" – means any physical or mental injury or sexual abuse intentionally inflicted by a hospital employee, agent, or medical staff member on a patient of the hospital and does not include any hospital, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

"Mental ~~Injury~~injury" – means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

Sexual Abuse – means any intentional act of sexual contact or

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~~*sexual penetration of a patient in the hospital.*~~ "~~Sexual abuse~~"—
~~means any intentional act of sexual contact or sexual penetration of a patient in the hospital.~~

~~"Substantiated"~~ – *with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.*

- 2) *No administrator, agent, or employee of a hospital or a member of its medical staff may abuse a patient in the hospital.*
- 3) *Any hospital administrator, agent, employee, or medical staff member who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this subsection (c).*
- 4) *Retaliation against a person who lawfully and in good faith makes a report under this subsection (c) is prohibited.*
- 5) *Upon receiving a report under subsection (c)(3), the hospital shall submit the report to the Department within 24 hours after obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.*
- 6) *Upon receiving a report under this subsection (c), the hospital shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and shall include, but are not limited to, removing suspected violators from further patient contact during the hospital's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital may contact the Illinois Guardianship and Advocacy Commission to determine the need for a temporary guardian of that person.*
- 7) *All internal hospital reviews shall be conducted by a designated hospital employee or agent who is qualified to detect abuse and is not involved in*

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the alleged victim's treatment. All internal review findings shall be documented and filed according to hospital procedures and shall be made available to the Department upon request.

- 8) *Any other person may make a report of patient abuse to the Department if that person has reasonable cause to believe that a patient has been abused in the hospital.*
- 9) *The report required under this subsection (c) shall include:*
 - A) *The name of the patient;*
 - B) *The name and address of the hospital treating the patient;*
 - C) *The age of the patient;*
 - D) *The nature of the patient's condition, including any evidence of previous injuries or disabilities; and*
 - E) *Any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse.*
- 10) *Except for willful or wanton misconduct, any individual, person, institution, or agency participating in good faith in making a report or in making a disclosure of information concerning reports of abuse under this subsection (c), shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions.*
- 11) *No administrator, agent, or employee of a hospital shall adopt or employ practices or procedures designed to discourage or having the effect of discouraging good faith reporting of patient abuse under this subsection (c).*
- 12) *Every hospital shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.*

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- 13) *The Department shall investigate each report of patient abuse made under this subsection (c) according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours after such report. Under no circumstances may a hospital's internal review of an allegation of abuse replace an investigation of the allegation by the Department.*
- 14) *The Department shall keep a continuing record of all reports made pursuant to this subsection (c), including indications of the final determination of any investigation and the final disposition of all reports. The Department will inform the investigated hospital and any other person making a report under subsection (c)(7) of this Section of its final determination or disposition in writing.*
- 15) *All patient identifiable information in any report or investigation under this subsection (c) shall be confidential and shall not be disclosed except as authorized by the Act or other applicable law.*
- 16) *Nothing in this subsection (c) relieves a hospital administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.*
- 17) *Nothing in this subsection (c) shall be construed to mean that a patient is a victim of abuse because of health care services provided or not provided by health care professionals. ~~(Section 9.6 of the Act)~~*
- 18) *Nothing in this subsection (c) shall require a hospital, including its employees, agents, and medical staff members, to provide any services to a patient in contravention of his or her stated or implied objection thereto upon grounds that such services conflict with his or her religious beliefs or practices, nor shall such a patient be considered abused under this Section for the exercise of such beliefs or practices. (Section 9.6 of the Act)*
- d) Patient Discrimination
- 1) *Discrimination Grievance Procedures. Upon receipt of a grievance alleging unlawful discrimination on the basis of race, color, or national origin, the hospital must investigate the claim and work with the patient to*

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address valid or proven concerns in accordance with the hospital's grievance process. At the conclusion of the hospital's grievance process, the hospital shall inform the patient that such grievances may be reported to the Department if not resolved to the patient's satisfaction at the hospital level. (Section 5.1 of the Medical Patient Rights Act)

- 2) *Emergency Room Anti-discrimination Notice. Every hospital shall post a sign next to or in close proximity of its sign required by 42 CFR 489.20(q)(1) stating the following: "You have the right not to be discriminated against by the hospital due to your race, color, or national origin if these characteristics are unrelated to your diagnosis or treatment. If you believe this right has been violated, please call the Illinois Department of Public Health Central Complaint Registry, 1-800-252-4343." (Section 5.2 of the Medical Patient Rights Act)*

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART C: THE MEDICAL STAFF

Section 250.310 Organization

- a) For the purposes of this Section only:
- 1) *Adverse Decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges. (Section 10.4(b) of the Act)*
 - 2) *A Distant-site Hospital is an Illinois licensed hospital.*
 - 3) *A Distant-site Telemedicine Entity, consisting of a group of licensed physicians, is defined as an entity that:*
 - A) *Provides telemedicine services;*
 - B) *Is not a Medicare-participating hospital; and*
 - C) *Provides contracted services in a manner that enables a hospital using its services to meet all applicable Medicare conditions of participation, particularly those requirements related to the*

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credentialing and privileging of practitioners providing telemedicine services to the patients of a hospital. A distant-site telemedicine entity would include a distant-site hospital that does not participate in the Medicare program that is providing telemedicine services to a Medicare-participating hospital.

- 4) *Economic Factor means any information or reasons for decisions unrelated to quality of care or professional competency. (Section 10.4(b) of the Act)*
- 5) Non-simultaneously means that, while the telemedicine physician or practitioner still provides clinical services to the patient upon a formal request from the patient's attending physician, such services may involve after-the-fact interpretation of diagnostic tests in order to provide an assessment of the patient's condition and do not necessarily require the telemedicine practitioner to directly assess the patient in real time. This would be similar to the services provided by an on-site radiologist who interprets a patient's x-ray or CT scan and then communicates his or her assessment to the patient's attending physician who then bases his or her diagnosis and treatment plan on these findings.
- 6) *Privilege means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges. (Section 10.4(b) of the Act)*
- 7) Simultaneously means that the clinical services (for example, assessment of the patient with a clinical plan for treatment, including any medical orders needed) are provided to the patient in real time by the telemedicine physician or practitioner, similar to the actions of an on-site physician or practitioner.
- 8) Telemedicine means the provision of clinical services to patients by physicians and practitioners from a distance via electronic communications. The distant-site telemedicine physician or practitioner provides clinical services to the hospital patient either simultaneously, as is often the case with teleICU services, for example, or non-

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simultaneously, as may be the case with many teleradiology services.

- b)a) The medical staff shall be organized in accordance with written bylaws, rules and regulations approved by the governing board. The bylaws, rules and regulations shall specifically provide but not be limited to:
- 1) establishing written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters in accordance with subsection ~~(c)(b)~~ of this Section for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code ~~[305 ILCS 5/15-1]~~, or subsection ~~(d)(e)~~ of this Section for all other hospitals. The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership as defined in Section 250.150 ~~of this Part~~. The procedures shall provide that, *prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, the hospital shall request of the Director of the Department of Financial and Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license.* This provision shall not apply to *medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Illinois Anatomical Gift Act [755 ILCS 50].* This provision shall not apply to *medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established in this Section.* (Section 10.4 of the Act);
 - 2) identifying divisions and departments as are warranted (as a minimum, active and consulting divisions are required);
 - 3) identifying officers as are warranted;
 - 4) establishing committees as are warranted to assure the responsibility for such functions as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;

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- 5) assuring that active medical staff meetings are held regularly, and that written minutes of all meetings are kept;
- 6) reviewing and analyzing the clinical experience of the hospital at regular intervals – the medical records of patients to be the basis for ~~such~~ review and analysis;
- 7) identifying conditions or situations that require consultation, including consultation between medical staff members in complicated cases;
- 8) examining tissue removed during operations by a qualified pathologist and requiring that the findings are made a part of the patient's medical record;
- 9) keeping completed medical records;
- 10) maintaining a Utilization Review Plan, which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program;
- 11) establishing Medical Care Evaluation Studies;
- 12) establishing policies requiring a physician as first assistant to major ~~or~~ hazardous surgery, including written criteria to determine when an assistant is necessary;
- 13) assuring, through credentialing by the medical staff, that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room;
- 14) determining additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority. The policies and procedures shall include, at least, requirements that the staff member requesting this additional privilege shall submit the following for review and approval by the medical staff and the governing authority of the hospital:
 - A) a curriculum vitae of the identified allied health personnel, and

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- B) a written protocol with a description of the duties, assignments ~~and/or~~ functions, including a description of the manner of performance within the hospital by the allied health personnel in relationship with other hospital staff;
- 15) establishing a mechanism for assisting medical staff members in addressing physical and mental health problems;
- 16) implementing a procedure for preserving medical staff credentialing files in the event of the closure of the hospital; ~~and~~
- 17) [establishing a procedure for granting telemedicine privileges, based upon the privileging decisions of a distant-site hospital or telemedicine entity that has a written agreement that meets Medicare requirements; and](#)
- 18)47) establishing a procedure for granting disaster privileges.
- A) When the emergency management plan has been activated and the hospital is unable to handle patients' immediate needs, it shall:
- i) identify in writing the individuals responsible for granting disaster privileges;
 - ii) describe in writing the responsibilities of the individuals granting disaster privileges. The responsible individual is not required to grant privileges to any individual and is expected to make ~~such~~ decisions on a case-by-case basis at his or her discretion;
 - iii) describe in writing a mechanism to manage individuals who receive disaster privileges;
 - iv) include a mechanism to allow staff to readily identify individuals who receive disaster privileges;
 - v) require that medical staff address the verification process as a high priority and begin the verification process of the credentials and privileges of individuals who receive

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disaster privileges as soon as the immediate situation is under control.

- B) The individual responsible for granting disaster privileges may grant disaster privileges upon presentation of any of the following:
- i) a current picture hospital ID card;
 - ii) a current license to practice and a valid picture ID issued by a state, federal or regulatory agency;
 - iii) identification indicating that the individual is a member of a Disaster Medical Assistance Team (DMAT) or an Illinois Medical Emergency Response Team (IMERT);
 - iv) identification indicating that the individual has been granted authority to render patient care, treatment and services in disaster circumstances (~~such~~ authority having been granted by a federal, state or municipal entity); or
 - v) presentation by current hospital or medical staff members with personal knowledge regarding practitioner's identity.
- C) *Any hospital and any employees of the hospital or others involved in granting privileges ~~whothat~~, in good faith, ~~grant~~~~grants~~ disaster privileges, pursuant to ~~Section 10.4 of the Act~~, ~~Section 10.4 of the Act~~ to respond to an emergency shall not, as a result of ~~their~~~~his~~, ~~her~~, ~~or its~~ acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of the Act.*
- D) *Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of ~~their~~~~his~~ ~~or her~~ acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of the Act, on the part of the person, be liable for civil damages. (Section 10.4 of the Act)*

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~~c)~~^{b)} The medical staff bylaws for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code shall include at least the following:

1) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for ~~determining~~^{determination of} qualifications and privileges;~~;~~[;] criteria for ~~evaluating~~^{evaluation of} qualifications;~~;~~[;] and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.

2) Written procedures that allow the medical staff to rely upon the credentialing and privileging decisions of a distant-site hospital or telemedicine entity as an option for recommending the privileging of telemedicine physicians.

~~3)~~²⁾ The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving ~~such~~ notice.

~~d)~~^{e)} The medical staff bylaws for *all hospitals except county hospitals* shall include at least the following *provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges*:

1) *Minimum procedures for initial applicants for medical staff membership shall include the following:*

A) *Written procedures relating to the acceptance and processing of ~~pre-applicants or initial~~ applicants for medical staff membership.*

B) *Written procedures to be followed in determining an applicant's qualifications for being granted medical staff membership and privileges.*

C) *Written criteria to be followed in evaluating an applicant's*

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qualifications.

D) *An evaluation of an applicant's current health status and current license status in Illinois.*

E) *A written response to each applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).*

F) [Written procedures that allow the medical staff to rely upon the credentialing and privileging decisions of a distant-site hospital or telemedicine entity as an option for recommending the privileging of telemedicine physicians.](#)

2) *Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:*

A) *A written explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.*

B) *A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.*

i) *Nothing in subsection ~~(d)(e)~~(2)(B)-of this Section limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an*

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immediate danger to the public, including patients, visitors, and hospital employees and staff.

- ii) *In the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review.*
- iii) *A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists. This documentation or information must be available at the time the summary suspension decision is made and when the decision is reviewed by the Medical Executive Committee.*
- iv) *If the Medical Executive Committee recommends that the summary suspension should be lifted, expunged, or modified, this recommendation must be reviewed and considered by the hospital governing board, or a committee of the board, on an expedited basis.*
- v) *Nothing in this subsection ~~(d)(e)~~(2)(B) shall affect the requirement that any requested hearing must be commenced within 15 days after the summary suspension and completed without delay unless otherwise agreed to by the parties.*
- vi) *A fair hearing shall be commenced within 15 days after the suspension and completed without delay, except that, when the medical staff member's license to practice has been suspended or revoked by the Department of Financial and Professional Regulation, no hearing shall be necessary.*
- vii) *Nothing in subsection ~~(d)(e)~~(2)(B) ~~of this Section~~ limits a medical staff's right to permit, in the medical staff bylaws,*

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summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

- viii) *If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subsection ~~(d)(e)~~(2)(B) of this Section must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.*

- C) *All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and*

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applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving such report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of the Act.

- D) *A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.*
- E) *A statement of the member's right to present witnesses and other evidence at the hearing on the decision.*
- F) *The right to be represented by a personal attorney.*
- G) *A written notice and written explanation of the decision resulting from the hearing.*
- H) *A written notice of a final adverse decision by the hospital governing board.*
- I) *Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under subsection (d)(e)(2)(B)(viii) of this Section, and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.*
- J) *Nothing in subsection (d)(e)(2) ~~of this Section~~ limits a medical*

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staff member's right to waive, in writing, the rights provided in subsection ~~(d)(e)~~(2)(A) ~~through (I)(H) of this Section~~ upon being granted privileges to provide telemedicine services or the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract. (Section 10.4(b) of the Act)

- 3) *Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. The reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. (Section 10.4(b) of the Act)*

e) If a hospital enters into agreement for telemedicine services with a distant-site hospital or distant-site entity, the governing body of the hospital whose patients are receiving the telemedicine services may choose, in lieu of the hospital performing the credentialing and privileging requirements, to rely upon the credentialing and privileging decisions made by the distant-site hospital when making recommendations on privileges for the individual distant-site physicians providing the services. The hospital's governing body ensures, through its written agreement with the distant-site hospital, that the distant-site hospital meets the Medicare conditions of participation for credentialing and privileging of physicians. The agreement shall be in writing and shall verify:

- 1) That the distant-site hospital providing the telemedicine services is an Illinois licensed hospital;
- 2) That the individual distant-site physician is privileged at the distant-site hospital that provides the telemedicine services and provides to the hospital a current list of the distant-site physician's privileges;
- 3) That the individual distant-site physician holds a license issued or recognized by the State of Illinois; and

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- 4) That, if the hospital conducts an internal review of the distant-site physician's performance, it provides the distant-site hospital with the performance information for use in the distant-site hospital's periodic appraisal of the distant-site physician. At a minimum, this information shall include all adverse events that result from the telemedicine services provided by the distant-site physician to the hospital's patients and all complaints the hospital has received about the distant-site physician.
- f) The hospital's governing body shall grant privileges to each telemedicine physician providing services at the hospital under an agreement with a distant-site hospital or telemedicine entity before the telemedicine physician may provide telemedicine services. The scope of the privileges granted to the telemedicine physician shall reflect the provision of the services offered via a telecommunications system.
- g) When the hospital's governing body exercises the option to grant privileges based on its medical staff recommendations, which rely upon the privileging decisions of a distant-site telemedicine hospital or entity, the governing body may, but is not required to, maintain a separate file on each telemedicine physician. In lieu of maintaining a separate file on each telemedicine physician, the hospital may have a file on all telemedicine physicians providing services at the hospital under each agreement with a distant-site hospital or telemedicine entity, indicating which telemedicine services privileges the hospital has granted to each physician on the list. The file or files may be kept in a format determined by the hospital.
- h)d) Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, the hospital shall have~~there shall be~~ an active staff, which shall include physicians and may also include podiatrists and dentists, properly organized, who perform all the organizational duties pertaining to the medical staff. These duties include:
- 1) Maintaining~~Maintenance of~~ the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:
- A) availability and use of accurate diagnostic testing for the types of patients admitted;

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- B) availability and use of medical, surgical, and psychiatric treatment for patients admitted;
 - C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted, including the care needed for complications that may be expected to occur; and
 - D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications that may be expected to occur.
- 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges.
 - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
- i)e) The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.
 - f) ~~For the purpose of this Section only:~~
 - 1) ~~Adverse decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.~~
 - 2) ~~Economic factor means any information or reasons for decisions unrelated to quality of care or professional competency.~~
 - 3) ~~Privilege means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to~~

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~~require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges. (Section 10.4(b) of the Act)~~

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART D: PERSONNEL SERVICE

Section 250.450 Personnel Health Requirements

- a) Each hospital shall establish an employee health program that includes the following:
- 1) ~~An~~ assessment of the employee's health and immunization status at the time of employment;
 - 2) ~~Policies~~ regarding required immunizations; ~~and~~
 - 3) ~~Policies~~ and procedures for the periodic health assessment of all personnel. These policies ~~shall~~ specify the content of the health assessment and the interval between assessments, and ~~shall~~ comply with ~~Section 690.720 (Tuberculosis) of the Control of Tuberculosis Code~~ Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).
- b) Personnel absent from duty because of any communicable disease shall not return to duty until examined for freedom from any condition that might endanger the health of patients or employees.

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

Section 250.710 Classification of Emergency Services

- a) Each hospital, ~~except long-term acute care hospitals identified in Section 1.3 of the Hospital Emergency Service Act and in subsection (c) of this Section (Section 1 of the Hospital Emergency Service Act)~~, shall provide emergency services according to one of the following categories:

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1)a) Comprehensive Emergency Treatment Services

A)1) At least one licensed physician shall be in the emergency department at all times.

B)2) Physician ~~specialists who represents~~specialist representing the major specialties, and sub-specialties, such as plastic surgery, dermatology, ~~and~~ ophthalmology, ~~etc.~~, shall be available within minutes.

C)3) Ancillary services, including laboratory and x-ray, shall be staffed at all times. ~~The pharmacy~~Pharmacy shall be staffed or "on call" at all times.

2)b) Basic Emergency Treatment Services

A)1) At least one licensed physician shall be in the emergency department at all times.

B)2) Physician specialists ~~who represent~~representing the specialties of medicine, surgery, pediatrics and ~~obstetrics~~maternity shall be available within minutes.

C)3) Ancillary services, including laboratory, x-ray and pharmacy, shall be staffed or "on call" at all times.

3)e) Standby Emergency Treatment Services

A)1) ~~A One of the~~ registered ~~nurses~~nurses on duty in the hospital shall be available for emergency services at all times.

B)2) A licensed physician shall be "on call" to the emergency department at all times.

b) All hospitals, irrespective of the category of services provided, shall ~~provide~~make ~~adequate provision for rendering~~ immediate first aid and emergency care to persons requiring ~~first aid emergency~~such treatment on arrival at the hospital.

c) *General acute care hospitals designated by Medicare as long-term acute care*

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hospitals are not required to provide hospital emergency services described in this Section or Section 1 of the Hospital Emergency Service Act. Hospitals defined in this subsection (c) may provide hospital emergency services at their option.

- 1) *Any hospital defined in this subsection (c) that opts to discontinue emergency services shall:*
 - A) *Comply with all provisions of the federal Emergency Medical Treatment & Labor Act (EMTALA);*
 - B) *Comply with all provisions required under the Social Security Act;*
 - C) *Provide annual notice to communities in the hospital's service area about available emergency medical services; and*
 - D) *Make educational materials available to individuals who are present at the hospital concerning the availability of medical services within the hospital's service area.*
- 2) *Long-term acute care hospitals that operate standby emergency services as of January 1, 2011 may discontinue hospital emergency services by notifying the Department. Long-term acute care hospitals that operate basic or comprehensive emergency services must notify the Health Facilities and Services Review Board and follow the appropriate procedures. (Section 1.3 of the Hospital Emergency Service Act)*

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1030 Policies and Procedures

- a) *For the purposes of this Section:*

Health Care Worker means an individual providing direct patient care services who may be required to lift, transfer, reposition, or move a patient. A direct patient care provider is the same as a health care worker.

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Safe Lifting Equipment and Accessories means mechanical equipment designed to lift, move, reposition, and transfer patients, including, but not limited to, fixed and portable ceiling lifts, sit-to-stand lifts, slide sheets and boards, slings, and repositioning and turning sheets.

Safe Lifting Team means at least 2 individuals who are trained in the use of both safe lifting techniques and safe lifting equipment and accessories, including the responsibility for knowing the location and condition of such equipment and accessories. (Section 6.25 of the Act)

- b)a) Nursing policies and procedures shall be developed, reviewed periodically but at least once a year, and revised as necessary by nursing representatives in cooperation with appropriate representatives from administration, the medical staff, and other concerned hospital services or departments.
- c)b) The nursing policies and procedures shall be dated to indicate the time of the most recent review or revision.
- d)e) Written policies shall include, but not be limited to, the following:
- 1) Criteria pertaining to the performance of special procedures and the circumstances and supervision under which these may be performed by nursing personnel;:-
 - 2) Communication and implementation of diagnostic and therapeutic orders, including verbal orders, and the—~~The~~ responsibility and mechanism for nursing service to obtain clarification of orders when indicated;:-
 - 3) Administration of medication;:-
 - 4) Assignments for providing nursing care to patients;:-
 - 5) Documentation in patients' records by nursing personnel;:-
 - 6) Infection control, pursuant to Section 250.1100;:-
 - 7) *A policy to identify, assess, and develop strategies to control risk of injury to patients and nurses and other health care workers, associated with the lifting, transferring, repositioning, or movement of a patient. The policy*

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shall establish a process that, at a minimum, includes all of the following:

- A) *Analysis of the risk of injury to patients and nurses and other health care workers posed by the patient handling needs of the patient populations served by the hospital and the physical environment in which the patient handling and movement occurs;*
- B) *Education and training of nurses and other direct patient care providers in the identification, assessment, and control of risks of injury to patients and nurses and other health care workers during patient handling and on safe lifting policies and techniques and current lifting equipment;*
- C) *Evaluation of alternative ways to reduce risks associated with patient handling, including evaluation of equipment and the environment;*
- D) *Restriction, to the extent feasible with existing equipment and aids, of manual patient handling or movement of all or most of a patient's weight except for emergency, life-threatening, or otherwise exceptional circumstances;*
- E) *Collaboration with, and an annual report to, the nurse staffing committee;*
- F) *Procedures for a nurse to refuse to perform or be involved in patient handling or movement that the nurse in good faith believes will expose a patient or nurse or other health care worker to an unacceptable risk of injury;*
- G) *Submission of an annual report to the hospital's governing body or quality assurance committee on activities related to the identification, assessment, and development of strategies to control risk of injury to patients and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a patient; ~~and~~*
- H) *In developing architectural plans for construction or remodeling of a hospital or unit of a hospital in which patient handling and*

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~~movement occurs, consideration~~ *Consideration of the feasibility of incorporating patient handling equipment or the physical space and construction design needed to incorporate that equipment; when developing architectural plans for construction or remodeling of a hospital or unit of a hospital in which patient handling and movement occurs.* (Section 6.25 of the Act)

- D) *Fostering and maintaining patient safety, dignity, self-determination, and choice, including the following policies, strategies, and procedures:*
- i) *The existence and availability of a trained safe lifting team;*
 - ii) *A policy of advising patients of a range of transfer and lift options, including adjustable diagnostic and treatment equipment, mechanical lifts, and provision of a trained safe lifting team;*
 - iii) *The right of a competent patient, or guardian of a patient adjudicated incompetent, to choose among the range of transfer and lift options, subject to the provisions of subsection (d)(7)(I)(v);*
 - iv) *Procedures for documenting, upon admission and as status changes, a mobility assessment and plan for lifting, transferring, repositioning, or movement of a patient, including the choice of the patient or patient's guardian among the range of transfer and lift options; and*
 - v) *Incorporation of such safe lifting procedures, techniques, and equipment as are consistent with applicable federal law;* (Section 6.25(b) of the Act)
- 8) Nursing role in other hospital services, including but not limited to ~~such~~ services such as dietary, pharmacy and housekeeping; ~~and-~~
- 9) Emotional and attitudinal support. (Refer to Section 250.260(b)(1).)
- e)d) A nursing procedure manual shall be developed to provide a ready reference on

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~~nursing procedures and a basis for standardization of procedures and equipment in the hospital and copies shall be available on the patient care units, to the nursing staff and to other services and departments of the hospital, including members of the medical staff and students.~~

- f)e) ~~Copies of the nursing~~The procedure manual shall ~~be available on the patient care units, to the nursing staff and to other services and departments of the hospital, including members of the medical staff and students~~provide a ready reference on ~~nursing procedures and a basis for standardization of procedures and equipment in the hospital.~~

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section 250.1830 General Requirements for All Obstetric Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mothers and infants as recommended by the Guidelines for Perinatal Care. Chilling of the neonate shall be avoided; a non-stable neonate shall, immediately after birth, be placed in a radiant heat source that is ready to receive the infant and that allows access for resuscitation efforts. The radiant heat source shall comply with the recommendations of the Guidelines for Perinatal Care. When the neonate has been stabilized, if the mother wishes to hold her newborn, a radiant heater or pre-warmed blankets shall be available to keep the neonate warm. Stable infants shall be placed, and remain, in direct skin-to-skin contact with their mother immediately after delivery to optimally support infant breastfeeding and to promote mother/infant bonding. Personnel shall be available who are trained to use the equipment to maintain a neutral thermal environment for the neonate. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.
- b) Linens and Laundry: Linens shall be cleaned and disinfected in compliance with the Guidelines for Perinatal Care.
- 1) Nursery linens shall be washed separately from other hospital linens.

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- 2) No new unlaundered garments shall be used in the nursery.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. Sterilizing equipment may be provided in the obstetric department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the obstetric department.
- d) Accommodations and ~~Facilities~~ facilities for ~~Obstetric Patients~~ obstetric patients
 - 1) The hospital shall identify specific rooms and beds, adjacent when possible to other obstetric facilities, as obstetric rooms and beds. These rooms and beds shall be used exclusively for obstetric patients or for combined obstetric and clean gynecological service beds in accordance with Section 250.1820(g).
 - 2) Patient rooms and beds that are adjacent to another nursing unit may be used for clean cases as part of the adjacent nursing unit. A corridor partition with doors is recommended to provide a separation between the obstetric beds and facilities and the non-obstetric rooms. The doors shall be kept closed except when in active use as a passageway.
 - 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition inimical to the safety of other obstetric and neonatal patients exist.
 - 4) Labor rooms shall be convenient to the delivery rooms and shall have facilities for examination and preparation of patients. Each room used for labor, delivery and postpartum (see Section 250.1870) shall include a bathroom equipped with a toilet and a shower. The bathroom also shall include a sink, unless a sink is located in the patient room. The bathroom shall be directly accessible from the patient room without going through the corridor.
 - 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants pursuant to the recommendation of the American Academy of Pediatrics and ACOG and shall comply with the American Academy of Pediatrics/American Heart Association's American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal

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Patients: Neonatal Resuscitation Guidelines.

- 6) If only one delivery room is available and in use, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
- 7) The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded in the patient's medical record. A recovery area shall be provided. Emergency equipment and supplies shall be available for use in the recovery area.

e) Accommodations and ~~Facilities~~ ~~facilities~~ for ~~Infants~~ ~~infants~~

- 1) Level I nurseries:
 - A) A clean nursery or nurseries shall be provided, near the mothers' rooms, with adequate lighting and ventilation. A minimum of 30 square feet of floor area for each bassinet and 3 feet between bassinets shall be provided. Equipment shall be provided to prevent direct draft on the infants. Individual nursery rooms shall have a capacity of six to eight neonates or 12 to 16 neonates. The normal newborn infant care area in a smaller hospital shall limit room size to eight neonates, with a minimum of two rooms available to permit cohorting in the presence of infection.
 - B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets shall be separated by a minimum of 3 feet, measuring from the edge of one bassinet to the edge of the adjacent one.
 - C) A glass observation window shall be provided through which infants may be viewed.
 - D) Resuscitation equipment as described in subsection (e)(1)(E)(iii), and personnel trained to use it, shall be available in the nursery at

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all times.

- E) Each nursery shall have necessary equipment immediately available to stabilize the sick infant prior to transfer. Equipment shall consist of:
- i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);
 - ii) Equipment with the ability to monitor bedside blood sugar;
 - iii) A resuscitation tray containing equipment pursuant to the American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines; and
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂) pursuant to AAP recommendations. The oxygen analyzer shall be calibrated and serviced according to the manufacturer's instructions at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
- F) Consultation and Referral Protocols shall comply with the Regionalized Perinatal Health Care Code.
- 2) Level II and Level III nurseries shall comply with the Regionalized Perinatal Health Care Code. Cribs shall be separated by 4 to 6 feet to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. New buildings or additions or material alterations to existing buildings that affect the Level II with Extended Neonatal Capabilities nursery shall provide at least 70 square feet of space for each infant.

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- 3) A Level III nursery shall ~~provide~~ 80 to 100 square feet of space for each infant.
 - 4) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
 - 5) When an infectious condition exists or is suspected of existing, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of the Guidelines for Perinatal Care and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the obstetric department, in addition to the following:
- 1) Each hospital shall have a staffing plan for nursing personnel providing care for obstetric and neonatal patients. The registered nursing components of the plan shall comply with Section 250.1130 of this Part, with requirements for the level of perinatal care, as designated in accordance with the Regionalized Perinatal Health Care Code, the Guidelines for Perinatal Care, the National Association of Neonatal Nurses' (NANN) Position Statement #3009 Minimum RN Staffing in NICUs, and the following parameters:
 - A) Nursing supervision by a registered nurse shall be provided for the entire 24-hour period for each occupied unit of the obstetric and neonatal services. This nurse shall have education and experience in obstetric and neonatal nursing.
 - B) At least one registered nurse trained in obstetric and nursery care shall be assigned to the care of mothers and infants at all times. To prepare for an unexpected delivery, at least one registered nurse or LPN trained to give care to newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered nurse shall be in attendance at all deliveries and shall be available to monitor the mother's general condition and that of the fetus during labor, for at least two hours after delivery, and

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longer if complications occur.

- D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When it is necessary for the same nurse to care for both obstetric and non-obstetric patients in the gynecologic unit, proper technique shall be followed.
- E) Obstetric and neonatal department nurses providing input to the hospital's nursing care committee pursuant to Section 250.1130-~~of this Part~~ shall, prior to proposing their recommendations for the hospital's written staffing plan, consider the staffing standards listed in subsection (f)(1)-~~of this Section~~.
- F) Temporary relief from outside the obstetric and neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
- G) For each shift in the obstetric department, at least one of the registered nurses or LPNs shall also have certification or experience in lactation training, pursuant to the requirements of subsection (k).
- 2) Nursing staff – Level I requirements for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) At least two nursing personnel shall be assigned per shift. One shall be a registered nurse and one shall be a registered nurse or an LPN.
- B) The capability to provide neonatal resuscitation in the delivery room shall be demonstrated by the current completion of a nationally recognized neonatal resuscitation program by medical, nursing and respiratory care staff or a hospital rapid response team, in accordance with the requirements of the Regionalized Perinatal Health Care Code.

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- C) Hospitals shall have the capability for continuous electronic maternal-fetal monitoring for patients, with staff available 24 hours a day, including physician and nursing, who are knowledgeable of electronic maternal-fetal monitoring use and interpretation. Physicians and nurses shall complete a competence assessment in electronic maternal-fetal monitoring every two years, in accordance with the Regionalized Perinatal Health Care Code.
- 3) Nursing staff – Level II requirements for occupied units. These units shall meet the requirements for Level I in subsection (f)(2). Nursery personnel may be shared with the Level I nursery as needed.
- 4) Nursing staff – Level II with Extended Neonatal Capabilities requirements for occupied units. In addition to the requirements in subsection (f)(3), the obstetric-newborn nursing services shall be directed by a full-time registered nurse experienced in perinatal nursing. Preference shall be given to registered nurses with a master's degree.
- 5) Nursing staff – Level III requirements for occupied units. These units shall meet the following requirements in addition to requirements in subsection (f)(3). Half of all neonatal intensive care direct nursing care hours shall be provided by registered nurses who have two years or more of nursing experience in a Level III NICU. All neonatal intensive care direct nursing care hours shall be provided or supervised by registered nurses who have advanced neonatal intensive care training and documented competence in neonatal pathophysiology and care technologies used in the NICU.
- 6) Medical personnel
- A) Each hospital providing obstetric services shall have an organized obstetric staff with a chief of obstetric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of obstetric services shall include the following requirements, as they relate to the care of obstetric patients:
- i) General supervision of the care of the perinatal patients assigned to the unit;

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- ii) Establishment of criteria for admissions;
 - iii) Adherence to licensing requirements;
 - iv) Adoption, by the medical staff, of standards of practice and privileges;
 - v) Identification of clinical conditions and procedures requiring consultation;
 - vi) Arrangement of conferences, held at least quarterly, to review operations, complications and mortality;
 - vii) Assurance that the clinical records, consultations and reports are properly completed and analyzed; and
 - viii) Provision for exchange of information between medical, administrative and nursing staffs.
- B) Each hospital providing pediatric services shall have an organized pediatric staff with a chief of pediatric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of pediatric services shall include those listed in subsection (f)(6)(A) ~~of this Section~~, as they relate to the care of newborn infants.
- C) Level I shall comply with the Regionalized Perinatal Health Care Code:
- i) One physician shall be Chief of Obstetrical Care. He or she shall be a board certified or board qualified ~~obstetrician~~obstetric. If this is not possible, a physician with experience and regular practice may be the Chief and be responsible for obstetrical care and available on a 24-hour basis, and a source of ~~obstetric or maternal fetal medicine~~obstetric or maternal fetal medicine~~neonatology~~ consultation shall be documented when indicated.

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- ii) One physician shall be Chief of Pediatric Service. He or she shall be a board certified or board qualified pediatrician. If this is not possible, a physician with experience and regular practice may be the Chief and be responsible for pediatric care and available on a 24-hour basis, and a source of neonatology consultation shall be documented when indicated.

- D) Level II shall comply with the Regionalized Perinatal Health Care Code:
 - A board certified obstetrician shall be Chief of Obstetrical Care. A board certified pediatrician shall be Chief of Neonatal Care. Obstetrical anesthesia shall be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff shall also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.

- E) Level II With Extended Neonatal Capabilities: Staffing shall comply with the Regionalized Perinatal Health Care Code.

- F) Level III: Staffing shall comply with the Regionalized Perinatal Health Care Code.

- g) Practices and procedures for care of mothers and infants:
 - 1) The hospital shall follow procedures approved by the infection control committee for the isolation of known or suspected cases of infectious disease in the obstetric department.

 - 2) Patients with clean obstetric complications (regardless of month of gestation), such as pregnancy-induced hypertension for observation and treatment, placenta previa for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the obstetric department and be subject to the same requirements as any other obstetric case. (See Section 250.1820(g)(6).)

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- 3) The physician shall determine whether a prenatal serological test for syphilis and a test for HIV have been done on each mother and the results recorded. If no tests have been done before the admission of the patients, the tests shall be performed as soon as possible pursuant to the Perinatal HIV Prevention Act. Specimens for a syphilis test may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge. Mothers shall be tested for Group B streptococcus prior to delivery and for Hepatitis B prior to discharge of either mother or infant, pursuant to AAP recommendations.
- 4) No obstetric patient under the effect of an analgesic or an anesthetic, in the second stage of labor or delivery, shall be left unattended at any time.
- 5) Fetal lung maturity shall be established and documented prior to elective inductions and caesarean sections if the infant is at less than 39 weeks of gestation, or 38 weeks of gestation for twins. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.
 - A) Oxytocin shall be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility.
 - B) The oxytocin solution shall be administered intravenously via a controlled infusion device, using both a primary intravenous solution and a secondary oxytocin solution.
 - C) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. The following shall be included in these policies:
 - i) An attending physician shall evaluate the patient for induction or stimulation, especially with regard to indications.

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- ii) The physician or other individuals starting the oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - iv) During oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions shall be monitored electronically and recorded. Maternal blood pressure and pulse shall be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance shall be documented.
- 6) Identification of infants:
- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate, as outlined in the hospital's policy. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use ~~foot-printing~~ [footprinting](#) and fingerprinting alone as methods of patient identification. The bands shall indicate the mother's admission number, the neonate's gender, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.

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- B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible, as outlined in the hospital's policy. Identification bands shall not be left unattached and unattended in the nursery.
 - C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nursery nurse shall check the neonate's identification bands and birth records, verify the gender of the neonate, and sign the neonate's medical record. The admitting nurse shall complete the bassinet card and attach it to the bassinet.
 - D) When the neonate is taken to the mother, the nurse shall check the mother's and the neonate's identification bands, verify the gender of the neonate and verify that the information on the bands is identical.
 - E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.
 - F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction. Electronic sensor devices may be included as well.
- 7) Within one hour after delivery, ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. The eyes shall not be irrigated.
- 8) A single parenteral dose of vitamin K-1, water soluble to 0.5-1.0 milligrams, shall be given to the infant, shortly after birth, but usually within the first hour after delivery, as a prophylaxis against hemorrhagic disorder in the first days of life.

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- 9) Each infant shall be given complete individual ~~crib-side~~crib-side care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 10) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician, pursuant to the requirements of the Hospital Infant Feeding Act.
- 11) Facilities for drug services. See Section 250.2130(a).
- 12) Newborn infants shall be transported from the delivery room to the nursery in a safe manner. Adequate support systems (heating, oxygen, suction) shall be incorporated into the transport units for infants (e.g., to x-ray). Chilling of the newborn and cross-infection shall be avoided. If travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 13) The stay of the mother and the infant in the hospital after delivery shall be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants shall be discharged from the hospital simultaneously with the mother, or to other persons authorized by the mother, if the mother remains in the hospital for an extended stay. Follow-up shall be provided for mothers and infants discharged within 48 hours after delivery, including a face-to-face encounter with a health care provider who will assess the condition of mother and infant and arrange for intervention if problems are identified.
- 14) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided. Transfers shall be conducted pursuant to the Regionalized Perinatal Health Care Code.
- 15) The hospital shall have a policy regarding circumcisions performed by a Mohel.

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- 16) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable.
 - 17) The hospital shall comply with the Guidelines for Perinatal Care and Guidelines for Women's Health Care (see Section 250.160).
- | h) Medical ~~Records~~records
- 1) Obstetric records:
 - A) Adequate, accurate, and complete medical records shall be maintained for each patient. The medical records shall include findings during the prenatal period, which shall be available in the obstetric department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.
 - B) Records shall be maintained in accordance with hospital medical records policies and procedures, including the applicable requirements of the Health Insurance Portability and Accountability Act and the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the obstetric department shall require all physicians delivering obstetric care to send copies of the prenatal records, including laboratory reports, to the obstetric unit at or before 37 weeks of gestation, including updates from that time until admission.
 - 2) Infant records. Accurate and complete medical records shall be maintained for each infant. The medical records shall include:
 - A) History of maternal health and prenatal course, including mother's HIV status, if known.
 - B) Description of labor, including drugs administered, method of

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delivery, complications of labor and delivery, and description of placenta and amniotic fluid.

- C) Time of birth and condition of infant at birth, including the Apgar score at one and five minutes, the age at which respiration became spontaneous and sustained, a description of resuscitation if required, and a description of abnormalities and problems occurring from birth until transfer from the delivery room.
 - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a physical examination within 24 hours before discharge and daily during any remaining hospital stay.
 - E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by formula.
 - G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.
- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met by:
- A) retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
 - B) retaining this copy with the individual medical record.
- i) Reports
- 1) Each hospital that provides obstetric and neonatal services shall submit a monthly perinatal activities report to its affiliated Administrative Perinatal Center.
 - 2) Maternal death report

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- A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's rules titled Maternal Death Review. Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported regardless of whether the death occurred in the obstetric department or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.
 - B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Perinatal Activities Report.
- 3) The hospital shall comply with the laws of the State and the rules of the Department in the preparation and filing of birth, death and fetal death certificates.
- 4) Epidemic and communicable disease reporting
- A) The hospital shall develop a protocol for the management and reporting of infections consistent with the Control of Communicable Diseases Code, the Perinatal HIV Prevention Act, Guidelines for Perinatal Care and Guidelines for Women's Health Care, and as approved by the infection control committee. These policies shall be known to obstetric and nursery personnel.
 - B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to, methicillin-resistant Staphylococcus Aureus occurring in infants under 61 days of age, ophthalmia neonatorum, and perinatal hepatitis B infection.
- j) [Infant Feeding Policy](#)~~Breast milk~~
- 1) [For the purposes of this subsection \(j\):](#)

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- A) *Baby-Friendly Hospital Initiative means the voluntary program sponsored by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) that recognizes hospitals that meet certain evaluation criteria regarding the promotion of breastfeeding.*
- B) *Infant Nutrition Resource means breastfeeding education and infant formula safety and preparation.*
- 2) *Infant Feeding Policy Required*
- A) *Every hospital that provides birthing services must adopt an infant feeding policy that promotes breastfeeding. In developing the policy, a hospital shall consider guidance provided by the Baby-Friendly Hospital Initiative.*
- B) *An infant feeding policy adopted under this Section shall include guidance on the use of formula for medically necessary supplementation, if preferred by the mother, or when exclusive breastfeeding is contraindicated for the mother or for the infant.*
- 3) *Communication of Policy. A hospital shall routinely communicate the infant feeding policy to staff in the hospital's obstetric and neonatal areas, beginning with hospital staff orientation. The hospital shall also ensure that the policy and infant nutrition resources are posted in a conspicuous place in the hospital's obstetric or neonatal area or on the hospital's Internet or Intranet web site or on the Internet or Intranet web site of the health system of which the hospital is a part. The hospital shall make copies of the policy available to the Department upon request.*
- 4) *Application of Policy. A hospital's infant feeding policy adopted under the Hospital Infant Feeding Act must apply to all mother-infant couplets in the hospital's obstetric and neonatal areas. (Sections 5 through 20 of the Hospital Infant Feeding Act)*

~~The hospital shall provide the mother with information regarding lactation, the nutritional benefits of breast milk and lactation support organizations within the area. The hospital shall include, at a minimum, a lactation support staff with~~

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~~certification or experience in lactation training. The lactation support staff shall attend annual continuing education in relation to lactation counseling and training.~~

k) Breast Milk and Formula

1) Pursuant to the requirements of subsection (j), the hospital shall provide the mother with information regarding lactation, the nutritional benefits of breast milk, and lactation support organizations within the area. The hospital staff shall include, at a minimum, lactation support staff with certification or experience in lactation training. The lactation support staff shall attend continuing education in relation to lactation counseling and training, consistent with hospital policy. At least one lactation support staff shall be on duty at all times in the obstetric department.

2) Pursuant to the requirements of subsection (j), theThe hospital shall have a policy for the preparation of formula by hospital staff when hospital-prepared formula is needed in place of commercially-prepared formula. Adequate space, equipment and procedures for processing, handling and storing commercially-prepared formula shall be provided.

A)1) All hospitals providing obstetric or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.

B)2) Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double-section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

l) Visiting ~~Policy~~policy

1) The visiting requirements set forth in Subpart B shall apply to obstetric departments, except as modified in this subsection (l).

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- 2) Each obstetric department shall have a ~~visiting~~visiting policy that complies with the Guidelines for Perinatal Care and is approved by the hospital's infection control committee.
 - 3) The visiting policy shall cover all programs in the obstetric department.
 - 4) The visiting policy shall comply with the hospital's infection control policy and shall include signage instructing visitors to wash their hands.
- m) *Every hospital shall demonstrate to the Department that the following have been adopted:*
- 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
 - 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, ~~foot-printing~~footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

(Source: Amended at 38 Ill. Reg. 13280, effective June 10, 2014)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2700.15	Amendment
2700.20	Amendment
2700.40	Amendment
2700.55	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective Date of Rule: July 1, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 7, 2014, 38 Ill. Reg. 3522
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: In Section 2700.55, in line 616, after "information." Added "(See, e.g., the Data Processing Confidentiality Act [30 ILCS 585], the Family Educational Rights and Privacy Act of 1974 (20 USC 1232g), the Identity Protection Act [5 ILCS 179] and the Gramm-Leach-Bliley Act (15 USC 6801-6809)".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: New loan originations under the Federal Family Education Loan Program (FFELP) have been discontinued. The amendments for this Part are necessitated by federal regulatory changes which add and update citations to the federal regulations as a result of the program's discontinuation. In addition, ISAC proposes clarifying language in Section 2700.55 regarding the use, security and confidentiality of personally identifiable information.
- 16) Information and questions regarding this adopted rule 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
fax: 847/831-8299
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at

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34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014.

Section 2700.15 Incorporations by Reference

- a) The Commission incorporates by reference 34 CFR ~~85, 237~~, 600, ~~653~~, 668, 674, 675, 676, 682, 685 and 690 (July 1, 2014)(~~October 2009~~). No incorporation by reference in this Section includes any later amendment or edition beyond the date stated. The Code of Federal Regulations is available online.
- b) Copies of the appropriate material are available for inspection at the Illinois Student Assistance Commission offices at:

1755 Lake Cook Road, Deerfield IL 60015-5209

500 West Monroe, Springfield IL 62704-1876

100 West Randolph, Suite 3-200, Chicago IL 60601-3219

(Source: Amended at 38 Ill. Reg. 13356, effective July 1, 2014)

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

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"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold.

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The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at 2 or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among 2 or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 USC 1087ll).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an

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installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 USC 1091).

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan~~A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation (34 CFR 682.200).~~

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

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"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at section 474 of the HEA (20 USC 1087nn).

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

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"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS

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947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, [this term is defined at 34 CFR 668.2\(b\)an independent student is defined by section 480 of the HEA \(20 USC 1087vv\)](#).

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State; or

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act; and

enrolls a majority of its students in these degree programs; and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students

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(Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose*

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parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2**(b)**.

"Pell Grant" – A federal gift assistance program administered by ED in accordance with section ~~401-411~~ of the HEA (20 USC 1070a et seq).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so

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resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding 2 paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following 4 paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

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"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to section 484 of the HEA (20 USC 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by section 428A of the HEA (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of

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television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by [subpart E of 34 CFR 668 et seq.](#) and by ISAC's rules.

(Source: Amended at 38 Ill. Reg. 13356, effective July 1, 2014)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for ~~federally~~-guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for ~~federally~~~~ISAC~~-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
 - iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
 - B) Borrowers are eligible to use subsections (a)(1)(A)(ii) and (iii) only one time.

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- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least 6 consecutive months or has met the requirements of subsection (a)(1)(A). Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).
- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor.

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- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed 6 eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed 4 eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed 3 eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed 2 eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for 10 semesters/15 quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for 8 semesters/12 quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.37 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.
- k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.

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- m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Amended at 38 Ill. Reg. 13356, effective July 1, 2014)

Section 2700.55 Use, Security and Confidentiality of InformationData

The personally identifiable information of an ISAC program applicant, participant or anyone named in any materials related to program participation, or personally identifiable information of an individual that ISAC accesses, receives or maintains in relation to its research or other activities, is considered confidential personal information and shall be governed by applicable State and federal privacy laws. All educational institutions, lenders, holders, servicers and other entities participating in ISAC-administered programs or activities shall be expected to know and shall comply with all applicable federal and State laws that govern the privacy, use, access and security of the confidential information. (See, e.g., the Data Processing Confidentiality Act [30 ILCS 585], the Family Educational Rights and Privacy Act of 1974 (20 USC 1232g), the Identity Protection Act [5 ILCS 179] and the Gramm-Leach-Bliley Act (15 USC 6801-6809).) The confidential information shall not be sold or used, shared or accessed for any purpose other than that which is directly related to the purpose for which the confidential information was provided to the participating entity which regulate the privacy and use of, and access to, shared data. (See, e.g., the Family Educational Rights and Privacy Act (20 USC 1232g); the Data Processing Confidentiality Act [30 ILCS 585/0.01 et seq.]; the Freedom of Information Act [5 ILCS 140]; Section 487 of the Higher Education Act of 1965, as amended (20 USC 1094); (12 CFR 313; and 34 CFR 682.610.) The data shall be confidential and shall not be used, sold or shared for any purpose other than that which is directly related to the internal operations of the participating entity or ISAC. Participating entities shall be responsible for implementing appropriate security procedures to protect the integrity of the confidential information when data-accessed, stored, transmitted or received. This Section shall not apply to the publication of the names of State Scholars pursuant to 23 Ill. Adm. Code 2760.30.

(Source: Amended at 38 Ill. Reg. 13356, effective July 1, 2014)

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- 1) The Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2720.10	Amendment
2720.25	Repealed
2720.30	Amendment
2720.41	Amendment
2720.50	Amendment
2720.70	Amendment
2720.80	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective Date of Rule: July 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 7, 2014; 38 Ill. Reg. 3541
- 10) Has JCAR issued a Statement of Objection to the rulemaking? No
- 11) Differences between Proposed and Final Version: The changes made were technical in nature.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will the rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The Student Aid and Financial Responsibility Act of 2009 discontinued loan originations in the Federal Family Education Loan Program (FFELP). Federal regulations that will be effective July 1, 2014 removed FFELP loan origination sections. Section 2720.25 is being repealed because schools no longer have the ability to serve as educational lenders.
- 16) Information and questions regarding this adopted rule 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
fax: 847/831-8299
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS: THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility (<u>Repealed</u>)
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement , Disclosure, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Federal Default Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

2720.200	ISAC Originated Consolidation Loans
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- 2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); 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 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill.

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Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. 9135, effective July 1, 2004; amended at 29 Ill. Reg. 9897, effective July 1, 2005; amended at 31 Ill. Reg. 9496, effective July 1, 2007; amended at 32 Ill. Reg. 10290, effective July 1, 2008; amended at 33 Ill. Reg. 9758, effective July 1, 2009; amended at 34 Ill. Reg. 8565, effective July 1, 2010; amended at 38 Ill. Reg. 13374, effective July 1, 2014.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) ~~Prior to July 1, 2010, applicants could~~ Applicants may apply for a loan guarantee by submitting a common ED-approved application form or through a comparable electronic process in accordance with federal law. (See 15 USC USCA 7001 et seq.)
- b) Borrower eligibility requirements for guaranteed loans are established by federal regulations (34 CFR 682.201).
- c) The student must be enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the applicant as eligible for a guaranteed loan.
- d) An applicant shall not be disqualified for a loan guarantee by ISAC if the lender, the institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC USCA 1071 et seq.), of federal regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower, as specified by federal regulations (34 CFR 682.204).
- f) The institution shall compute a recommended loan amount for each applicant in accordance with Section 425(a)(1) of the Higher Education Act, as amended. No guaranteed loan may exceed the institution's recommended amount.
 - 1) When certifying loan eligibility for an academic year which will span

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academic levels, the institution's recommended loan amount shall not exceed the maximum permitted for the applicant's academic level at the time of certification.

- 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that academic year. (See Section 484 of the Higher Education Act of 1965, as amended (20 USC 1091) and 34 CFR 668.32(g)(2).)

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

Section 2720.25 Educational Lender Eligibility (Repealed)

- a) ~~Educational lenders must meet the eligibility requirements of institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for lenders as outlined in Section 2720.20, Lender Eligibility. Also, educational lenders must comply with all federal regulations related to the origination, disbursement and servicing of a loan. (See, e.g., 34 CFR 682.601 and 682.602.)~~
- b) ~~Institutions may be approved as lenders if approved by ED and if the following requirements are met:~~
 - 1) ~~The specific materials to be provided by an institution in seeking approval as an eligible lender are:~~
 - A) ~~An audited, certified and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;~~
 - B) ~~An institutional catalog;~~
 - C) ~~A statement of the institution's default/delinquency experience as a lender in the Federal Perkins Loan Program, FFELP, or Federal Insured Student Loan (FISL) Program (20 USC 1071 et seq.);~~

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- D) ~~A statement explaining the source of the institution's lending capital; and~~
 - E) ~~Any other materials that might be requested by ISAC to show the institution's potential qualifications as a lender.~~
- 2) ~~In addition to the above materials, a school that is organized on a for-profit basis will be requested to submit a:~~
- A) ~~copy of its student contract;~~
 - B) ~~description of its admission/sales staff and their functions;~~
 - C) ~~statement of the institution's drop-out/completion rates;~~
 - D) ~~sample of the institution's advertising materials; and~~
 - E) ~~description or copies of student complaints filed with the institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the institution's accrediting association.~~
- 3) ~~The applications for eligible educational lender status in the programs and the supporting documentation shall be reviewed by ISAC staff. The applicant institution shall be informed of its annual lending limit, as well as any additions to the lender agreement that ISAC determines are prudent in individual instances to protect the default record of ISAC. If the institution is approved as an educational lender, it will execute an Educational Lender Agreement that will include:~~
- A) ~~the institution's agreement to comply with statutes, federal regulations and State rules;~~
 - B) ~~a statement of agreement including, or referring to, the list of required activities of educational lenders as outlined in 34 CFR 682.601 and 682.602;~~
 - C) ~~a statement of agreement including, or referring to, the federal~~

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- ~~regulations with respect to loan disbursements and refund application;~~
- ~~D) a statement of agreement including, or referring to, the federal regulations definition of "due diligence"; and~~
- ~~E) an expiration date of such lending contract that shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.~~
- e) ~~A loan guarantee shall be canceled if the educational lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the educational lender for the defaulted loan.~~
- d) ~~ISAC conducts compliance reviews to determine if approved educational lenders are complying with federal regulations, statutes and rules.~~
- e) ~~Educational lenders that do not maintain the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)~~

(Source: Repealed at 38 Ill. Reg. 13374, effective July 1, 2014)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical and vocational schools. Correspondence institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs. (See 34 CFR 668.14.)
- c) An institution may not engage in loan origination activities. This prohibition shall not apply if the institution has an ED-approved Origination Agreement on file with ISAC and the institution was previously~~has been~~ approved as an educational lender as required by federal regulations. ~~(See Section 2720.25 of this Part and 34~~

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~~CFR 682.601 and 682.602.)~~

- d) Approved institutions shall provide ISAC with the current enrollment status of students whom the institution has certified as eligible borrowers in accordance with federal regulations. (See 34 CFR 682.610(c).)
- e) Applicant and approved institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g., 34 CFR 668.14, 668.15 and 668.16.)
- f) Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application that shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; documentation relating to student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulations and State statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.
- g) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- h) A foreign postsecondary institution, located outside the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED. (See 34 CFR 668.15(h).)

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

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Section 2720.41 One-Lender Requirement

- a) All of a borrower's outstanding ISAC-guaranteed loans must be made by the same lender, subject to the ~~following~~ conditions ~~of this subsection (a).~~ ~~ISAC will issue a loan guarantee to a commercial lender provided that lender agrees to make all types of Federal Family Education Loan Program (FFELP) Loans to the borrower that the borrower requests and is eligible to receive, and:~~
- ~~1A)~~ the loan is the borrower's first ISAC-guaranteed loan;
 - ~~2B)~~ the loan is a subsequent loan and the commercial lender has issued all of the borrower's previous ISAC-guaranteed loans; or
 - ~~3C)~~ the loan is a subsequent loan and the commercial lender holds or has purchased all outstanding ISAC-guaranteed loans for that borrower from previous commercial lenders, in accordance with Section 2720.42 ~~of this Part.~~
- ~~2) ISAC will issue a loan guarantee to an educational lender provided that:~~
- ~~A) the lender agrees to make all types of FFELP Loans to the borrower that the borrower requests and is eligible to receive;~~
 - ~~B) the lender is an educational institution at which the borrower is currently enrolled; and~~
 - ~~C) the borrower has previously made a good faith effort to obtain a loan from a commercial lender pursuant to federal regulations. (See 34 CFR 682.602.)~~
- b) The requirements of this Section shall not apply if:
- 1) the outstanding loans are held by a lender that has been declared insolvent by a regulatory agency, has terminated its agreement with ISAC or has withdrawn from participation in FFELP;
 - 2) ISAC is informed by the borrower, the institution or its agent that the borrower has provided authorization to have subsequent loans issued by a different lender;

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- 3) the borrower is requesting a subsequent loan and the lender has made a previous ISAC-guaranteed loan to that borrower for that loan program with a guarantee date prior to July 1, 1993; or
- 4) the borrower's outstanding loans were made in accordance with Section 2720.40(c) ~~of this Part~~, by a lender-of-last-resort.

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

Section 2720.50 Procedures for ~~Disbursement, Disclosure, Delivery~~ and Repayment

- a) ~~Disclosure~~~~Disbursement, disclosure, delivery~~ and repayment procedures are specified in federal regulations. (See 34 CFR 682.205, ~~34 CFR 682.206, 34 CFR 682.207, 34 CFR 682.209,~~ and ~~34 CFR 682.604.~~) Furthermore, the lender shall provide required disclosures to federal Stafford, PLUS, and Consolidation loan borrowers, according to federal regulations. (See 34 CFR 682.205, ~~34 CFR 682.208(e)(1), 34 CFR 682.210(a)(3)(ii), 34 CFR 682.211(e).~~)
- b) Prior to disbursement, the borrower ~~executed~~~~shall execute~~ a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain an original or true and exact copy of the promissory note. (See 34 CFR 682.414.)
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan that is payable by ED.
- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-

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payable to the institution and the borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and, in the case of a Parent PLUS Loan, the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.

- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 180 days after the end of the loan period or 180 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection (e)(2), the school must request that the loan be canceled and must return any loan proceeds. (See 34 CFR 668.164(g).)
- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c) and 668.22(j)), the institution shall pay penalty interest.
 - B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
 - C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower shall have the right to prepay without penalty the whole or any part of a loan guaranteed under this Part.
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 150 days before the first payment on the loan is due from the borrower.

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- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by section 428(c)(3)(C) of the Higher Education Act of 1965, as amended (20 USC 1078(c)(3)(C)), and by federal regulations. (See 34 CFR 682.211.)
- k) Borrowers are entitled to deferments, which extend the maturity date of any note, under conditions established by federal regulations. (See 34 CFR 682.210.)
- l) ISAC provides lenders or holders with the ED-approved common forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, mandatory forbearance forms).
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, areas of national need, civil legal assistance attorneys, or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.216, 682.402 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.

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- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402(f).) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) ~~of this Section~~.
- e) Prior to reimbursement, the lender or holder must have remitted the federal default fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202 ~~(e)(f)~~ and ~~(f)(g)~~), including the federal default fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410(b)(6).)

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- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify the Office of the Comptroller that a borrower is eligible to be offset. ISAC may provide additional notice of subsequent offsets for the same debt. The Comptroller shall notify the borrower that the Comptroller is required to hold all eligible payments until the loan is paid in full. Should the borrower dispute the debt, a protest must be filed with the Office of the Comptroller within 30 days after and including the date of the notice. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to each national consumer reporting agency or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(C)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

Section 2720.80 Federal Default Fee

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- a) ISAC must charge a federal default fee on each loan guaranteed on or after July 1, 2006 and prior to July 1, 2010. The fee must be collected from the borrower or from any non-federal source. If assessed to the borrower, the fee must be deducted proportionally from each disbursement of the loan. The fee must be remitted to ISAC by the lender no less frequently than monthly.
- b) The amount of the federal default fee collected on each loan shall be equal to one percent of the principal amount of the loan (see 20 USC 1071 et seq.).
- c) Refunds of any federal default fees assessed the borrower shall be made in accordance with federal regulations. (See 34 CFR 682.401(b)(~~340~~)(v) & (vi).)
- d) The federal default fees shall be deposited in the Federal Student Loan Reserve Fund. In accordance with federal regulations, a guaranty agency shall not use such proceeds for incentive payments to lenders and shall only use these proceeds for costs incurred as outlined in 34 CFR 682.419(c).

(Source: Amended at 38 Ill. Reg. 13374, effective July 1, 2014)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section Number: 2731.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)]
- 5) Effective Date of Rule: July 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 7, 2014; 38 Ill. Reg. 3557
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: This rulemaking is being proposed to provide clarification for procedures and program administration.
- 16) Information and questions regarding this adopted rule shall be directed to:

Lynn Hynes

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500 ext. 2305
fax: 847/831-8299
email: lynn.hynes@isac.illinois.gov

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section

2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006; amended at 35 Ill. Reg. 12374, effective July 15, 2011; amended at 36 Ill. Reg. 9414, effective July 1, 2012; amended at 37 Ill. Reg. 9510, effective July 1, 2013; amended at 38 Ill. Reg. 13390, effective July 1, 2014.

Section 2731.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.

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- 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for summer term only.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
 - 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
 - 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study. Recipients may accumulate up to 48 eligibility units.
 - 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to

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eligibility units according to the following table:

<u>Number of Hours</u>	<u>Semester Term</u>	<u>Quarter Term</u>
<u>12 or more hours</u>	<u>6 units</u>	<u>4 units</u>
<u>6 - 11.99 hours</u>	<u>3 units</u>	<u>2 units</u>

2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 48 eligibility units but does not have enough units remaining for the number of hours in which he or she is enrolled for the term.

- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.

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- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
- 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims for the difference between in-district and out-of-district tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o).

(Source: Amended at 38 Ill. Reg. 13390, effective July 1, 2014)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Number: 2732.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)]
- 5) Effective Date of Rule: July 1, 2014
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 7, 2014, 38 Ill. Reg. 3563
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment is being proposed to provide clarification for procedures and program administration.
- 16) Information and questions regarding this adopted rule shall be directed to:

Lynn Hynes

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2305
fax: 847/831-8299
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 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

Section

2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006; amended at 35 Ill. Reg. 12378, effective July 15, 2011; amended at 36 Ill. Reg. 9420, effective July 1, 2012; amended at 37 Ill. Reg. 9516, effective July 1, 2013; amended at 38 Ill. Reg. 13396, effective July 1, 2014.

Section 2732.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.

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- 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for the summer term only.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
 - 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
 - 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the costs of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award will be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study. Recipients may accumulate up to 48 eligibility units.
 - 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to

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eligibility units according to the following table:

<u>Number of Hours</u>	<u>Semester Term</u>	<u>Quarter Term</u>
<u>12 or more hours</u>	<u>6 units</u>	<u>4 units</u>
<u>6 - 11.99 hours</u>	<u>3 units</u>	<u>2 units</u>

2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 48 eligibility units but does not have enough units remaining for the number of hours in which he or she is enrolled for the term.

- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.

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- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
- 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims for the difference between in-district and out-of-district tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o).

(Source: Amended at 38 Ill. Reg. 13396, effective July 1, 2014)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Number: 2765.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15]
- 5) Effective Date of Rule: July 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

Notice of Proposal published in the *Illinois Register*: February 7, 2014; 38 Ill. Reg. 3569
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment provides clarification and consistency for procedures and program administration. In addition, clarification is being provided for accounts in repayment.

Information and questions regarding the adopted rule shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2305
fax: 847/831-8299
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 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. 9941, effective July 1, 2005; amended at 30 Ill. Reg. 11697, effective July 1, 2006; amended at 35 Ill. Reg. 12388, effective July 15, 2011; amended at 37 Ill. Reg. 9550, effective July 1, 2013; amended at 38 Ill. Reg. 13402, effective July 1, 2014.

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions, ~~ISAC's website; the offices of Regional Superintendents of Education in Illinois; ISAC's Web site; Illinois State legislative and Illinois federal Congressional offices;~~ and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing

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information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.
- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
 - 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 105 tuition waivers shall be awarded annually to students scheduled to graduate from an approved high school in the academic year in which the award is made and who rank in the upper half of their class at the end of the sixth semester. Any of the 145 tuition waivers not awarded pursuant to subsections (e)(1) and (3) ~~of this Section~~ shall be awarded to this group;
 - 3) A maximum of 105 tuition waivers may be awarded annually to qualified applicants who have graduated from an approved high school prior to the academic year in which the award is made. If more than 105 applicants qualify under this subsection (e)(3), a lottery shall be used to select the 105 recipients;
 - 4) ISAC shall select recipients, pursuant to subsection (e)(2), from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in 23 Ill. Adm. Code 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2));
 - 5) A lottery will be used to determine recipients pursuant to subsection (e)(2) if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is

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selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.

- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
 - 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;

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- 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study. A recipient who has transferred and is waiting to be accepted into the Special Education program at the new university shall not be subject to this provision provided he or she is enrolled and is pursuing course work that

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meets the new university's requirements to gain admission to the Special Education program;

- 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
- n) If a recipient is required to repay any portion of ~~at~~ tuition waiver awarded prior to July 1, 2014, the repayment period shall be completed within five years after the tuition waiver converts to a loan. If a recipient is required to repay any portion of a tuition waiver awarded after July 1, 2014, the repayment period shall be completed within 10 years after the tuition waiver converts to a loan. Repayment periods may be extended if a recipient ~~The five-year period may be extended if the recipient:~~
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.

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- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician ([see, e.g., 34 CFR 682.402\(c\)](#))(~~[see, e.g., 34 CFR 653.42\(k\)\(1\)](#)~~); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A holder of a tuition waiver must register for enrollment in a special education program of teacher education within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, he or she will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 38 Ill. Reg. 13402, effective July 1, 2014)

DEPARTMENT OF STATE POLICE

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Firearm Concealed Carry Act Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1231
- 3) Section Numbers:
1231.20
1231.30
- 4) Notice of Emergency Amendments Published in the *Illinois Register*: 38 Ill. Reg. 9703;
May 2, 2014
- 5) JCAR Statement of Objection to Emergency Amendments published in the *Illinois Register*: 38 Ill. Reg. 11969; June 6, 2014
- 6) Date Agency Submitted this Modification to JCAR for Approval: June 10, 2014
- 7) Summary of Action Taken by the Agency: In response to the Objection issued by the Joint Committee on Administrative Rules at the hearing on May 20, 2014, the Illinois State Police will attempt to be more timely in its submission of rulemaking and limit future use of the emergency process to situations in which it is required. The Department also agreed to modify Sections 1231.20 and 1231.30 to correct the deficiencies and technical errors in order to more clearly convey the Department's policy. The other Sections of the emergency rules were not modified and remain in effect.

The full text of the Modification to Emergency Amendments begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section

1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

1231.20 Instructor Approval

| EMERGENCY

1231.30 Instructor Approval Revocation

| EMERGENCY

1231.40 Curriculum Approval

1231.50 Training Certification

| EMERGENCY

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

1231.60 Issuance of License

1231.70 Objections

1231.80 Review Board

1231.90 Qualifications for License

1231.100 Application

1231.110 Non-Resident Application

1231.120 Renewal

1231.130 Change Requests

1231.140 Fees

1231.150 Prohibited Areas

1231.160 FCCL Suspension, Revocation and Invalidation

1231.170 Appeals

SUBPART D: MISCELLANEOUS

DEPARTMENT OF STATE POLICE

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1231.180 Law Enforcement Fingerprinting Registration

1231.APPENDIX A Prohibited Area Posting

1231.APPENDIX B Prior Training Credit

EMERGENCY1231.APPENDIX C Concealed Carry Firearm Training Certification Form (Repealed)EMERGENCY

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

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days.

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

Section 1231.20 Instructor ApprovalEMERGENCY

- a) Applicants for Concealed Carry Firearm Instructor (Instructor) approval shall meet the requirements of Section 80 of the Act and shall maintain:
 - 1) A valid Firearm Owner's Identification (FOID) Card or, if an out-of-state resident, the applicant must meet all of the eligibility requirements to obtain a FOID Card other than Illinois residency (see 20 Ill. Adm. Code 1230); and
 - 2) After April 16, 2014, a valid FCCL, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, or, if the applicant is an out-of-state resident not from a substantially similar state, that person shall provide proof to the Department upon request that he or she is not required to possess an FCCL to conceal and carry handguns in Illinois, or that he or she is eligible to carry under the laws of his or her state or territory of residence.

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NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- b) Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- c) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor or law enforcement agency registered by the Department, the applicant shall electronically complete and submit the Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website [@www.isp.state.il.us/eel4illinois.com](http://www.isp.state.il.us/eel4illinois.com).
- d) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed. Upon receipt of an incomplete Application, the Department shall notify the instructor applicant and advise what information is missing. If an instructor applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the Application shall be denied.
- e) Applicants must have read the Act in its entirety ~~and, understand the rules and requirements of this Part., and, after April 16, 2014, hold an Illinois Firearms Concealed Carry License, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, and:~~
- 1) ~~If the applicant is an Illinois resident, possess a valid FOID Card.~~
 - 2) ~~If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.~~
- f) Applicants must meet all of the requirements of Section 30 of the Act.
- g) Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to:

Illinois State Police

DEPARTMENT OF STATE POLICE

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Concealed Carry Firearms Instructor Approval
P.O. Box 19333
Springfield IL 62724

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days)

Section 1231.30 Instructor Approval Revocation**EMERGENCY**

- a) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.
- b) The Department may revoke an Instructor's approval upon receiving substantiated information that the Instructor is not teaching the curriculum in a manner consistent with Section 75 of the Act.
- c) The Department may, without providing prior notice, audit an Instructor's scheduled training for purposes of investigating allegations that an Instructor and/or curriculum is not in compliance with the Act and this Part. ~~Complaints regarding Instructors may be made by calling the Illinois State Police Academy at (217)786-0284.~~
 - 1) To facilitate an adequate audit trail, instructors shall maintain all records to support any training certification as required by Section 75(f) of the Act, which shall include:
 - A) copies of training certificates currently accepted to satisfy the prior training credit submitted by students;
 - B) training rosters;
 - C) written performance scores;
 - D) live-fire qualification scores; and

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OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- E) proof of overall completion of training (successful or unsuccessful)
- 2) Forms of proof of training, provided by students requesting credit for the prior training, shall be treated as confidential. For example, forms of proof such as a DD214 for previous military service will contain personal identifying information that should be protected. Instructors may encourage students to redact certain personal identifiers prior to providing a copy, and shall ensure this information is secured in a location that is not accessible to unauthorized persons.
- d) Complaints regarding Instructors may be made by contacting the Department (see the Department's website ([@www.isp.state.il.us](http://www.isp.state.il.us))).
- e)d) Upon revocation of an Instructor's approval, the Instructor's name and information shall be removed from the registry of approved Instructors maintained by the Department and available on its website.
- f)e) Once an Instructor's approval is revoked and the Department issues a letter of revocation to the Instructor, the Instructor may appeal the revocation to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. If the Director determines that the revocation of approval was not warranted, or that the issues that resulted in revocation have been remedied, the Instructor's approval shall be reinstated, the Instructor shall be notified and the name of the Instructor shall be restored to the registry of approved Instructors.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.260	Amendment
310.APPENDIX A TABLE J	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending Sections 310.260 and Appendix A Table J of the Pay Plan (80 Ill. Adm. Code 310) to reflect the Memorandum of Understanding (MOU) between CMS and the American Federation of State, County and Municipal Employees (AFSCME) for the Human Resources Trainee title signed May 12, 2014. The MOU assigns the RC-014-07 pay grade to the Human Resources Trainee title effective June 12, 2013. On that date, the Illinois Labor Relations Board (ILRB) issued a Certification of Unit Clarification (Case No. S-UC-13-038) to include the Human Resource Assistant Trainer at the Department of Revenue. The title was corrected to Human Resources Trainee at the Department of Revenue by the ILRB in a Corrected Certification of Unit Clarification (Case No. S-UC-13-038) issued June 25, 2013.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: June 11, 2014
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.260, the bargaining unit pay grade is added to the table's column in the Human Resources Trainee title's row.

In Section 310.Appendix A Table J and to the title table, the Human Resources Trainee title (Department of Revenue), its title code 19694, bargaining unit and pay grade are added.
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 9) Date filed with the Index Department: June 11, 2014
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.50	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.100	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.130	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.260	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.500	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE A	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE B	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE C	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE D	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE E	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE F	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE G	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE H	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE I	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE J	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE K	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE M	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE N	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE O	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE P	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE Q	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE R	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE S	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE T	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE V	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE W	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE X	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE Y	Amendment	38 Ill. Reg. 6751; March 28, 2014

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310.APPENDIX A TABLE Z	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE AC	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE AD	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.APPENDIX A TABLE AE	Amendment	38 Ill. Reg. 6751; March 28, 2014
310.Appendix A Table X	Amendment	38 Ill. Reg. 8507; April 25, 2014
310.210	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.Appendix A Table A	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.Appendix A Table D	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.Appendix A Table E	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.Appendix A Table F	Amendment	38 Ill. Reg. 9719; May 9, 2014
310.Appendix A Table X	Amendment	38 Ill. Reg. 9719; May 9, 2014

13) Statement of Statewide Policy Objective: This amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory rulemaking shall be directed to:

Mr. Jason Doggett, Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
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310.47	In-Hire Rate
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310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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310.205	Introduction
310.210	Prevailing Rate
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310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated Rate
310.280	Designated Rate

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310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

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310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section	
310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)

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310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
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310.670	Negotiated Rate (Repealed)
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310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
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310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
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310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)

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310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
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310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
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310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
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310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)

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310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July

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18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg.

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12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory

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amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill.

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Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at

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29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December

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13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092,

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effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April

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11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014.

SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-15
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11

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Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economic Development Representative Trainee	12939	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07 None	MS-04
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04

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Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-033	MS-07
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Office Occupations Trainee	30075	None	MS-01
Police Officer Trainee	32985	None	MS-06
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Public Service Trainee	37025	None	MS-01

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Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09

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(Source: Amended by peremptory rulemaking at 38 Ill. Reg. 13416, effective June 11, 2014)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
Check Issuance Machine Supervisor	06925	RC-014	11
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	13
Emergency Response Telecommunicator	13543	RC-014	11
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
Executive Secretary III	14033	RC-014	16

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Graphic Arts Designer	17366	RC-014	14
Graphic Arts Designer Advanced	17370	RC-014	16
Graphic Arts Designer Supervisor	17365	RC-014	18
Graphic Arts Technician	17400	RC-014	12
Human Resources Assistant	19690	RC-014	08
Human Resources Associate	19691	RC-014	11
<u>Human Resources Trainee (Department of Revenue)</u>	<u>19694</u>	<u>RC-014</u>	<u>07</u>
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Administrator I	29991	RC-014	07
Office Administrator II	29992	RC-014	09
Office Administrator III	29993	RC-014	11
Office Aide	30005	RC-014	02
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer	32080	RC-014	14
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5

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Property and Supply Clerk III	34793	RC-014	08
Rehabilitation Case Coordinator I	38141	RC-014	08
Rehabilitation Case Coordinator II	38142	RC-014	10
Reproduction Service Supervisor I	38201	RC-014	13
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11
Safety Responsibility Analyst	38910	RC-014	12
Safety Responsibility Analyst Supervisor	38915	RC-014	14
Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunications Supervisor	45305	RC-014	20
Telecommunicator	45321	RC-014	12
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Call Taker	45322	RC-014	14
Telecommunicator Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Specialist	45327	RC-014	17
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Trainee	45325	RC-014	10
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request,

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are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

RC-014-TR Clarification – RC-014-TR is at least the minimum wage and below the minimum rate in the pay grade of the targeted title. The targeted title is the lowest entry level position in the office, either Office Aide (pay grade RC-014-02), Office Clerk (pay grade RC-014-04) or, for the Department of Corrections only, Office Assistant (pay grade RC-014-06).

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain fifteen years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have 3 or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall

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continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

Effective July 1, 2012
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
02	B	2662	2721	2783	2856	2919	2989	3100	3222
02	Q	2762	2828	2891	2966	3039	3108	3222	3352
02	S	2839	2898	2961	3041	3111	3178	3295	3426
02H	B	16.38	16.74	17.13	17.58	17.96	18.39	19.08	19.83
02H	Q	17.00	17.40	17.79	18.25	18.70	19.13	19.83	20.63
02H	S	17.47	17.83	18.22	18.71	19.14	19.56	20.28	21.08
03	B	2721	2783	2857	2924	2995	3066	3193	3320
03	Q	2828	2891	2967	3042	3113	3185	3320	3455
03	S	2898	2961	3042	3114	3183	3257	3392	3526
03.5	B	2783	2852	2924	2997	3066	3144	3276	3406
03.5	Q	2891	2963	3042	3115	3185	3266	3405	3542
03.5	S	2961	3039	3114	3188	3257	3338	3479	3619
04	B	2783	2857	2934	2999	3082	3152	3285	3419
04	Q	2891	2967	3046	3117	3205	3276	3416	3553
04	S	2961	3042	3118	3192	3278	3348	3487	3628
04.5	B	2852	2924	2998	3076	3157	3229	3366	3500
04.5	Q	2963	3042	3116	3199	3281	3359	3501	3641
04.5	S	3039	3114	3191	3268	3352	3432	3576	3718

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05	B	2857	2939	3012	3091	3166	3245	3378	3513
05	Q	2967	3050	3131	3212	3291	3374	3513	3652
05	S	3042	3120	3205	3286	3366	3446	3585	3728
05.5	B	2924	2999	3088	3165	3245	3329	3466	3602
05.5	Q	3042	3117	3210	3290	3374	3466	3603	3747
05.5	S	3114	3192	3283	3365	3446	3536	3677	3823
06	B	2939	3014	3095	3181	3262	3354	3495	3634
06	Q	3050	3132	3219	3309	3395	3485	3634	3780
06	S	3120	3206	3288	3383	3469	3560	3710	3860
07	B	3014	3100	3191	3280	3368	3464	3621	3765
07	Q	3132	3222	3318	3409	3504	3602	3770	3921
07	S	3206	3295	3388	3482	3578	3673	3845	3997
08	B	3100	3198	3291	3395	3487	3586	3756	3907
08	Q	3222	3327	3422	3533	3627	3737	3912	4070
08	S	3295	3396	3495	3607	3705	3811	3987	4146
09	B	3198	3297	3402	3507	3620	3726	3903	4059
09	Q	3327	3429	3540	3649	3768	3880	4066	4230
09	S	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3433	3558	3666	3791	3909	4032	4246	4416
10	S	3504	3629	3740	3864	3983	4114	4325	4497
10.5	B	3398	3507	3627	3738	3868	3981	4185	4353
10.5	Q	3537	3649	3777	3895	4030	4150	4365	4541
10.5	S	3610	3724	3854	3968	4113	4232	4449	4629
11	B	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3630	3758	3879	4019	4151	4283	4510	4689

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12	B	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3778	3916	4044	4201	4344	4499	4741	4932
12.5	B	3644	3779	3910	4060	4198	4336	4574	4756
12.5	Q	3796	3937	4077	4234	4384	4526	4781	4969
12.5	S	3869	4014	4153	4317	4466	4607	4864	5057
13	B	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3920	4065	4225	4389	4543	4712	4976	5175
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4458	4655	4864	5065	5268	5477	5793	6024
17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021

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19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512

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Effective May 20, 2013
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
2	B	2422	2502	2582	2662	2721	2783	2856	2919	2989	3100	3222
2	Q	2513	2596	2679	2762	2828	2891	2966	3039	3108	3222	3352
2	S	2583	2669	2754	2839	2898	2961	3041	3111	3178	3295	3426
02H	B	14.90	15.40	15.89	16.38	16.74	17.13	17.58	17.96	18.39	19.08	19.83
02H	Q	15.46	15.98	16.49	17.00	17.40	17.79	18.25	18.70	19.13	19.83	20.63
02H	S	15.90	16.42	16.95	17.47	17.83	18.22	18.71	19.14	19.56	20.28	21.08
3	B	2476	2558	2639	2721	2783	2857	2924	2995	3066	3193	3320
3	Q	2573	2658	2743	2828	2891	2967	3042	3113	3185	3320	3455
3	S	2637	2724	2811	2898	2961	3042	3114	3183	3257	3392	3526
3.5	B	2533	2616	2700	2783	2852	2924	2997	3066	3144	3276	3406
3.5	Q	2631	2718	2804	2891	2963	3042	3115	3185	3266	3405	3542
3.5	S	2695	2783	2872	2961	3039	3114	3188	3257	3338	3479	3619
4	B	2533	2616	2700	2783	2857	2934	2999	3082	3152	3285	3419
4	Q	2631	2718	2804	2891	2967	3046	3117	3205	3276	3416	3553
4	S	2695	2783	2872	2961	3042	3118	3192	3278	3348	3487	3628
4.5	B	2595	2681	2766	2852	2924	2998	3076	3157	3229	3366	3500

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4.5	Q	2696	2785	2874	2963	3042	3116	3199	3281	3359	3501	3641
4.5	S	2765	2857	2948	3039	3114	3191	3268	3352	3432	3576	3718
5	B	2600	2686	2771	2857	2939	3012	3091	3166	3245	3378	3513
5	Q	2700	2789	2878	2967	3050	3131	3212	3291	3374	3513	3652
5	S	2768	2859	2951	3042	3120	3205	3286	3366	3446	3585	3728
5.5	B	2661	2749	2836	2924	2999	3088	3165	3245	3329	3466	3602
5.5	Q	2768	2859	2951	3042	3117	3210	3290	3374	3466	3603	3747
5.5	S	2834	2927	3021	3114	3192	3283	3365	3446	3536	3677	3823
6	B	2674	2763	2851	2939	3014	3095	3181	3262	3354	3495	3634
6	Q	2776	2867	2959	3050	3132	3219	3309	3395	3485	3634	3780
6	S	2839	2933	3026	3120	3206	3288	3383	3469	3560	3710	3860
7	B	2743	2833	2924	3014	3100	3191	3280	3368	3464	3621	3765
7	Q	2850	2944	3038	3132	3222	3318	3409	3504	3602	3770	3921
7	S	2917	3014	3110	3206	3295	3388	3482	3578	3673	3845	3997
8	B	2821	2914	3007	3100	3198	3291	3395	3487	3586	3756	3907
8	Q	2932	3029	3125	3222	3327	3422	3533	3627	3737	3912	4070
8	S	2998	3097	3196	3295	3396	3495	3607	3705	3811	3987	4146
9	B	2910	3006	3102	3198	3297	3402	3507	3620	3726	3903	4059
9	Q	3028	3127	3227	3327	3429	3540	3649	3768	3880	4066	4230
9	S	3090	3192	3294	3396	3500	3613	3724	3844	3956	4143	4310
10	B	3003	3102	3201	3300	3421	3522	3638	3753	3869	4067	4231
10	Q	3124	3227	3330	3433	3558	3666	3791	3909	4032	4246	4416
10	S	3189	3294	3399	3504	3629	3740	3864	3983	4114	4325	4497
10.5	B	3092	3194	3296	3398	3507	3627	3738	3868	3981	4185	4353
10.5	Q	3219	3325	3431	3537	3649	3777	3895	4030	4150	4365	4541
10.5	S	3285	3393	3502	3610	3724	3854	3968	4113	4232	4449	4629

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NOTICE OF PEREMPTORY AMENDMENTS

11	B	3114	3217	3319	3422	3538	3652	3785	3909	4031	4244	4414
11	Q	3240	3346	3453	3560	3687	3807	3943	4075	4203	4431	4607
11	S	3303	3412	3521	3630	3758	3879	4019	4151	4283	4510	4689
12	B	3240	3346	3453	3560	3691	3811	3954	4083	4234	4461	4638
12	Q	3372	3484	3595	3706	3843	3970	4123	4263	4417	4658	4845
12	S	3438	3551	3665	3778	3916	4044	4201	4344	4499	4741	4932
12.5	B	3316	3425	3535	3644	3779	3910	4060	4198	4336	4574	4756
12.5	Q	3454	3568	3682	3796	3937	4077	4234	4384	4526	4781	4969
12.5	S	3521	3637	3753	3869	4014	4153	4317	4466	4607	4864	5057
13	B	3362	3472	3583	3694	3829	3975	4124	4274	4435	4681	4867
13	Q	3501	3616	3732	3847	3987	4144	4307	4465	4629	4892	5088
13	S	3567	3685	3802	3920	4065	4225	4389	4543	4712	4976	5175
14	B	3505	3621	3736	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	3655	3775	3896	4016	4168	4339	4526	4696	4876	5159	5364
14	S	3722	3845	3967	4090	4250	4416	4607	4779	4959	5241	5448
15	B	3645	3765	3885	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	3803	3928	4054	4179	4362	4543	4727	4923	5104	5408	5626
15	S	3873	4001	4128	4256	4443	4624	4810	5006	5186	5493	5712
16	B	3815	3940	4066	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	3980	4112	4243	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4057	4191	4324	4458	4655	4864	5065	5268	5477	5793	6024
17	B	3997	4128	4260	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4170	4307	4445	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4245	4385	4525	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4207	4346	4484	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4393	4538	4683	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4466	4614	4761	4908	5147	5383	5625	5852	6084	6437	6696

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19	B	4433	4579	4725	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	4633	4786	4938	5091	5352	5599	5866	6110	6367	6750	7021
19	S	4711	4866	5022	5177	5436	5685	5949	6195	6450	6833	7106
20	B	4683	4837	4992	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	4894	5055	5217	5378	5649	5916	6197	6463	6731	7143	7428
20	S	4972	5136	5300	5464	5733	5998	6278	6545	6815	7223	7512

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Effective July 1, 2013
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
2	B	2470	2552	2634	2715	2775	2839	2913	2977	3049	3162	3286
2	Q	2563	2648	2733	2817	2885	2949	3025	3100	3170	3286	3419
2	S	2635	2722	2809	2896	2956	3020	3102	3173	3242	3361	3495
02H	B	15.20	15.70	16.21	16.71	17.08	17.47	17.93	18.32	18.76	19.46	20.22
02H	Q	15.77	16.30	16.82	17.34	17.75	18.15	18.62	19.08	19.51	20.22	21.04
02H	S	16.22	16.75	17.29	17.82	18.19	18.58	19.09	19.53	19.95	20.68	21.51
3	B	2526	2609	2692	2775	2839	2914	2982	3055	3127	3257	3386
3	Q	2624	2711	2798	2885	2949	3026	3103	3175	3249	3386	3524
3	S	2690	2778	2867	2956	3020	3103	3176	3247	3322	3460	3597
3.5	B	2584	2668	2754	2839	2909	2982	3057	3127	3207	3342	3474
3.5	Q	2684	2772	2860	2949	3022	3103	3177	3249	3331	3473	3613
3.5	S	2749	2839	2929	3020	3100	3176	3252	3322	3405	3549	3691
4	B	2584	2668	2754	2839	2914	2993	3059	3144	3215	3351	3487
4	Q	2684	2772	2860	2949	3026	3107	3179	3269	3342	3484	3624

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4	S	2749	2839	2929	3020	3103	3180	3256	3344	3415	3557	3701
4.5	B	2647	2735	2821	2909	2982	3058	3138	3220	3294	3433	3570
4.5	Q	2750	2841	2931	3022	3103	3178	3263	3347	3426	3571	3714
4.5	S	2820	2914	3007	3100	3176	3255	3333	3419	3501	3648	3792
5	B	2652	2740	2826	2914	2998	3072	3153	3229	3310	3446	3583
5	Q	2754	2845	2936	3026	3111	3194	3276	3357	3441	3583	3725
5	S	2823	2916	3010	3103	3182	3269	3352	3433	3515	3657	3803
5.5	B	2714	2804	2893	2982	3059	3150	3228	3310	3396	3535	3674
5.5	Q	2823	2916	3010	3103	3179	3274	3356	3441	3535	3675	3822
5.5	S	2891	2986	3081	3176	3256	3349	3432	3515	3607	3751	3899
6	B	2727	2818	2908	2998	3074	3157	3245	3327	3421	3565	3707
6	Q	2832	2924	3018	3111	3195	3283	3375	3463	3555	3707	3856
6	S	2896	2992	3087	3182	3270	3354	3451	3538	3631	3784	3937
7	B	2798	2890	2982	3074	3162	3255	3346	3435	3533	3693	3840
7	Q	2907	3003	3099	3195	3286	3384	3477	3574	3674	3845	3999
7	S	2975	3074	3172	3270	3361	3456	3552	3650	3746	3922	4077
8	B	2877	2972	3067	3162	3262	3357	3463	3557	3658	3831	3985
8	Q	2991	3090	3188	3286	3394	3490	3604	3700	3812	3990	4151
8	S	3058	3159	3260	3361	3464	3565	3679	3779	3887	4067	4229
9	B	2968	3066	3164	3262	3363	3470	3577	3692	3801	3981	4140
9	Q	3089	3190	3292	3394	3498	3611	3722	3843	3958	4147	4315
9	S	3152	3256	3360	3464	3570	3685	3798	3921	4035	4226	4396
10	B	3063	3164	3265	3366	3489	3592	3711	3828	3946	4148	4316
10	Q	3186	3292	3397	3502	3629	3739	3867	3987	4113	4331	4504
10	S	3253	3360	3467	3574	3702	3815	3941	4063	4196	4412	4587
10.5	B	3154	3258	3362	3466	3577	3700	3813	3945	4061	4269	4440

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10.5	Q	3283	3392	3500	3608	3722	3853	3973	4111	4233	4452	4632
10.5	S	3351	3461	3572	3682	3798	3931	4047	4195	4317	4538	4722
11	B	3176	3281	3385	3490	3609	3725	3861	3987	4112	4329	4502
11	Q	3305	3413	3522	3631	3761	3883	4022	4157	4287	4520	4699
11	S	3369	3480	3591	3703	3833	3957	4099	4234	4369	4600	4783
12	B	3305	3413	3522	3631	3765	3887	4033	4165	4319	4550	4731
12	Q	3439	3554	3667	3780	3920	4049	4205	4348	4505	4751	4942
12	S	3507	3622	3738	3854	3994	4125	4285	4431	4589	4836	5031
12.5	B	3382	3494	3606	3717	3855	3988	4141	4282	4423	4665	4851
12.5	Q	3523	3639	3756	3872	4016	4159	4319	4472	4617	4877	5068
12.5	S	3591	3710	3828	3946	4094	4236	4403	4555	4699	4961	5158
13	B	3429	3541	3655	3768	3906	4055	4206	4359	4524	4775	4964
13	Q	3571	3688	3807	3924	4067	4227	4393	4554	4722	4990	5190
13	S	3638	3759	3878	3998	4146	4310	4477	4634	4806	5076	5279
14	B	3575	3693	3811	3929	4077	4236	4423	4583	4757	5036	5237
14	Q	3728	3851	3974	4096	4251	4426	4617	4790	4974	5262	5471
14	S	3796	3922	4046	4172	4335	4504	4699	4875	5058	5346	5557
15	B	3718	3840	3963	4085	4266	4441	4614	4802	4982	5282	5491
15	Q	3879	4007	4135	4263	4449	4634	4822	5021	5206	5516	5739
15	S	3950	4081	4211	4341	4532	4716	4906	5106	5290	5603	5826
16	B	3891	4019	4147	4276	4467	4665	4857	5061	5263	5574	5797
16	Q	4060	4194	4328	4461	4665	4877	5080	5289	5500	5827	6063
16	S	4138	4275	4410	4547	4748	4961	5166	5373	5587	5909	6144
17	B	4077	4211	4345	4480	4686	4901	5110	5317	5532	5862	6096
17	Q	4253	4393	4534	4674	4898	5124	5337	5554	5782	6125	6373
17	S	4330	4473	4616	4758	4985	5210	5425	5640	5865	6215	6462

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

18	B	4291	4433	4574	4715	4942	5171	5408	5627	5854	6202	6452
18	Q	4481	4629	4777	4925	5168	5407	5653	5883	6118	6485	6743
18	S	4555	4706	4856	5006	5250	5491	5738	5969	6206	6566	6830
19	B	4522	4671	4820	4968	5221	5468	5720	5964	6212	6590	6853
19	Q	4726	4882	5037	5193	5459	5711	5983	6232	6494	6885	7161
19	S	4805	4963	5122	5281	5545	5799	6068	6319	6579	6970	7248
20	B	4777	4934	5092	5249	5515	5770	6046	6309	6570	6969	7247
20	Q	4992	5156	5321	5486	5762	6034	6321	6592	6866	7286	7577
20	S	5071	5239	5406	5573	5848	6118	6404	6676	6951	7367	7662

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Effective July 1, 2014
Bargaining Unit: RC-014

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
2	B	2519	2603	2687	2769	2831	2896	2971	3037	3110	3225	3352
2	Q	2614	2701	2788	2873	2943	3008	3086	3162	3233	3352	3487
2	S	2688	2776	2865	2954	3015	3080	3164	3236	3307	3428	3565
02H	B	15.50	16.02	16.54	17.04	17.42	17.82	18.28	18.69	19.14	19.85	20.63
02H	Q	16.09	16.62	17.16	17.68	18.11	18.51	18.99	19.46	19.90	20.63	21.46
02H	S	16.54	17.08	17.63	18.18	18.55	18.95	19.47	19.91	20.35	21.10	21.94
3	B	2577	2661	2746	2831	2896	2972	3042	3116	3190	3322	3454
3	Q	2676	2765	2854	2943	3008	3087	3165	3239	3314	3454	3594
3	S	2744	2834	2924	3015	3080	3165	3240	3312	3388	3529	3669
3.5	B	2636	2721	2809	2896	2967	3042	3118	3190	3271	3409	3543
3.5	Q	2738	2827	2917	3008	3082	3165	3241	3314	3398	3542	3685
3.5	S	2804	2896	2988	3080	3162	3240	3317	3388	3473	3620	3765

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

4	B	2636	2721	2809	2896	2972	3053	3120	3207	3279	3418	3557
4	Q	2738	2827	2917	3008	3087	3169	3243	3334	3409	3554	3696
4	S	2804	2896	2988	3080	3165	3244	3321	3411	3483	3628	3775
4.5	B	2700	2790	2877	2967	3042	3119	3201	3284	3360	3502	3641
4.5	Q	2805	2898	2990	3082	3165	3242	3328	3414	3495	3642	3788
4.5	S	2876	2972	3067	3162	3240	3320	3400	3487	3571	3721	3868
5	B	2705	2795	2883	2972	3058	3133	3216	3294	3376	3515	3655
5	Q	2809	2902	2995	3087	3173	3258	3342	3424	3510	3655	3800
5	S	2879	2974	3070	3165	3246	3334	3419	3502	3585	3730	3879
5.5	B	2768	2860	2951	3042	3120	3213	3293	3376	3464	3606	3747
5.5	Q	2879	2974	3070	3165	3243	3339	3423	3510	3606	3749	3898
5.5	S	2949	3046	3143	3240	3321	3416	3501	3585	3679	3826	3977
6	B	2782	2874	2966	3058	3135	3220	3310	3394	3489	3636	3781
6	Q	2889	2982	3078	3173	3259	3349	3443	3532	3626	3781	3933
6	S	2954	3052	3149	3246	3335	3421	3520	3609	3704	3860	4016
7	B	2854	2948	3042	3135	3225	3320	3413	3504	3604	3767	3917
7	Q	2965	3063	3161	3259	3352	3452	3547	3645	3747	3922	4079
7	S	3035	3135	3235	3335	3428	3525	3623	3723	3821	4000	4159
8	B	2935	3031	3128	3225	3327	3424	3532	3628	3731	3908	4065
8	Q	3051	3152	3252	3352	3462	3560	3676	3774	3888	4070	4234
8	S	3119	3222	3325	3428	3533	3636	3753	3855	3965	4148	4314
9	B	3027	3127	3227	3327	3430	3539	3649	3766	3877	4061	4223
9	Q	3151	3254	3358	3462	3568	3683	3796	3920	4037	4230	4401
9	S	3215	3321	3427	3533	3641	3759	3874	3999	4116	4311	4484
10	B	3124	3227	3330	3433	3559	3664	3785	3905	4025	4231	4402
10	Q	3250	3358	3465	3572	3702	3814	3944	4067	4195	4418	4594

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

10	S	3318	3427	3536	3645	3776	3891	4020	4144	4280	4500	4679
10.5	B	3217	3323	3429	3535	3649	3774	3889	4024	4142	4354	4529
10.5	Q	3349	3460	3570	3680	3796	3930	4052	4193	4318	4541	4725
10.5	S	3418	3530	3643	3756	3874	4010	4128	4279	4403	4629	4816
11	B	3240	3347	3453	3560	3681	3800	3938	4067	4194	4416	4592
11	Q	3371	3481	3592	3704	3836	3961	4102	4240	4373	4610	4793
11	S	3436	3550	3663	3777	3910	4036	4181	4319	4456	4692	4879
12	B	3371	3481	3592	3704	3840	3965	4114	4248	4405	4641	4826
12	Q	3508	3625	3740	3856	3998	4130	4289	4435	4595	4846	5041
12	S	3577	3694	3813	3931	4074	4208	4371	4520	4681	4933	5132
12.5	B	3450	3564	3678	3791	3932	4068	4224	4368	4511	4758	4948
12.5	Q	3593	3712	3831	3949	4096	4242	4405	4561	4709	4975	5169
12.5	S	3663	3784	3905	4025	4176	4321	4491	4646	4793	5060	5261
13	B	3498	3612	3728	3843	3984	4136	4290	4446	4614	4871	5063
13	Q	3642	3762	3883	4002	4148	4312	4481	4645	4816	5090	5294
13	S	3711	3834	3956	4078	4229	4396	4567	4727	4902	5178	5385
14	B	3647	3767	3887	4008	4159	4321	4511	4675	4852	5137	5342
14	Q	3803	3928	4053	4178	4336	4515	4709	4886	5073	5367	5580
14	S	3872	4000	4127	4255	4422	4594	4793	4973	5159	5453	5668
15	B	3792	3917	4042	4167	4351	4530	4706	4898	5082	5388	5601
15	Q	3957	4087	4218	4348	4538	4727	4918	5121	5310	5626	5854
15	S	4029	4163	4295	4428	4623	4810	5004	5208	5396	5715	5943
16	B	3969	4099	4230	4362	4556	4758	4954	5162	5368	5685	5913
16	Q	4141	4278	4415	4550	4758	4975	5182	5395	5610	5944	6184
16	S	4221	4361	4498	4638	4843	5060	5269	5480	5699	6027	6267
17	B	4159	4295	4432	4570	4780	4999	5212	5423	5643	5979	6218

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	Q	4338	4481	4625	4767	4996	5226	5444	5665	5898	6248	6500
17	S	4417	4562	4708	4853	5085	5314	5534	5753	5982	6339	6591
18	B	4377	4522	4665	4809	5041	5274	5516	5740	5971	6326	6581
18	Q	4571	4722	4873	5024	5271	5515	5766	6001	6240	6615	6878
18	S	4646	4800	4953	5106	5355	5601	5853	6088	6330	6697	6967
19	B	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	Q	4821	4980	5138	5297	5568	5825	6103	6357	6624	7023	7304
19	S	4901	5062	5224	5387	5656	5915	6189	6445	6711	7109	7393
20	B	4873	5033	5194	5354	5625	5885	6167	6435	6701	7108	7392
20	Q	5092	5259	5427	5596	5877	6155	6447	6724	7003	7432	7729
20	S	5172	5344	5514	5684	5965	6240	6532	6810	7090	7514	7815

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(Source: Amended by peremptory rulemaking at 38 Ill. Reg. 13416, effective June 11, 2014)

PROPERTY TAX APPEAL BOARD

JULY 2014 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910
- 1) Rulemaking:
- A) Description: None
- B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200.16-160 through 16-195.
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: None
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Louis G. Apostol, JD, CAE
Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield IL 62706
- 217/785-4456 or 847/294-4399
fax: 217/785-4425
email: louis.apostol@illinois.gov
- G) Related rulemakings and other pertinent information: The Property Tax Appeal Board currently has a pending rulemaking that was published in Volume 38, Issue 2 of the *Illinois Register*, dated 1/10/2014.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Illinois Vital Records Code (77 Ill. Adm. Code 500)
- 1) Rulemaking:
- A) Description: Sections 500.10, 500.20, 500.30, 500.40, 500.45, 500.47, 500.50, 500.70 and 500.90 will be amended to update language; add definitions; clarify record correction and amendment processes based on the implementation of the electronic birth and death registration system; add language regarding the transport of bodies for organ donation purposes; and to include clarifying language regarding researchers' access to vital records data. Several appendices are being amended to update language.
- B) Statutory Authority: Illinois Vital Records Act [410 ILCS 535]
- C) Scheduled meeting/hearing dates: State Board of Health – September 2014
- Date Agency anticipates First Notice: September 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of this proposed rulemaking is unknown.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- b) Part(s) (Heading and Code Citation): Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: Section 515.240 will be amended to update the name from "Bioterrorism Grants" to "Hospital Preparedness Grants". The amendment will replace the term Point of Distribution (POD) hospital with Regional Hospital Coordination Center (RHCC). The amendments will define Healthcare Coalitions and their members. The amendments will also include the addition of Starcom 21 radios; outline the development of inter-hospital Memorandums of Understanding (MOUs); clarify the contents of disaster bags; clarify and change reference to the Strategic National Stockpile; remove computer requirements and location of internet access; and remove references to the Illinois Operations Headquarters and Notification Office (IOHNO).
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Fall 2014
- D) Date agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

dph.rules@illinois.gov
217/782-2043

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Immunization Code (77 Ill. Adm. Code 695)
- 1) Rulemaking:
- A) Description: Section 695.30 will be amended by removing "licensed in all its branches" since this language is included in the definition of "physician" in the rules. Section 695.40 will be amended to require every attendance center to maintain a current list of all children who have not presented proof of immunity against all of the required immunizations. Section 695.50 will be amended to include physician assistants and nurse practitioners as being able to document proof of immunity. Measles disease diagnosis occurring on or after July 1, 2002 and mumps disease diagnosis occurring on or after July 1, 2015 must be confirmed by laboratory evidence. In addition, after July 1, 2015, laboratory evidence that is provided for proof of immunity for hepatitis B vaccination requirements will be accepted only after three doses of hepatitis B have been administered.
- B) Statutory Authority: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No anticipated effects
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

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dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Child Health Examination Code (77 Ill. Adm. Code 665)

1) Rulemaking:

A) Description: Section 665.250 will be amended to include physician assistants and nurse practitioners as being able to provide proof of immunity in place of vaccination. A diagnosis of mumps disease made on or after July 1, 2015 must be confirmed by laboratory evidence. In addition, after July 1, 2015, laboratory evidence provided for proof of immunity for hepatitis B vaccination requirements will be accepted only after three doses of hepatitis B have been administered. Section 665.270 will be amended to specify that any scheduled immunizations to assure compliance must be administered within the current school year.

Section 665.280 will be amended to include physician assistants and nurse practitioners as health care providers approved to provide letters of immunity for Department review. Section 665.290 will be amended to require each attendance center to maintain an accurate list of all children who have not presented proof of immunity. Susceptible kindergarteners must be included in the list. Section 665.510 will be amended to require the parent or legal guardian objecting to vaccination(s) on religious grounds to present a signed "Risk Acknowledgement" form to the local school, indicating that the parent knows the risks of not vaccinating the student and is aware of any exclusion policy that may apply if a vaccine preventable disease exposure occurs. Section 665.520 will be amended to include physician assistants and nurse practitioners as being able to provide specific documentation of contraindications to vaccinations to local school authorities. The school must submit any medical objection to an immunization to the Department for review. Appendix G: Risk Acknowledgement Form will be added.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2] and Section 2 of the Communicable Disease Prevention Act [40 ILCS 315/2].
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No anticipated effects
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Immunization Registry Code (77 Ill. Adm. Code 700)
- 1) Rulemaking:
- A) Description: In the absence of existing rules providing the operation and requirement for the Illinois Immunization Registry, these proposed rules are planned to provide the requirements of participation in the registry. These rules will address security requirements, confidentiality needs, and immunization registry user agreement(s).
- B) Statutory Authority: Immunization Data Registry Act [410 ILCS 527]
- C) Scheduled meeting/hearing dates: None scheduled at this time

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: 2015
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No anticipated effects
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Private Sewage Disposal Code (77 Ill. Adm. Code 905)

1) Rulemaking:

- A) Description: This rulemaking will provide updates, clarifications and corrections.
- B) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]
- C) Scheduled meeting/hearing dates: Fall 2014
- D) Date Agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: unknown
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citations): Water Well Construction Code (77 Ill. Adm. Code 920)

1) Rulemaking:

A) Description: This rulemaking will add language pertaining to the construction and modification of closed loop wells.

B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]

C) Scheduled meeting/hearing dates: 2014

D) Date Agency anticipates First Notice: September 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will affect water well contractors.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Changes to the Water Well Construction Code addressing setbacks.
- h) Part(s) (Heading and Code Citation): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)
- 1) Rulemaking:
- A) Description: Amendments will reflect statutory changes to the Lead Poisoning Prevention Act by HB 5410 as well as clean-up language.
- B) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]
- C) Scheduled meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health.
- D) Date Agency anticipates First Notice: Spring 2015
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have significant impact on the regulated industry because of the federally mandated increase in penalty provisions for non-compliance as stated in the Lead Poisoning Prevention Act.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Recreational Area Code (77 Ill. Adm. Code 800)

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric service and buildings.
 - B) Statutory Authority: Section 21 of the Campground Licensing and Recreational Area Act [210 ILCS 95/21]
 - C) Scheduled meeting/hearing dates: State Board of Health 2014
 - D) Date Agency anticipates First Notice: Fall 2014
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
 - F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Youth Camp Code (77 Ill. Adm. Code 810)
 - 1) Rulemaking:
 - A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric service and buildings.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- B) Statutory Authority: Youth Camp Act [210 ILCS 100]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Manufactured Home Community Code (77 Ill. Adm. Code 860)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, and electric service, and will add provisions to issue fines for non-compliance.
- B) Statutory Authority: Mobile Home Park Act [210 ILCS 115]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: Fall 2014

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- l) Part(s) (Heading and Code Citation): Manufactured Home Installation Code (77 Ill. Adm. Code 870)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for manufacturing and installing manufactured homes.
- B) Statutory Authority: Manufactured Home Quality Assurance Act [430 ILCS 117]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880)

1) Rulemaking:

- A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer and electric service for regulated factory built structures.
- B) Statutory Authority: Manufactured Housing and Mobile Structure Safety Act [430 ILCS 115/]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Field Sanitation Code (77 Ill. Adm. Code 910)

1) Rulemaking:

A) Description: This rulemaking will amend the rules to update and clarify the incorporated materials, add definitions, and provide current requirements for water and sewer.

B) Statutory Authority: Field Sanitation Act [210 ILCS 105]

C) Scheduled meeting/hearing dates: State Board of Health 2014

D) Date Agency anticipates First Notice: Fall 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Migrant Labor Camp Code (77 Ill. Adm. Code 935)

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: The amendments will update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric service and buildings.
 - B) Statutory Authority: Migrant Labor Camp Law [210 ILCS 110]
 - C) Scheduled meeting/hearing dates: State Board of Health 2014
 - D) Date Agency anticipates First Notice: Fall 2014
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
 - F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Behavioral Risk Factor Surveillance System Code (77 Ill. Adm. Code 1015)
 - 1) Rulemaking:
 - A) Description: This new Part will provide a schedule of fees for the collection of data when specific collection requests are made to the Department for the Behavioral Risk Factor Surveillance System.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- B) Statutory Authority: Illinois Health Statistics Act [410 ILCS 520]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: December 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.
- F) Agency contact person for information:
- Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: The addition of requested questions onto the Annual Behavioral Risk Factor Surveillance System questionnaire will cost \$ 3,000 per question.
- q) Part(s) (Heading and Code Citation): Distribution of Medical Student Scholarship Payback Funds (77 Ill. Adm. Code 594)
- 1) Rulemaking:
- A) Description: Part 594 will be updated to incorporate terms from the Family Practice Residency Act, Nurse Practice Act, Illinois Dental Practice Act and Physician Assistant Practice Act of 1987. Language in Section 594.200 will be amended to clarify the amount dedicated to loan repayment and the percentage of funds awarded that comes from different sources (federal versus State). Reporting and recovery requirements of the Illinois Grant funds Recovery Act will be added.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: November 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.
- F) Agency contact person for information:
- Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): Nursing Education Scholarships (77 Ill. Adm. Code 597)
- 1) Rulemaking:
- A) Description: Part 597 will be updated to incorporate terms from the Nursing Practice Act. In addition, changes will be proposed regarding tuition and stipend determinations for full and part-time recipients. Also, applicable requirements of the Grant Funds Recovery Act will be included.
- B) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]
- C) Scheduled meeting/hearing dates: State Board of Health 2014

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: December 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated on small businesses, small municipalities and not-for-profit corporations.
- F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Food Service Sanitation Code (77 Ill. Adm. Code 750)
- 1) Rulemaking:
- A) Description: In anticipation of passage of House Bill 5657 through the General Assembly during the Spring 2014 Session, this item is being included. These proposed amendments will implement House Bill 5657 concerning requirements for farmers' markets and food product sampling if the bill is signed into law.
- B) Statutory Authority: Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled meeting/hearing dates:

September 2014 – Farmers' Market Task Force
November 2014 – State Board of Health Rules Committee meeting
December 2014 – State Board of Health meeting

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: December 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- 2) Rulemaking:
- A) Description: This rulemaking will adopt and incorporate the United States Food and Drug Administration Food Code.
- B) Statutory Authority: Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled meeting/hearing dates:

September 2014 - Food Safety Advisory Committee
November 2014 – State Board of Health Rules Committee meeting
December 2014 – State Board of Health meeting
- D) Date Agency anticipates First Notice: December 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

Susan Meister
Division of Legal Services
Illinois Department of Public Health
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Springfield IL 62761

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dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Tanning Facilities Code (77 Ill. Adm. Code 795)

1) Rulemaking:

A) Description: This rulemaking will update incorporated materials referenced in the Tanning Facilities Code.

B) Statutory Authority: Tanning Facility Permit Act [210 ILCS 145]

C) Scheduled meeting/hearing dates:

August 2014 – State Board of Health Rules Committee
September 2014 – State Board of Health

D) Date Agency anticipates First Notice: October 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: No significant impact on tanning facilities.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Manufactured Dairy Products Code (77 Ill. Adm. Code 785)

1) Rulemaking:

A) Description: The rules will be updated to reflect language in the United States Department of Agriculture Manufactured Dairy Products regulations. The rules will also be updated to include all manufactured dairy products outside of Illinois, as the Code currently includes only frozen dessert facilities outside Illinois. The rules will also be updated to address verified, appropriate testing of cheese.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

September 2014 - Food Safety Advisory Committee
November 2014 – State Board of Health Rules Committee meeting
December 2014 – State Board of Health meeting

D) Date Agency anticipates First Notice: December 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

217/782-2043
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G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citations): Quality of Life Program Code (77 Ill. Adm. Code 974)

1) Rulemaking:

A) Description: These new rules will implement the award of grants under the Quality of Life instant lottery scratch-off game

B) Statutory Authority: Section 2310-348 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-348]

C) Scheduled meeting/hearing dates:

August 2014 State Board of Health Rules Committee
September 2014 State Board of Health

D) Date Agency anticipates First Notice: November 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: Quality of Life grants will create jobs within not-for-profit corporations and protect the health of residents of some small municipalities.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Illinois Plumbing Code (77 Ill. Adm. Code 890)

1) Rulemaking:

A) Description: Amendments to these rules include technical changes recommended by the Plumbing Code Advisory Council for plumbing and the fixtures, materials, design, and installation methods of plumbing systems.

B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]

C) Scheduled meeting/hearing dates: State Board of Health 2014

D) Date Agency anticipates First Notice: Fall 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Swimming Facility Code (77 Ill. Adm. Code 820)

1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- A) Description: This rulemaking will amend the Swimming Facility Code to update minimum sanitary requirements for bathing beaches.
- B) Statutory Authority: Swimming Facility Act [210 ILCS 125]
- C) Scheduled meeting/hearing dates: State Board of Health 2014
- D) Date Agency anticipates First Notice: Fall 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed changes are anticipated to have a minimum impact on the regulated industry.
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

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dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

- A) Description: This rulemaking will amend Section 250.330 to implement the statutory requirements of Public Act 98-0271, requiring that hospital procedures for administering influenza vaccines be "in accordance with the recommendations of the Advisory Committee on Immunization practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination."
- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: May 2014
- D) Date Agency anticipates First Notice: Summer 2014
- E) Effect on small businesses, small municipalities or not –or-profit corporations: This rulemaking will affect hospitals, including those owned by small units of government.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: Similar amendments will be made to 77 Ill. Adm. Code 300, 330, 340, 350, and 390.
- z) Part(s) (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Code (77 Ill. Adm. Code 340)
- 1) Rulemaking:
- A) Description: These rulemakings will implement the statutory requirements of PA 98-0271 for all three licensure Codes under the Nursing Home Care Act, removing language that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: August 2014
- D) Date Agency anticipates First Notice: Fall 2014

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect skilled nursing facilities, intermediate care facilities, sheltered care facilities, and veterans' homes.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: Similar amendments will be made to 77 Ill. Adm. Code 250, 350, and 390.
- aa) Part(s) (Heading and Code Citations): Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350), Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- 1) Rulemaking:
- A) Description: This rulemaking will implement the statutory requirements of PA 98-0271 for both licensure Codes under ID/DD Community Care Act, removing language that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- B) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- C) Scheduled meeting/hearing dates: May 2014
- D) Date Agency anticipates First Notice: Summer 2014
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect DD facilities and facilities for persons under age 22.

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: Similar amendments to be made to 77 Ill. Adm. Code 250, 300, 330, and 340.bb) Part(s) (Heading and Code Citation): Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390);1) Rulemaking:

A) Description: This rulemaking will implement Public Act 96-0339, bringing Part 390 under the ID/DD Community Care Act.

B) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]

C) Scheduled meeting/hearing dates: September 2014

D) Date Agency anticipates First Notice: Winter 2014

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities that serve residents under age 22.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor

DEPARTMENT OF PUBLIC HEALTH

JULY 2014 REGULATORY AGENDA

Springfield IL 62761

217/782-2043

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- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 10, 2014 through June 16, 2014. The Department of Healthcare and Family Services rulemakings are scheduled for review at the Committee's June 17, 2014 meeting; all other rulemakings are scheduled for review at the Committee's July 15, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/24/14	<u>Department of Healthcare and Family Services, Specialized Health Care Delivery Systems (89 Ill Adm. Code 146)</u>	3/21/14 38 Ill. Reg. 6499	6/17/14
7/24/14	<u>Department of Healthcare and Family Services, Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)</u>	2/21/14 38 Ill. Reg. 4628	6/17/14
7/24/14	<u>Department of Healthcare and Family Services, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)</u>	2/21/14 38 Ill. Reg. 4932	6/17/14
7/24/14	<u>Department of Healthcare and Family Services, Hospital Reimbursement Changes (89 Ill. Adm. Code 152)</u>	2/21/14 38 Ill. Reg. 4977	6/17/14
7/24/14	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	2/21/14 38 Ill. Reg. 4559	6/17/14
7/24/14	<u>Department of Revenue, Retailers' Occupation Tax (89 Ill. Adm. Code 130)</u>	4/4/14 38 Ill. Reg. 7555	7/15/14
7/25/14	<u>Department of Healthcare and Family Services,</u>	3/21/14	6/17/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Hospital Services (89 Ill. Adm. Code 148)	38 Ill. Reg. 6505	
7/25/14	<u>Department of Healthcare and Family Services,</u> Hospital Services (89 Ill. Adm. Code 148)	2/21/14 38 Ill. Reg. 4640	6/17/14
7/26/14	<u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310)	4/25/14 38 Ill. Reg. 8507	7/15/14
7/26/14	<u>Department of Insurance; License, Documents</u> Necessary to Engage in Activities and Examinations (50 Ill. Adm. Code 752)	4/11/14 38 Ill. Reg. 7715	7/15/14
7/30/14	<u>Department of Human Services, Child Care</u> (89 Ill. Adm. Code 50)	3/28/14 38 Ill. Reg. 7018	7/15/14

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the Illinois Register: 5 ILCS 100/5-70(c)
2. Summary of information: The Department of Healthcare and Family services has submitted a State plan amendment that would allow “other licensed practitioners of the healing arts” providing school-based health services to prescribe occupational therapy services. Previously, state law prevented other licensed practitioners from providing prescriptions for occupational therapy services. The change would take effect on July 1, 2014, and there is no fiscal impact.
3. Name and address of person to contact concerning this information:

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, IL 62763-0001
E-mail address: HFS.bpra@illinois.gov

Interested persons may review these proposed changes on the <http://www2.illinois.gov/hfs/PublicInvolvement/>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the Illinois Register: 5 ILCS 100/5-70(c)
2. Summary of Information: The Department of Healthcare and Family Services (HFS) proposes to change the methods and standards by which certain services are reimbursed under the Illinois Medical Assistance Program, pursuant to SB 0741.

Long Term Facility for Persons Under 22 Years Old: Provides that the following changes for Medicaid reimbursement be made for long term care facilities licensed for persons under 22 years of age:

- Facilities meeting the definition and clinical criteria established by this legislation shall receive a per diem rate for clinically complex residents of \$304.
- Facilities meeting the definition and clinical criteria established by this legislation shall receive a per diem rate of \$669 for clinically complex residents on a ventilator.

Annual cost is estimated at \$2.2 million and is effective for dates of service on or after July 1, 2014.

Supportive Living Facility: Beginning July 1, 2014, subject to federal approval, Medicaid rates for supportive living facilities will increase by an amount equal to 18.74% of their June 30, 2014 rate to be implemented in two different stages.

Annual cost is estimated at \$32 million and is effective July 1, 2014.

Nursing Facility:

- Provides for an increase in the Statewide RUG-IV nursing base per diem rate of \$1.76.

The annual cost is estimated at \$30 million and is effective for dates of service on or after July 1, 2014.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

- Provides that the reimbursement rates for the support component of the nursing facility rate for facilities licensed under the Nursing Home Care Act as skilled or intermediate care facilities shall be the rate in effect on June 30, 2014 increased by 8.17%.

The annual cost is estimated at \$60 million and is effective with dates of service on or after July 1, 2014.

- Provides for the allocation of funds for per diem add-ons to the RUGS methodology for dates of service on and after July 1, 2014, in the following amounts: \$0.63 for each resident that scores in I4200 Alzheimer's Disease or I4800 non-Alzheimer's Dementia, and \$2.67 for each resident that scores either a "1" or "2" in any items S1200A through S1200I and also scores in RUG groups PA1, PA2, BA1, or BA2.

The annual cost is estimated at \$10 million and is effective July 1, 2014.

3. Name and address of person to contact concerning this information:

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, IL 62763-0001
E-mail address: HFS.bpra@illinois.gov

Interested persons may review these proposed changes on the HFS Public Involvement Web page <<http://www2.illinois.gov/hfs/PublicInvolvement/>>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the Illinois Register: 5 ILCS 100/5-70(c)
2. Summary of Information: The Department of Healthcare and Family Services (HFS) proposes to change the methods and standards by which certain services are reimbursed under the Illinois Medical Assistance Program, pursuant to SB 0741.

Prior Approval for Antipsychotic Medications and Complex Kids: Provides that the Department exempt antipsychotic medications from the four prescription policy and allows the Department to exempt children with complex medical needs enrolled in a care coordination entity that are contracted with the Department to solely coordinate care for such children, if the Department determines that the entity has a comprehensive drug reconciliation program. Antipsychotic medications will no longer be rejected when the client has exceeded four prescriptions in the preceding thirty-day period. Children with complex medical needs enrolled in such care coordination entities will not receive four prescription policy rejections for their medications, and will not be subject to the four prescription policy.

Annual cost is estimated at \$5 million and is effective for dates of service on or after July 1, 2014.

Adult Dental: Provides that the Department discontinue the limitation of adult dental services to emergency services only.

Annual cost is estimated at \$35 million and is effective July 1, 2014.

Transitional Care Children: Provides for an increased rate or payment for services provided for the purpose of transitioning children from a hospital to home placement or other appropriate setting by a children's community-based health care center authorized under the Alternative Health Care Delivery Act. The rates for transitional care services will be \$683 per day.

Annual cost is estimated at \$500,000 and is effective July 1, 2014.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Home Health Visit and Nursing Assistant Rates: Provides for an increase to the rate or payment for an all-inclusive visit provided by a home health agency and for hourly shift nursing services rendered by a certified nursing assistant (CNA). The rates paid to home health agencies will be increased to \$72 for all-inclusive visits and \$20 per hour for shift nursing services rendered by CNAs.

Annual cost is estimated at \$6 million and is effective on July 1, 2014.

3. Name and address of person to contact concerning this information:

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, IL 62763-0001
E-mail address: HFS.bpra@illinois.gov

Interested persons may review these proposed changes on the HFS Public Involvement Web page <<http://www2.illinois.gov/hfs/PublicInvolvement/>>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 26 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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77 - 250	6/10/2014	13280
23 - 2700	7/1/2014	13356
23 - 2720	7/1/2014	13374
23 - 2731	7/1/2014	13390
23 - 2732	7/1/2014	13396
23 - 2765	7/1/2014	13402

EMERGENCY RULES

20 - 1231	6/10/2014	13410
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PEREMPTORY RULES

80 - 310	6/11/2014	13416
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REGULATORY AGENDA

86 - 1910	13454
77 - 500	13455

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2012-2013 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2003) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices (2010) Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

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Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

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