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February 14, 2014 Volume 38, Issue 7

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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

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.795                      Proposed Action:  
Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) A Complete Description of the Subjects and Issues Involved: Amend Section 302.795 to codify and make explicit the existing practices in the implementation of administrative leaves and amend practices to better control the application of administrative leaves.
- 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny  
Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/557-5404

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

fax: 217/558-2697  
mary.matheny@illinois.gov

- 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: In addition to those already in place at CMS, State agencies will be required to report to CMS their justification for placing an employee on administrative leave, their contact with any investigating authorities, and why temporary reassignment to alternative duties, a suspension or other means of protecting the best interest of the agency and the State of Illinois are not available.
  - C) Types of professional skills necessary for compliance: None beyond those already in place at CMS.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

The full text of the Proposed Amendment appears on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302  
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	
302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Section

- 302.170 Programs
- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

## SUBPART D: CONTINUOUS SERVICE

## Section

- 302.190 Definitions
- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

## SUBPART E: PERFORMANCE REVIEW

## Section

- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

## SUBPART F: PROBATIONARY STATUS

## Section

- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period
- 302.325 Intermittent Status

## SUBPART G: PROMOTIONS

## Section

- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
- 302.340 Failure to Complete Probationary Period

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

## SUBPART H: EMPLOYEE TRANSFERS

Section	
302.400	Transfer
302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
302.432	Notice To Employee
302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
302.445	Transfer of Duties
302.450	Limitations on Transfers
302.460	Employee Records

## SUBPART I: DEMOTION

Section	
302.470	Demotion
302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
302.497	Demotion of Other Employees
302.498	Status of Demoted Employees

## SUBPART J: VOLUNTARY REDUCTION, TRANSFER AND LAYOFFS

Section	
302.500	Voluntary Reduction of Certified and Probationary Employees
302.505	Limitations in Voluntary Reduction
302.507	Definition of Layoff
302.510	Temporary Layoff
302.512	Use of Accrued Benefits During Temporary Layoff
302.514	Notice of Temporary Layoff
302.516	Return From Temporary Layoff

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

302.518	Scheduling of Temporary Layoffs
302.519	Deferral of Wages
302.520	Indeterminate Layoff Procedure
302.523	Voluntary Indeterminate Layoff
302.525	Disapproval
302.530	Order of Layoff
302.540	Effective Date of Layoff
302.545	Filling of Vacancies by Merit Compensation System/Broad-Banded Employees Subject to Layoff via Transfer
302.550	Employee Opportunity to Seek Voluntary Reduction or Lateral Transfer
302.560	Order of Preference in Voluntary Reduction or Lateral Transfer
302.570	Reemployment Lists
302.580	Employment From Reemployment List
302.590	Removal of Names From Reemployment List
302.595	Laid Off Probationary Employee
302.596	Appeal by Employee
302.597	Reinstatement from Layoff
302.600	Resignation
302.610	Reinstatement

## SUBPART K: DISCHARGE AND DISCIPLINE

Section	
302.625	Definition of Certified Employee
302.626	Progressive Corrective Discipline
302.628	Prohibited Disciplinary Action
302.630	Disciplinary Action Warning Notice
302.640	Suspension Totaling Not More Than Thirty Days in any Twelve Month Period
302.660	Suspension Totaling More than Thirty Days in any Twelve Month Period
302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
302.690	Employee Obligations
302.700	Cause for Discharge
302.705	Pre-Termination Hearing
302.710	Suspension Pending Decision on Discharge
302.720	Discharge of Certified Employee
302.730	Notice to Employee
302.750	Appeal by Employee

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

302.780	Discharge of Probationary Employees
302.781	Reinstatement from Suspension or Discharge
302.785	Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict
302.790	Prohibition of Discrimination
302.795	Administrative Leave

## SUBPART L: TERM APPOINTMENTS

Section	
302.800	Definition of Terms
302.810	Positions Subject to Term Appointments
302.820	Appointment
302.821	Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
302.822	Appointees Under Term Appointments
302.823	No Promotion to Positions Covered by Term Appointments (Repealed)
302.824	No Reallocation to Term Positions
302.825	Reemployment Rights to Term Appointment
302.830	Expiration of Term Appointment
302.840	Renewal Procedures
302.841	Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842	Effective Date of Reappointment or Termination (Repealed)
302.846	Change in Position Factors Affecting Term Appointment Exclusion
302.850	Reconsideration Request
302.860	Renewal Procedure for Incumbents Subject to Public Act 83-1369
302.863	Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6495, effective April 23, 2009; amended at 33 Ill. Reg. 16560, effective November 13, 2009; amended at 36 Ill. Reg. 9384, effective June 14, 2012; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART K: DISCHARGE AND DISCIPLINE

**Section 302.795 Administrative Leave**

- a) With the approval of the Director of Central Management Services (**CMS**), an agency head may relieve an employee from **normal** duty when extraordinary circumstances and the best interest of the agency and the State of Illinois will be served in doing so.

- 1) For purposes of this Section, normal duty is defined as those regularly-assigned duties for which the employee is responsible on the date the employee is placed on administrative leave.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 2) The employing agency shall determine, as soon as is practicable under the circumstances, whether alternative duties exist, consistent with all applicable laws, rules and collective bargaining agreements, that may be performed by the employee in lieu of administrative leave. Whether placed on administrative leave or temporarily reassigned to alternative duties, an employee must follow all directives of the employing agency, including those regarding contact with individuals and materials involved in the matter resulting in the employee being placed on administrative leave or temporarily reassigned.
  - 3) While on administrative leave, an employee remains in pay status and must be available to the employing agency upon request. Except as otherwise required by law, an employee on administrative leave who, for any reason, needs or desires to be unavailable must request and utilize applicable accrued benefit time. The employing agency may require that an employee whose regularly scheduled work hours are not consistent with the agency's normal business hours be available during those normal business hours.
  - 4) Secondary employment is generally discouraged while an employee is on administrative leave. An employee on administrative leave is prohibited from engaging in secondary employment during the employee's normally scheduled work hours. In addition to the conditions contained in this Section, any secondary employment request is subject to review and approval under an employing agency's policies, procedures and forms for secondary employment.
- b) Circumstances warranting this leave must be of an extraordinary nature and are limited to those situations in which where no alternative means, such as suspension or temporary reassignment of an employee, will adequately protect the best interest of the agency and the State of Illinois.
  - c) Duration of an administrative leave shall be no longer than necessary to protect the best interest of the agency and the State of Illinois. The leave shall initially be for no longer than 60 calendar days, but may be extended for additional periods of time, not to exceed 60 days each, for only asse long as is necessary to protect the best interest of the agency and the State of Illinois.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- d) When a matter is referred to an investigative body, whether inside or outside the employing agency, including, but not limited to, an Inspector General or the Illinois State Police, the employing agency shall contact the investigating authority as soon as is practicable after placing an employee on administrative leave. The employing agency shall determine, including through discussion with the investigating authority, whether the employing agency should proceed to address the underlying matter independent of the investigating authority. At a minimum, the employing agency shall contact any investigating authority prior to each extension of administrative leave to determine whether continued use of administrative leave is warranted in light of the investigation, and the contact shall be reported to CMS. Prior to seeking an extension of administrative leave, the employing agency shall reassess whether the employing agency should proceed to address the underlying matter independent of the investigating authority.
- d) Administrative leave shall not be used as an alternative to Suspension Pending Decision on Discharge or Suspension Pending Judicial Verdict pursuant to Section 302.710 and Section 302.785 ~~of this Part.~~
- e) Administrative leave shall not be allowed in lieu of vacation, sick leave, personal business leave or any other type of paid or unpaid leave when the other leave is appropriate, nor shall administrative leave be used to circumvent rules governing limits on other leaves available to an employee.
- f) The employing agency will immediately provide the affected employee written notice of the administrative leave, and the agency ~~shall~~will also ~~immediately~~ report any administrative leave to CMS as soon as is practicable, but no longer than 5 business days after the affected employee is placed on administrative leave the Department of Central Management Services.
- g) In addition to placing the affected employee on administrative leave, the employing agency shall separately report to the Director of CMS, in detail, its justification for placing the employee on administrative leave and why temporary reassignment to alternative duties, a suspension or other means of protecting the best interest of the agency and the State of Illinois are not available. This report shall be filed as soon as practicable, but no longer than 10 business days after the affected employee is placed on administrative leave. This report of justification shall be considered confidential pursuant to 80 Ill. Adm. Code 304.40.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- h) Failure by an employee to comply with this Section or the directions provided by the employing agency with respect to administrative leave may result in discipline, up to and including discharge.

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste
- 2) Code Citation: 32 Ill. Adm. Code 609
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
609.10	Amend
609.20	Amend
609.30	Amend
609.40	Amend
609.50	Amend
609.60	Amend
609.70	Amend
609.80	Amend
609.90	Amend
609.100	Amend
609.APPENDIX A	Amend
609.TABLE A-1	Amend
609.TABLE A-2	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 8 and 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/8 and 9], the Radioactive Waste Tracking and Permitting Act [420 ILCS 37], the Central Midwest Low-Level Radioactive Waste Compact Act [45 ILCS 140], the Radioactive Waste Compact Enforcement Act [45 ILCS 141] and the federal Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will change all references to the Illinois Department of Nuclear Safety (Department) to the Illinois Emergency Management Agency (Agency) in accordance with Executive Order #12 (2003), remove all references to the Tracking System Operator since the Department/Agency assumed operation of the system back in 2000, update the Tracking System process to reflect actual practice, update the electronic data transmission file structure to include a missing data element and update the data element definition table to add additional proper shipping name identification numbers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking, in accordance with 1 Ill Adm. Code 100.355: None

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton, Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704
- 217/524-0770  
217/782-6133 (TDD)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: Most of these entities already report under the rule; therefore, there should be no effect for any of these entities under the proposed amendment.
- 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

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

## PART 609

ACCESS TO FACILITIES FOR TREATMENT, STORAGE,  
OR DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

## Section

609.10	Purpose and Applicability
609.20	Definitions
609.30	Prohibited Activities
609.40	Permit Requirements and Application Procedures
609.50	Waste Shipment Tracking Process
609.60	Standards for Issuance of Transaction Reference Number
609.65	Transaction Reference Number and Waste Shipment Tracking Process (Repealed)
609.70	Suspension, Revocation or Voluntary Termination of Permits
609.80	Penalties
609.90	Exemptions
609.100	Administrative Appeal and Hearing
609.APPENDIX A	Electronic Data Transmission
609.TABLE A-1	Detailed listing of data elements
609.TABLE A-2	Data element definitions

AUTHORITY: Implementing and authorized by Sections 8 and 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/8 and 9], the Radioactive Waste Tracking and Permitting Act [420 ILCS 37], the Central Midwest Low-Level Radioactive Waste Compact Act [45 ILCS 140], the Radioactive Waste Compact Enforcement Act [45 ILCS 141] and the federal Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240).

SOURCE: Adopted at 20 Ill. Reg. 13944, effective October 11, 1996; amended at 24 Ill. Reg. 18191, effective December 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 609.10 Purpose and Applicability**

- a) This Part establishes one of the systems for the regulation of the use of facilities in the State of Illinois to:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Collect, store, treat or dispose of low-level radioactive waste;
  - 2) Maintain a data base as to the location of all such waste in the State of Illinois; and
  - 3) Implement some of the requirements, prohibitions and mandates of the Compact, the Radioactive Waste [Compact](#) Enforcement Act [\[45 ILCS 141\]](#), the Radioactive Waste Tracking and Permitting Act [\[420 ILCS 37\]](#) and the Illinois Low-Level Radioactive Waste Management Act [\[420 ILCS 20\]](#).
- b) This Part establishes a system for monitoring and tracking shipments of low-level radioactive waste into, out of or within the State of Illinois for the purpose of tracking the points of origin of the shipments, as transported to the places of destination of the shipments.
- c) This Part establishes an enforcement and verification system directed to the movements of low-level radioactive waste into, out of or within the State of Illinois.
- d) This Part applies to any generator, broker, owner or operator of any treatment or disposal ~~facility~~[Facility](#), or to any person who sends low-level radioactive waste into, within or out of the State of Illinois.
- e) This Part does not apply to:
- 1) Shipments of low-level radioactive waste that are sent or transported through the State of Illinois but do not originate in the State of Illinois and are not accepted for treatment, storage, collection or disposal at a location in the State of Illinois;
  - 2) Naturally occurring radioactive materials, unless required to be licensed by the [Agency](#)~~Department~~;
  - 3) Radioactive materials exempt from licensing by the [Agency](#)~~Department~~ based upon regulatory or statutory determinations; and
  - 4) Radioactive materials authorized for disposal under 32 Ill. Adm. Code 340.1030 and 340.1050.

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- f) This Part does not relieve any person from compliance with any other state, Commission or Federal requirements, including transport or licensing requirements, pertaining to the packaging, transportation, disposal, storage or delivery of low-level radioactive materials or wastes.
- g) This Part does not relieve any person from compliance with any order, directive or rule of the Central Midwest Interstate Low-Level Radioactive Waste Commission, pursuant to its authority under the provisions of the Central Midwest Radioactive Waste Compact Act [45 ILCS 140].

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

**Section 609.20 Definitions**

Except ~~when~~where otherwise indicated, or ~~when~~where the context clearly requires a different definition, the following terms shall have the following meanings for purposes of this Part.

"Acceptance" means taking possession of ~~waste~~Waste. Waste is not "accepted" for purposes of this Part, if it is delivered to a ~~facility~~Facility, and the owner or operator of the ~~facility~~Facility refuses to take possession and promptly so informs both the person sending the ~~waste~~Waste and the ~~Agency~~Department's Tracking System Operator of ~~the~~such refusal.

"Agency" means the Illinois Emergency Management Agency.

*"Broker" means any person who takes possession of low-level radioactive waste for purposes of consolidation and shipment. [420 ILCS 20/3]*

"Carrier" means a person who transports ~~low-level radioactive waste~~Low-Level Radioactive Waste into, out of or within the State of Illinois.

"Commission" means the Central Midwest Interstate Low-Level Radioactive Waste Commission.

"Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

"Consolidated Waste" means ~~waste~~Waste from more than one generator that has

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been consolidated into a single shipment of ~~waste~~Waste. However, separate containers of waste would not be classified as "consolidated waste".

~~"Department" means the Illinois Department of Nuclear Safety.~~

*"Dispose" or "Disposal" means the isolation of waste from the biosphere in a permanent ~~facility~~Facility designed for that purpose. [45 ILCS 141/15]*

*"Electronic Data Transmission" or "~~(EDT)~~" means files that are comprised of a variety of record types, which are used based on the type and source of the shipment of low-level radioactive waste (original shipment versus a consolidated shipment, in or out-of-state shipment, etc.). These files are ASCII files with ~~comma~~pipe delimited records.*

*"Facility" means a parcel of land or site, together with the structures, equipment and improvements on or appurtenant to the land or site, that is used or is being developed by the owners or operators for the generation, collection, treatment, storage or disposal of low-level radioactive waste. [45 ILCS 141/15]*

*"Generator" means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, education or other activity. [420 ILCS 20/3]*

*"Low-Level Radioactive Waste" or "~~(LLRW)~~" or "Waste" means radioactive waste not classified as:*

*~~(1)~~ high-level radioactive waste,*

*~~(2)~~ transuranic waste,*

*~~(3)~~ spent nuclear fuel, or*

*~~(4)~~ by-product material as defined in Section 11e(2) of the Atomic Energy Act (42 USC 2021).*

*This definition shall apply notwithstanding any declaration by the federal government or any state that any radioactive material is exempt from any regulatory control. [45 ILCS 141/15]*

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"Permit" means the license authority issued by the [AgencyDepartment](#) upon application which authorizes the person identified by that number to either send [wasteWaste](#) to a [facilityFacility](#) for treatment, storage, consolidation or disposal or to receive [wasteWaste](#) at a [facilityFacility](#) for treatment, storage, consolidation or disposal.

*"Person" means any individual, corporation, business enterprise or other legal entity, public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise or legal entity. [45 ILCS 141/15]*

*"Region" means the geographical area of the State of Illinois and the Commonwealth of Kentucky. [45 ILCS 141/15]*

"Regional Facility" means any [facilityFacility](#) as defined in the Radioactive Waste Compact Enforcement Act that is located in Illinois and established by Illinois pursuant to designation of Illinois as a host state by the Commission.

"Shipper" means a person, whether located within or outside of the Region that offers [wasteWaste](#) for transportation into, within or out of the State of Illinois.

*"Storage" means the temporary holding of radioactive material for treatment or disposal. [45 ILCS 141/15]*

~~"Tracking System Operator" or "TSO" means the operator of the electronic data collection and transmission system which is used by the Department to track the movement of Waste into, out of and within the State of Illinois. These ministerial duties are performed under the direction and control of the Department.~~

"Transaction Reference Number" means a number issued by the [AgencyTSO](#) under this Part that acknowledges the shipper's submittal of, and the [Agency'sTSO's](#) acceptance as complete of, shipment specific information required under this Part.

"Transport" means the movement of [wasteWaste](#) into, within or out of the State of Illinois.

*"Treatment" means any method, technique or process, including storage for*

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*radioactive decay, designed to change the physical, chemical, or biological characteristics of the radioactive material in order to render the radioactive material safe for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume. [45 ILCS 141/15]*

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

**Section 609.30 Prohibited Activities**

- a) Unless the shipment of the ~~waste~~Waste is authorized by the Central Midwest Interstate Low-Level Radioactive Waste Commission, no person shall:
- 1) Send ~~waste~~Waste from any point located outside of the State of Illinois to any ~~facility~~Facility located within the State of Illinois, regardless of its origin.
  - 2) Accept at any ~~facility~~Facility in the State of Illinois any ~~waste~~Waste from outside the Region, regardless of origin.
  - 3) Deposit at any Regional Facility in the State of Illinois any ~~waste~~Waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing or production of any atomic weapon.
  - 4) Accept at any Regional Facility in the State of Illinois any ~~waste~~Waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing or production of any atomic weapon.
  - 5) Send any ~~waste~~Waste from the State of Illinois outside the State of Illinois, other than ~~waste~~Waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing or production of any atomic weapon.

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- 6) Dispose of any ~~waste~~Waste in the State of Illinois other than at a ~~regional disposal facility~~Regional Disposal Facility.
- b) No person shall send to any ~~facility~~Facility in Illinois or accept at any ~~facility~~Facility in Illinois any ~~waste~~Waste that has as its place of origin the ~~disposal facility~~Disposal Facility located at Maxey Flats, Kentucky.
- c) No generator, broker, ~~facility~~Facility or other person shall send any ~~waste~~Waste into, out of or within the State of Illinois or accept any ~~waste~~Waste without complying with the requirements of this Part, including all ~~Agency~~Department ~~Tracking System Operator~~ notification requirements.

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

**Section 609.40 Permit Requirements and Application Procedures**

Each person who ships ~~waste~~Waste into, out of or within the State of Illinois or accepts ~~waste~~Waste shall apply to the ~~Agency~~Department for a Permit.

- a) A person applying for a Permit shall submit the application to the Illinois ~~Emergency Management Agency~~Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704. The person shall provide to the ~~Agency~~Department at the time of the application the following information in writing, on paper bearing the name, current address and current telephone number of the person making the application and signed in ink by a person authorized to make the application:
- 1) The name of a contact person for the applicant and the current address and phone number of that contact person if different from that of the applicant.
  - 2) The radioactive materials license number currently issued to the applicant and the name of the entity issuing the license.
  - 3) The name and location of the applicant's ~~facility that~~Facility which would be recorded under any assigned Permit.
- b) A person shall be eligible to receive a Permit only if the person is:

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- 1) A generator or broker registered by the [AgencyDepartment](#) under Section 4 of the Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/4]~~;
  - 2) A [facilityFacility](#) licensed by the [AgencyDepartment](#) under Section 8 of the Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/8]~~;
  - 3) A generator, broker, treatment [facilityFacility](#) or other person located outside of the State of Illinois. The out-of-state entity must be a party to an agreement with the Compact ~~thatwhich~~ is in effect on the date of the Permit application, or as otherwise authorized by the Commission. The agreement with the Compact must provide that [wasteWaste](#) from the unaffiliated state or regional compact is currently permitted to be treated, stored or disposed of at a [facilityFacility](#) in the Region and that the Commission has not revoked the permission granted to ~~thatsueh~~ person, state or regional compact allowing these shipments;
  - 4) A generator, broker, treatment [facilityFacility](#) or other person located outside of the State of Illinois that is allowed to send [wasteWaste](#) for treatment or storage in Illinois, pursuant to an agreement entered into by the Commission;
  - 5) A generator, broker, treatment [facilityFacility](#) or other person located outside of the State of Illinois that is allowed to send [wasteWaste](#) for disposal in Illinois, pursuant to an agreement entered into by the Commission and approved by law in Illinois;
  - 6) A generator, broker, treatment [facilityFacility](#) or other person located in the Commonwealth of Kentucky; or
  - 7) A generator that is an agency of the United States government that is located in the Region.
- c) A generator applying for a Permit must certify to the [AgencyDepartment](#) in the written application for the Permit that it will make lawful and suitable arrangements for the final disposition of the [wasteWaste](#), or that it will retrieve and reclaim physical possession of ~~the wastesuch Waste~~ in the event final disposition or storage has not been arranged.
  - d) Within 14 calendar days from the receipt by the [AgencyDepartment](#) of the

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application, the [AgencyDepartment](#) will issue, in writing, a Permit to an eligible applicant whose application complies with all of the relevant requirements of this Section. Denial by the [AgencyDepartment](#) of any application within this same time period shall also be in writing, citing the reason for [thesuch](#) action.

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

**Section 609.50 Waste Shipment Tracking Process**

- a) ~~Each person sending a shipment of waste to a broker who will transport the waste to the broker's Facility in Illinois shall telefax a copy of the shipment manifest to the TSO or contact the TSO at 1-800-274-9784 and provide the TSO with the following information at the time of shipment:~~
  - 1) ~~Consignor name;~~
  - 2) ~~Consignee name;~~
  - 3) ~~Tractor or trailer numbers if known;~~
  - 4) ~~Number of containers;~~
  - 5) ~~For each container:~~
    - A) ~~The container number;~~
    - B) ~~Waste type code;~~
    - C) ~~Total activity and the unit of measure;~~
    - D) ~~Prominent isotope;~~
    - E) ~~The activity of the prominent isotope and unit of measure; and~~
  - 6) ~~Date of the shipment.~~
- b) ~~Illinois brokers shall provide the TSO with an EDT file containing the information regarding the received shipment formatted and containing the information as prescribed in Appendix A of this Part. All EDT file submittals~~

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~~shall be made in a manner that allows the TSO to incorporate the transmission into the TSO's electronic database.~~

- ~~ae)~~ Each person sending a shipment of waste into, within or out of the State of Illinois ~~that is not specified in subsection (a) of this Section~~ shall provide the ~~Agency~~ TSO with an EDT file formatted and containing the information ~~as~~ prescribed in Appendix A ~~of this Part~~ at the time of the shipment. All EDT file submittals shall be made in a manner that allows the ~~Agency~~ TSO to incorporate the transmission into the ~~Agency's~~ TSO's electronic data base. ~~Waste brokers may provide the EDT file on behalf of the generator.~~
- ~~bd)~~ All instate receiving ~~facilities~~ Facilities that store waste for decay in storage shall report to the ~~Agency~~ TSO the placement of waste into decay in storage according to the procedures outlined in Appendix A ~~of this Part~~. The receiving ~~facilities~~ Facilities shall also report to the ~~Agency~~ TSO when the containers are removed from the decay in storage inventory utilizing the procedures identified in Appendix A ~~of this Part~~.
- ~~ce)~~ All instate receiving ~~facilities~~ Facilities that process waste ~~in a manner such~~ that no waste, either direct or residual, is attributable back to the shipper shall report those affected containers according to the procedures identified in Appendix A ~~of this Part~~.
- ~~df)~~ Each person needing to correct information previously provided to the ~~Agency~~ TSO pursuant to this Section shall provide those corrections to the ~~Agency~~ Department in writing addressed to the ~~Supervisor~~ Chief, ~~Division of~~ Low-Level Radioactive Waste Management ~~and Decommissioning Unit~~, Illinois ~~Emergency Management Agency~~ Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704 ~~or at~~ [ema.LLRWTRACK@illinois.gov](mailto:ema.LLRWTRACK@illinois.gov).
- ~~g)~~ ~~If the tracking system is not functioning at the time the shipper is ready to transmit an EDT file pursuant to this Section, the shipper may proceed with the shipment and shall:~~
- ~~1)~~ ~~Telefax a copy of the shipment manifest to the TSO; and~~
  - ~~2)~~ ~~Transmit the EDT file information to the TSO when the tracking system is functional.~~

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

**Section 609.60 Standards for Issuance of Transaction Reference Number**

- a) Based upon transmitted information required by Section 609.50 ~~of this Part~~, the ~~Agency~~~~TSO~~ shall issue a Transaction Reference Number upon determining that the:
- 1) Applicant has complied with the requirements of this Part;
  - 2) Activity undertaken is not prohibited by any provision of the Compact, the Radioactive Waste Compact Enforcement Act or this Part;
  - 3) Activity has received approval from the Commission, if so required under the provisions of the Compact; and
  - 4) Information reporting requirements of this Part have been met.
- b) The ~~Agency~~~~TSO~~ shall issue the Transaction Reference Number to the shipper within 7 days after the receipt of information.

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

**Section 609.70 Suspension, Revocation or Voluntary Termination of Permits**

- a) The ~~Agency~~~~Department~~ may revoke or suspend any Permit issued under this Part, for any reason, including but not limited to any of the following conditions:
- 1) The individual to whom the Permit was issued is determined by the ~~Agency~~~~Department~~ to no longer be alive or to have been adjudged legally incompetent.
  - 2) The person to whom the Permit was issued, if other than an individual, is determined by the ~~Agency~~~~Department~~ to no longer be legally in existence.
  - 3) Any person eligible for a Permit pursuant to Section 609.40(b)(1) ~~of this Part~~ is no longer registered by the ~~Agency~~~~Department~~ under Section 4 of the Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/4]~~.

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- 4) Any person eligible for a Permit pursuant to Section 609.40(b)(2) ~~of this Part~~ is no longer licensed by the AgencyDepartment under Section 8 of the Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/8]~~.
  - 5) The person is no longer eligible for a permit under Section 609.40(b)(3), (4) or (5) ~~of this Part~~.
  - 6) Falsification of any information in an application for a Permit.
  - 7) Failure to notify the AgencyDepartment of any change in the information previously provided to the AgencyDepartment in an application for a Permit.
  - 8) If the Commission has revoked the permission granted to such person under any compact region or unaffiliated state agreements to treat, store or dispose of ~~waste~~ Waste at a ~~facility~~ Facility in the Region.
  - 9) For any violation of the Radioactive Waste Compact Enforcement Act or for violation of any condition imposed by any approval or interstate agreement of the Commission.
- b) The AgencyDepartment shall notify the Commission of any suspension, emergency suspension or revocation of a Permit. In addition, all alleged violations ~~that~~ which could affect the retention, classification or validity of a Permit shall be reported to the Commission by the AgencyDepartment. The notification shall be in writing, on a quarterly basis, including all reported and alleged violations, as well as the particular instances in which the AgencyDepartment concluded that official action under this Part was either not merited or not necessary.
  - c) Any pending action by the AgencyDepartment to suspend or revoke a Permit shall be initiated by written notice to the Permit holder or applicant, specifying the reasons for ~~that~~ such action and the right to a hearing on the determination of the AgencyDepartment, pursuant to the terms of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]. No suspension or revocation shall take effect prior to the issuance of a final order from the administrative hearing proceeding, except as outlined in subsection (d) ~~of this Section~~.
  - d) The AgencyDepartment may also issue a preliminary Summary Suspension Order

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against any person holding a particular Permit who is also subject to a pending administrative hearing ~~that~~~~which~~ could result in the revocation or suspension of the same Permit, provided that:

- 1) The ~~Agency~~~~Department~~ finds that the public interest, safety or welfare requires ~~such~~ immediate action; and
- 2) Specific, factual reasons for ~~the~~~~such~~ emergency action are also included in the ~~Agency's~~~~Department's~~ written "Notice of Hearing", advising the Permit holder of the pending administrative proceeding.

AGENCY NOTE: Any ~~such~~ subsequent hearing proceedings shall be promptly instituted and determined.

- e) A party to whom a Permit has been issued may voluntarily terminate the Permit by mailing to the ~~Agency~~~~Department~~ written notice that the particular authorization is being voluntarily terminated. The termination shall be effective upon receipt by the ~~Agency~~~~Department~~ of ~~the~~~~said~~ notice. The notice shall set forth the name and address of the person to whom the Permit was issued.
- f) No person shall voluntarily terminate a Permit if the person to whom the Permit has been issued has offered a shipment of ~~waste~~~~Waste~~ for transportation into, within or out of the State of Illinois and that shipment of ~~waste~~~~Waste~~ has not either been returned to the shipper or been accepted at a ~~facility~~~~Facility~~ properly authorized to dispose of that shipment of ~~waste~~~~Waste~~.

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

**Section 609.80 Penalties**

- a) The ~~Agency~~~~Department~~ may impose a civil penalty on any person who sends, receives or accepts ~~waste~~~~Waste~~ in violation of any provision of this Part or the Radioactive Waste Compact Enforcement Act.
- b) Civil penalties imposed under this Part shall not exceed \$100,000 per occurrence. For a continuing violation, the ~~Agency~~~~Department~~ may consider each day in which the violation continues as a separate occurrence.
- c) In determining the amount of a civil penalty imposed under this Part, the

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AgencyDepartment will consider the following:

- 1) Whether the violation was the result of willful, reckless or negligent conduct.
  - 2) The previous history of compliance with the provisions of the Radioactive Waste Compact Enforcement Act and this Part.
  - 3) Whether the violation was voluntarily reported to the AgencyDepartment.
  - 4) The amount and type of the radioactive material involved.
  - 5) Whether mitigative actions were taken.
  - 6) The recommendations, if any, of the Commission.
- d) The AgencyDepartment will notify the Commission when it initiates a civil penalty action and request the Commission's recommendations, if any, as to the civil penalty the AgencyDepartment seeks to impose. The AgencyDepartment shall also notify the Commission of any imposition of a civil penalty by the AgencyDepartment.
- e) Imposition of a civil penalty shall be by written order, specifying the reasons for and amount of the penalty. The order shall include a notice of the right to an administrative appeal and hearing, in accordance with the provisions of Section 609.100 ~~of this Part~~. The order shall be served either personally or by registered or certified mail. Notice of the order shall be effective as of the date of ~~such~~ personal service or receipt of the mailed notice.
- f) Unless the right of administrative appeal and hearing, provided in Section 609.100 ~~of this Part~~, is exercised, any civil penalty imposed shall be payable within 60 days after the effective date of notice of imposition of ~~the~~~~such~~ penalty.
- g) The AgencyDepartment will inform the Attorney General and the Commission of any failure to pay any civil penalty imposed under this Part. Any person who refuses to pay a civil penalty assessed under this Part shall be liable in an amount not to exceed 4 times the amount of the penalty not paid.
- h) Section 30(d) of the Radioactive Waste Compact Enforcement Act ~~[45 ILCS~~

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~~141/30(d)~~ provides a criminal penalty for any person who intentionally violates Section 20(a)(1), (a)(2), (a)(3), (a)(4) or (a)(6) of that Act. If the ~~Agency~~Department becomes aware of a possible intentional violation of those Sections of the Act, the ~~Agency~~Department shall make a report to the Attorney General or State's Attorney for criminal prosecution of the offender.

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

**Section 609.90 Exemptions**

- a) Any person may apply to the ~~Agency~~Department for an exemption from the requirements of this Part.
- b) A request for an exemption shall be in writing and shall state with particularity the reasons why granting ~~such~~ an exemption would be consistent with the provisions of this Part and the Compact. A copy of the request shall be filed with the Commission.
- c) Exemptions shall only be granted by the ~~Agency~~Department upon an express finding by the ~~Agency~~Department that granting the exemption would be consistent with the provisions of this Part and the Compact. In making ~~those~~~~such~~ determinations, the ~~Agency~~Department shall consider the recommendations, if any, of the Commission.
- d) Exemptions granted under this Part may be limited in scope or duration, or may be conditional, providing that ~~the~~~~such~~ limits or conditions are consistent with the Compact.
- e) Any exemption granted under this Part shall not be in conflict with any provision of the Illinois Low-Level Radioactive Waste Management Act ~~[420 ILCS 20]~~, the Radioactive Waste Tracking and Permitting Act ~~[420 ILCS 37]~~, the Central Midwest Interstate Low-Level Radioactive Waste Compact Act ~~[45 ILCS 140]~~, the Radioactive Waste Compact Enforcement Act ~~[45 ILCS 141]~~, or the federal Low-Level Radioactive Waste Policy Amendment Act of 1985 (~~42 USC 2021b et seq.~~)~~[P.L. 99-240]~~.
- f) The ~~Agency~~Department shall provide the Commission with written notice of any exemption granted pursuant to this Part.

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

**Section 609.100 Administrative Appeal and Hearing**

- a) Any person may petition the AgencyDepartment for reconsideration of any:
- 1) Denial by the AgencyDepartment to issue a Permit to thatsueh person; ~~or~~
  - 2) Summary suspension of a Permit issued to thatsueh person; or
  - 3) Civil penalty imposed on thatsueh person.
- b) TheSuch petition shall be made in writing, shall be directed to the ChiefManager, BureauOffice of RadiationEnvironmental Safety, Illinois Emergency Management AgencyDepartment of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois, 62704, and shall state concisely and with particularity the reasons for the petition. The AgencyDepartment shall provide a copy of the petition to the Commission.
- c) Any person petitioning the AgencyDepartment for reconsideration has the right to a hearing before the AgencyDepartment. The request for such a hearing shall be filed with the petition. PetitionsSuch petitions shall be filed within 30 calendar days after notice of the:
- 1) Denial of a Permit;
  - 2) Summary suspension of a Permit; or
  - 3) Imposition of a civil penalty.
- d) Failure of a petitioner to comply with the requirements of this Part with respect to petitions for reconsideration or requests for a hearing shall be grounds for denial of the petitioner's request.
- e) All hearings under this Part, as well as administrative hearings ordered by the Agency thatDepartment which could result in the revocation or suspension of a previously issued Permit to a person, shall be governed by the procedures set forth in the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and in 32 Ill. Adm. Code 200. The AgencyDepartment shall provide notice of these hearings to

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the Commission.

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

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**Section 609.APPENDIX A Electronic Data Transmission**

Any person required under Section 609.50(b), (c), (d) or (e) ~~of this Part~~ to report shipment information to the ~~Agency Tracking System Operator (TSO)~~ shall prepare an Electronic Data Transmission (EDT) file for submittal to the ~~Agency TSO~~. This EDT file contains the pertinent information regarding the shipment in general (consignee, consignor, etc.) and the waste in detail (waste type, volume, activity, isotopes, etc.). The files ~~shall beare~~ submitted to the ~~Agency TSO~~ in electronic format via ~~email to the address ema.LLRWTRACK@illinois.gov a modem over standard phone lines to a toll free telephone number.~~

## A) EDT FILE RECORD TYPE DESCRIPTION

- a) The information regarding the shipment of low-level radioactive waste (LLRW) contained in the EDT file is provided using the five different types of records. Each record type focuses on a specific aspect of the shipment. The record types are ~~as follows described below~~:
  - 1) The "M" (Manifest) record contains the summary information about the waste shipment. This information is summary level information that is normally contained on the shipping papers prepared to accompany the shipment.
  - 2) The "C" (Container) record contains information about the waste container. This information details for each container comprised in the shipment the contents of that container.
  - 3) The "W" (Waste Type) record contains information about the waste ~~type type(s)~~ in the container. Detailed information regarding the waste form contained in each container is provided using the "W" record.
  - 4) The "I" (Isotope) record contains information about the isotopes contained in each waste type in each container. Each specific isotope contained in each waste type reported in each container is identified, along with the associated activity information.
  - 5) The "P" (Pointer) record contains cross-reference information about each original container ~~that which~~ has been consolidated into the current container. This record is used by a broker or processor

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to identify which original containers are currently packaged in a consolidated container. The use of the "P" record prevent the unnecessary report of information already contained in the [AgencyTSO](#) data base.

- b) The record types described in subsection (A)(a) of this Appendix are further subdivided based on the specific reporting requirements for the various shipment scenarios. These specific record types include:
- 1) **"M01"** – This record type indicates that the record contains summary information about an original LLRW shipment. This record type shall always be followed by one or more container ("C05") records.
  - 2) **"M02"** – This record type indicates that the record contains summary information about a consolidated LLRW shipment. This record type shall always be used when all information on the containers being consolidated has already been reported to and verified by the [AgencyTSO](#), and shall always be followed by one or more container ("C02") records.
  - 3) **"M03"** – This record type indicates that the record contains summary information about a consolidated LLRW shipment originating out of the State of Illinois. This record type shall always be accompanied by at least one original shipment ("M01") record, and followed by one or more container ("C02") records.
  - 4) **"C02"** – This record type indicates that the record contains information about a specific container in a consolidated LLRW shipment. This record type is used in conjunction with the "M02" record types, and shall always be followed by one or more consolidated container ("P01") records. There shall be one "C02" record for each container in the shipment.
  - 5) **"C04"** – This record type indicates that the record contains information about a container ~~that~~[which](#) has been depleted (stored for decay to background, incinerated with no residue attributed to the generator or shipper, or ownership transferred from the generator to the receiving entity). It is not used in conjunction

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with any other record. There shall be one "C04" record for each depleted container reported.

- 6) **"C05"** – This record type indicates that the record contains information about a specific container in an original LLRW shipment. This record type is used in conjunction with the "M01" record type, and shall always be followed by one or more waste type ("W01") records. There shall be one "C05" record for each container in the shipment.
- 7) **"P01"** – This record type indicates that the record contains information about a container ~~that~~<sup>which</sup> has been consolidated. This record type is used in conjunction with the "C02" record type. There is one "P01" record for each previous container consolidated in the current container.
- 8) **"W01"** – This record type indicates that the record contains information about a specific waste type within an original container. This record type is used in conjunction with the "C05" record type, and shall always be followed by one or more isotope "I05" records. There is one "W01" record for each waste type in the container.
- 9) **"I05"** – This record type indicates that the record contains information about a specific isotope within a waste type within an original container. This record type is used in conjunction with the "W01" record type. There shall be one "I05" record for each isotope in each waste type present in the container.

- c) A detailed listing of the data elements that comprise these various record types is shown on Table A-1 of this Part. Table A-2 of this Part provides the data element definitions as well as the field size, type and format, and usage codes.

## B) SHIPMENT SCENARIOS AND EDT FILE FORMAT REQUIREMENTS

- a) For purpose of defining the EDT file format requirements, the various transaction scenarios can be combined into the following groupings:

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- 1) Original ~~shipment~~ Shipment (both in-state and out-of-state).
  - 2) Consolidated or continuing shipment by an Illinois shipper or a consolidated or continuing shipment of Illinois generated LLRW to a ~~facility~~ Facility in Illinois by an out-of-state shipper.
  - 3) Consolidated or Continuing Shipment by an out-of-state shipper of out-of-state generated LLRW to a ~~facility~~ Facility located in Illinois.
  - 4) Report of depleted containers.
- b) Original ~~shipments~~ Shipments are prepared and sent by the generator of the LLRW. Consolidated or ~~continuing shipments~~ Continuing Shipments are those shipments sent from a broker, collector, processor or storer of LLRW.
- c) The following defines the record type requirements for the shipment scenarios listed in this Section B.
- 1) Original Shipment (both in-region and out-of-region)- Each EDT file for an original shipment of LLRW sent into, out ~~offrom~~, or within the State of Illinois shall contain a "M01" record. There shall be a "C05" record for each container of LLRW present in the shipment, followed by a "W01" record for each waste type present in the container, followed by an "I05" record for each isotope present in each waste type.
  - 2) Consolidated or continuing shipment by an Illinois shipper or a consolidated or continuing shipment of Illinois generated LLRW to a ~~facility~~ Facility in Illinois by an out-of-state shipper. Each EDT file for a ~~consolidated~~ Consolidated or ~~continuing shipment~~ Continuing Shipment of Illinois generated LLRW shall contain a "M02" record. There shall be a "C02" record for each container of consolidated or continuing LLRW present in the shipment, followed by a "P01" record for each previous container present in the consolidated or continuing container.
  - 3) Consolidated or ~~continuing shipment~~ Continuing Shipment by an

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out-of-state shipper of out-of-state generated LLRW to a [facilityFacility](#) located in Illinois:

- A) Since the Tracking System will have no record of the out-of-state generated LLRW received by an out-of-state [facilityFacility](#), the out-of-state [facilityFacility](#) needs to report those records for the LLRW it ships into Illinois. This is accomplished by providing information comparable to that provided for an original shipment as part of the EDT file for the shipment into Illinois.
  - B) For each incoming shipment of LLRW to the out-of-state [facilityFacility](#) of out-of-state generated LLRW represented on the shipment to an Illinois [facilityFacility](#), there will be a "M01" record followed by a "C05" record for each original container of LLRW present in the shipment, followed by a "W01" record for each waste type present in the container, followed by an "I05" record for each isotope present in each waste type. For the consolidated or continuing shipment by an out-of-state shipper of out-of-state generated LLRW to an Illinois [facilityFacility](#) there will be a "M03" record followed by a "C02" record for each container of consolidated or continuing LLRW present in the shipment, followed by a "P01" record for each previous container present in the consolidated or continuing container.
- 4) Report of Depleted Containers:  
Illinois [facilitiesFacilities](#) that deplete LLRW need to report those depleted containers to the [AgencyTSO](#) in order for that waste to be removed from the tracking system. For purposes of the tracking system, LLRW is depleted when it has been stored for decay, incinerated with no residue attributed back to the original generator, or otherwise had the ownership of the waste transferred (as in the melting of contaminated metal into usable shielding blocks). The [facilitiesFacilities](#) report the depleted containers to the [AgencyTSO](#) using an EDT file composed of one "C04" record for each container depleted.

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

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**Section 609.TABLE A-1 Detailed listing of data elements****TABLE A-1**

<b>Record Type "MO1"</b>	<b>Record Type "MO2"</b>	<b>Record Type "MO3"</b>
Record Type (REC_TYPE)	Record Type (REC_TYPE)	Record Type (REC_TYPE)
Manifest Number (MANIF_NUM)	Manifest Number (MANIF_NUM)	Manifest Number (MANIF_NUM)
Consignor's Permit (CNSGNOR_ID)	Consignor's Permit (CNSGNOR_ID)	Consignor's Permit (CNSGNOR_ID)
Consignee's Permit (CNSGNEE_ID)	Consignee's Permit (CNSGNEE_ID)	Consignee's Permit (CNSGNEE_ID)
Total Container Count (TOT_CNTRS)	Total Container Count (TOT_CNTRS)	Total Container Count (TOT_CNTRS)
Total Activity (TOT_ACTVY)	Total Activity (TOT_ACTVY)	Total Activity (TOT_ACTVY)
Activity Unit of measure (ACTVY_MEAS)	Activity Unit of measure (ACTVY_MEAS)	Activity Unit of measure (ACTVY_MEAS)
Total volume (TOT_VOLUME)	Total volume (TOT_VOLUME)	Total volume (TOT_VOLUME)
Volume unit of measure (VOL_MEAS)	Volume unit of measure (VOL_MEAS)	Volume unit of measure (VOL_MEAS)
Total weight (TOT_WEIGHT)	Total weight (TOT_WEIGHT)	Total weight (TOT_WEIGHT)
Actual ship date (ACT_SHIP)	Actual ship date (ACT_SHIP)	Actual ship date (ACT_SHIP)
EPA manifest number (EPA_MANIF)	EPA manifest number (EPA_MANIF)	EPA manifest number (EPA_MANIF)
Total source material weight (TOT_SRC_WT)	Total source material weight (TOT_SRC_WT)	Total source material weight (TOT_SRC_WT)
Total special nuclear material weight (TOT_SNM_WT)	Total special nuclear material weight (TOT_SNM_WT)	Total special nuclear material weight (TOT_SNM_WT)
Total H-3 activity (H3_ACT)	Total H-3 activity (H3_ACT)	Total H-3 activity (H3_ACT)
Total TC-99 activity (TC99_ACT)	Total TC-99 activity (TC99_ACT)	Total TC-99 activity (TC99_ACT)
Total I-129 activity (I129_ACT)	Total I-129 activity (I129_ACT)	Total I-129 activity (I129_ACT)
Total C-14 activity (C14_ACT)	Total C-14 activity (C14_ACT)	Total C-14 activity (C14_ACT)

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Exclusive use indicator (EXCLUS_USE)	Exclusive use indicator (EXCLUS_USE)	Exclusive use indicator (EXCLUS_USE)
Carrier Code (CARRIER_CODE)	Carrier Code (CARRIER_CODE)	Carrier Code (CARRIER_CODE)
Carrier Name (CARRIER_NAME)	Carrier Name (CARRIER_NAME)	Carrier Name (CARRIER_NAME)
Carrier Address 1 (CARRIER_ADDR1)	Carrier Address 1 (CARRIER_ADDR1)	Carrier Address 1 (CARRIER_ADDR1)
Carrier Address 2 (CARRIER_ADDR2)	Carrier Address 2 (CARRIER_ADDR2)	Carrier Address 2 (CARRIER_ADDR2)
Carrier City (CARRIER_CITY)	Carrier City (CARRIER_CITY)	Carrier City (CARRIER_CITY)
Carrier State (CARRIER_STATE)	Carrier State (CARRIER_STATE)	Carrier State (CARRIER_STATE)
Carrier Zip (CARRIER_ZIP)	Carrier Zip (CARRIER_ZIP)	Carrier Zip (CARRIER_ZIP)
Carrier Zip4 (CARRIER_ZIP4)	Carrier Zip4 (CARRIER_ZIP4)	Carrier Zip4 (CARRIER_ZIP4)
Carrier Contact (CARRIER_CONTACT)	Carrier Contact (CARRIER_CONTACT)	Carrier Contact (CARRIER_CONTACT)
Carrier Contact Phone (CARRIER_PHONE)	Carrier Contact Phone (CARRIER_PHONE)	Carrier Contact Phone (CARRIER_PHONE)

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TABLE A-1 (continued)

<b>Record Type "CO2"</b>	<b>Record Type "CO4"</b>	<b>Record Type "CO5"</b>
Record Type (REC_TYPE)	Record Type (REC_TYPE)	Record Type (REC_TYPE)
Consignor's Permit (CNSGNOR_ID)	Holding facility permit (PERMIT_NUM)	Consignor's Permit (CNSGNOR_ID)
Manifest Number (MANIF_NUM)	Consignor's Permit (CNSGNOR_ID)	Manifest Number (MANIF_NUM)
Container Number (CNTR_NUM)	Manifest Number (MANIF_NUM)	Container Number (CNTR_NUM)
Container volume (CNTR_VOL)	Container Number (CNTR_NUM)	Container Volume (CNTR_VOL)
Volume Unit of Measure (VOL_MEAS)		Volume Unit of Measure (VOL_MEAS)
Container type (CNTR_TYPE)		Container type (CNTR_TYPE)
Container activity (CNTR_ACTVY)		Container activity (CNTR_ACTVY)
Activity units of measure (ACTVY_MEAS)		Activity units of measure (ACTVY_MEAS)
Container Alpha (CNTR_ALPHA)		Container Alpha (CNTR_ALPHA)
Alpha less than indicator (ALPHA_SIGN)		Alpha less than indicator (ALPHA_SIGN)
Container Beta (CNTR_BETA)		Container Beta (CNTR_BETA)
Beta less than indicator (BETA_SIGN)		Beta less than indicator (BETA_SIGN)
Container disposition (CNTR_DISP)		Container disposition (CNTR_DISP)
Over pack indicator (OP_FLAG)		Over pack indicator (OP_FLAG)
Surface radiation (SURF_RADIA)		Surface radiation (SURF_RADIA)
Surface radiation units (RAD_MEAS)		Surface radiation units (RAD_MEAS)
Rad less than indicator (RAD_SIGN)		Rad less than indicator (RAD_SIGN)
DOT Label (DOT_LABEL)		DOT Label (DOT_LABEL)

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Container weight (CNTR_WGT)		Container weight (CNTR_WGT)
DOT UN ID number (DOT_UN_ID)		DOT UN ID number (DOT_UN_ID)
Transport Index (TRANS_INDEX)		Transport index (TRANS_INDX)
Cert. of Compliance (CERT_NUM)		Cert. of compliance (CERT_NUM)

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TABLE A-1 (continued)

<b>Record Type "WO1"</b>
Record Type (REC_TYPE)
Consignor's Permit (CNSGNOR_ID)
Manifest Number (MANIF_NUM)
Container Number (CNTR_NUM)
Waste Type (WASTE_TYPE)
Waste activity (WST_ACTVY)
Activity units of measure (ACTVY_MEAS)
Waste Classification (WASTE_CLAS)
Waste volume (WASTE_VOL)
<u>Volume unit of measure</u> (VOL_MEAS)
Waste code (WASTE_CODE)
Physical form (PHYS_FORM)
SSS media (SSS_MEDIA)
SSS vendor (SSS_VENDOR)
SSS brand (SSS_BRAND)
Chelating agent 1 (CHE_AGENT1)
% of chelating agent 1 (CHE_PCT1)
Chelating agent 2 (CHE_AGENT2)
% of chelating agent 2 (CHE_PCT2)

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LSA/SCO indicator (LSA_SCO)
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TABLE A-1 (continued)

<b>Record Type "I05"</b>
Record Type (REC_TYPE)
Consignor's Permit (CNSGNOR_ID)
Manifest Number (MANIF_NUM)
Container Number (CNTR_NUM)
Waste Type (WASTE_TYPE)
Radionuclide (RADIONUCL)
Radionuclide activity (NUCL_ACTVY)
Activity units of measure (ACTVY_MEAS)
Activity less than indicator (ACTVY_SIGN)
Radionuclide percentage (RADIO_PCT)
% less than indicator (PCT_SIGN)
Special nuclear material grams (SNM_GRAMS)
Chemical form (CHEM_FORM)

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TABLE A-1 (continued)

<b>Record Type "PO1"</b>
Record Type (REC_TYPE)
Consignor's Permit (CNSNOR_ID)
Manifest Number (MANIF_NUM)
Container Number (CNTR_NUM)
Previous Consignor's Permit (PREV_CNSNR)
Previous manifest number (PREV_MANF)
Previous container number (PREV_CNTR)
Consolidated volume (COMB_VOL)
% of previous container (PREV_PCT)

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

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**Section 609.TABLE A-2 Data element definitions**

TABLE A-2

NAME	DEFINITION	FIELD SIZE	DECIMAL PLACES	FIELD TYPE	FIELD FORMAT	USAGE CODE	CODE DESCRIPTION
ACT_SHIP	The actual shipment date of a LLRW shipment.	8	0	Numeric (Date)	YYYYMMDD	N/A	N/A
ACTVY_MEAS	The units used to measure activity (Curies or Millicuries, Microcuries, Becquerels, Terrabecquerels, Gigabecquerels, Megabecquerels, Kilobecquerels)	1	0	Alpha-Numeric	X	C M U B T G E K	Curies Millicuries Microcuries Becquerels Terrabecquerels Gigabecquerels Megabecquerels Kilobecquerels
ACTVY_SIGN	Indicates whether the activity number is a less than value.	1	0	Alpha-Numeric	X	<  (blank)	Activity value is less than number shown.  Alpha amount is the number shown.
ALPHA_SIGN	Indicates whether the Container Alpha (CNTR_ALPHA) number is a less than value	1	0	Alpha-Numeric	X	<  (blank)	Alpha amount is the number shown.  Alpha amount is the number shown.
BETA_SIGN	Indicates whether the Container Beta (CNTR_BETA) number is a less than value.	1	0	Alpha-Numeric	X	<  (blank)	Beta amount less than number shown.  Beta amount is the number shown.

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C14_ACT	The total activity of C-14 within a LLRW shipment. Unit of measure is the manifest record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
CARRIER_CD	Carrier Code	2		Alpha-Numeric	X(2)	N/A	N/A
CARRIER_NAME	Carrier Name	50		Alpha-Numeric	X(50)	N/A	N/A
CARRIER_ADDR1	Carrier Address 1	50		Alpha-Numeric	X(50)	N/A	N/A
CARRIER_ADDR2	Carrier Address 2	50		Alpha-Numeric	X(50)	N/A	N/A
CARRIER_CITY	Carrier City	50		Alpha-Numeric	X(50)	N/A	N/A
CARRIER_STATE	Carrier State	2		Alpha-Numeric	X(2)	N/A	N/A
CARRIER_ZIP	Carrier Zip Code	5		Alpha-Numeric	X(5)	N/A	N/A
CARRIER_ZIP4	Carrier ZIP Suffix	4		Alpha-Numeric	X(4)	N/A	N/A
CARRIER_CONTACT	Carrier Contact	50		Alpha-Numeric	X(50)	N/A	N/A
CARRIER_PHONE	Carrier Phone	20		Alpha-Numeric	X(20)	N/A	N/A
CERT_NUM	An NRC or host state certificate of compliance number. Refers to a specific container type, i.e., High Integrity Container.	16	0	Alpha-Numeric	X(16)	N/A	N/A
CHE_AGENT1	The primary chelating agent used in a LLRW waste type.	16	0	Alpha-Numeric	X(16)	N/A	N/A
CHE_AGENT2	The secondary chelating agent used in a LLRW waste type.	16	0	Alpha-Numeric	X(16)	N/A	N/A
CHE_PCT1	The percentage of the primary chelating agent by	5	2	Numeric	999.99	N/A	N/A

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	weight of waste.						
CHE_PCT2	The percentage of the secondary chelating agent by weight of waste.	5	2	Numeric	999.99	N/A	N/A
CHEM_FORM	A description of the chemical form of a specific radionuclide within a container.	25	0	Alpha-Numeric	X(25)	N/A	N/A
CNSGNEE_ID	The Tracking System Permit number assigned to the receiving facility of a LLRW shipment.	6	0	Alpha-Numeric	XX9999		Positions 1-2: State abbreviation  Positions 3-6: Sequential number for permits in that state.
CNSGNOR_ID	The Tracking System Permit number assigned to the sending facility of a LLRW shipment.	6	0	Alpha-Numeric	XX9999		Positions 1-2: State abbreviation  Positions 3-6: Sequential number for permits in that state.
CNTR_ACTVY	The total activity of all waste within a LLRW container. Units of measure are indicated by the record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
CNTR_ALPHA	The surface contamination of a LLRW container in alpha disintegrations per minute: (dpm)/100 cm <sup>2</sup> .	5	0	Numeric	99999	N/A	N/A
CNTR_BETA	The surface contamination of a container in beta	5	0	Numeric	99999	N/A	N/A

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	disintegrations per minute: (dpm)/100 cm <sup>2</sup> .						
CNTR_NUM	The unique identification number assigned to each LLRW container within a shipment.	16	0	Alpha-Numeric	X(16)	N/A	N/A
CNTR_TYPE	A code identifying the container type of a LLRW container.	3	0	Alpha-Numeric	XXX	BUW CTL DMZ FBB FBD FTL GCY HIC MBC MDP MTL OTH PDP PLT PTL	Bulk unpackaged waste Concrete tank or liner Demineralizer Fiberboard box Fiber drum Fiberglass tank Gas cylinder High integrity container Metal box or crate Metal drum or pail Metal tank or liner Other Plastic drum or pail Pallet Polyethylene

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						SLC	tank Sealand container
						UNP	Unpacked components
						WBC	Wooden box or crate
CNTR_VOL	The total volume (outside dimension) of a LLRW container, in cubic feet.	7	2	Numeric	99999.99	N/A	N/A
CNTR_WGT	The total weight of a LLRW container, including the contents, in pounds.	5	0	Numeric	99999	N/A	N/A
COMB_VOL	The post-consolidation volume of a container.	7	2	Numeric	99999.99	N/A	N/A
DOT_LABEL	The USDOT label which applies to a LLRW container.	1	0	Numeric	9	0 1 2 3 4 5 6 7	Empty White-I Yellow-II Yellow-III Oxidizer Spontaneously combustible Corrosive N/A
DOT_UN_ID	The identification number for the proper shipping name of a LLRW container.	6	0	Alpha-Numeric	XXXXXX	<a href="#">UN1219</a>	<a href="#">Isopropanol or Isopropyl alcohol</a>

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						<a href="#">UN1280</a>	<a href="#">Propylene oxide</a>
						<a href="#">UN1325</a>	<a href="#">Flammable solids, organic, n.o.s.</a>
						<a href="#">UN1595</a>	<a href="#">Dimethyl sulfate</a>
						<a href="#">UN1671</a>	<a href="#">Phenol, solid</a>
						<a href="#">UN1987</a>	<a href="#">Alcohols, n.o.s.</a>
						<a href="#">UN1993</a>	<a href="#">Flammable liquid, n.o.s.</a>
						<a href="#">UN2029</a>	<a href="#">Hydrazine, anhydrous</a>
						<a href="#">UN2908</a>	<a href="#">Radioactive material, excepted package – emptying packaging</a>
						<a href="#">UN2909</a> <del><a href="#">UN2910</a></del>	Radioactive material, excepted package – articles manufactured from natural <a href="#">uranium</a> <del>or</del> depleted uranium <del>or</del> thorium
						<a href="#">UN2910</a>	Radioactive material, excepted package – empty package <del>or</del> <a href="#">empty packaging</a>
						<a href="#">UN2911</a>	Radioactive material,

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							<p>excepted package – instruments <del>or</del> articles</p> <p><del>Radioactive material, excepted package – limited quantity of material</del></p>
						UN2912	<p>Radioactive material, low specific activity (<del>LSA-I</del>) <del>non-fissile or fissile-excepted, n.o.s.</del> {or} Radioactive material, LSA, <del>n.o.s.</del></p>
						UN2913	<p>Radioactive material, surface contaminated object (<del>SCO-I or SCO-II</del>) <del>non-fissile or fissile-excepted</del>{or} Radioactive material, LSA, <del>n.o.s.</del></p>
						<u>UN2915</u>	<p><u>Radioactive material, Type A package non-special form, non-fissile or fissile-excepted</u></p>
						<u>UN2916</u>	<p><u>Radioactive material, Type B (U) package non-fissile or fissile-excepted</u></p>

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						<a href="#">UN2917</a>	<a href="#">Radioactive material, Type B (M) package non-fissile or fissile-excepted</a>
						<a href="#">UN2918</a>	<a href="#">Radioactive material, fissile, n.o.s.</a>
						<a href="#">UN2919</a>	<a href="#">Radioactive material, transported under special arrangement, non-fissile or fissile-excepted</a>
						<a href="#">UN2924</a>	<a href="#">Flammable liquids, corrosive, n.o.s.</a>
						<a href="#">UN2928</a>	<a href="#">Toxic solids, corrosive, organic, n.o.s.</a>
						<a href="#">UN2974</a>	<a href="#">Radioactive material, special form, n.o.s.</a>
						<a href="#">UN2977</a>	<a href="#">Radioactive material, uranium hexafluoride, fissile</a>
						<a href="#">UN2978</a>	<a href="#">Radioactive material, uranium hexafluoride, non-fissile or fissile-excepted</a>
						<a href="#">UN2982</a>	<a href="#">Radioactive material, n.o.s.</a>
						<a href="#">UN3071</a>	<a href="#">Mercaptans.</a>

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						<u>liquid, toxic, flammable, n.o.s. or Mercaptan mixtures, liquid, toxic, flammable, n.o.s., flash point not less than 23 degrees</u>
					<u>UN3077</u>	<u>Environmentally hazardous substances, solid, n.o.s.</u>
					<u>UN3084</u>	<u>Corrosive solids, oxidizing, n.o.s.</u>
					<u>UN3224</u>	<u>Self-reactive solid type C</u>
					<u>UN3265</u>	<u>Corrosive liquid, acidic, organic, n.o.s.</u>
					<u>UN3286</u>	<u>Flammable liquid, toxic, corrosive, n.o.s.</u>
					<u>UN3321</u>	<u>Radioactive material, low specific activity (LSA-II) non-fissile or fissile-excepted</u>
					<u>UN3322</u>	<u>Radioactive material, low specific activity (LSA-III) non-fissile or fissile-excepted</u>
					<u>UN3327</u>	<u>Radioactive material, Type A package, fissile non-special form</u>

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						<a href="#">UN3328</a> <a href="#">Radioactive material, Type B (U) package, fissile</a> <a href="#">UN3329</a> <a href="#">Radioactive material, Type B (M) package, fissile</a> <a href="#">UN3331</a> <a href="#">Radioactive material, transported under special arrangement, fissile</a> <a href="#">UN3332</a> <a href="#">Radioactive material, Type A package, special form non-fissile or fissile-excepted</a> <a href="#">UN3333</a> <a href="#">Radioactive material, Type A package, special form, fissile</a> <a href="#">UN3399</a> <a href="#">Organometallic substance, liquid, water-reactive, flammable</a> <a href="#">UN3439</a> <a href="#">Nitriles, toxic, solid, n.o.s.</a> <a href="#">UNEXMT</a> <a href="#">Exempt packaging</a> <a href="#">UN-NRM</a> <a href="#">Non-regulated material</a>	
EPA_MANIF	The EPA manifest number assigned to a LLRW	12	0	Alpha-Numeric	X(12)	N/A	N/A

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	shipment which has EPA regulated waste.						
EXCLUS_USE	A flag indicating whether a LLRW shipment is an exclusive use shipment, i.e., a shipment which cannot be opened after shipment except by the consignee.	1	0	Alpha-Numeric	X	T F Y N	True False Yes No
H3_ACT	The total activity of H-3 within a LLRW shipment. Unit of measure is indicated by record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
I129_ACT	The total activity of I-129 within a LLRW shipment. Unit of measure is indicated by record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
LSA_SCO	The group notation for a shipment of Low Specific Activity material or Surface Contaminated Objects.	4	0	Alpha-Numeric	XXXX	LSA1 LSA2 LSA3 SCO1 SCO2 N/A	Low Specific Activity – I Low Specific Activity – II Low Specific Activity – III Surface Contaminated Objects – I Surface Contaminated Objects – II N/A

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MANIF_NUM	The unique number assigned to a LLRW shipment by the sending or receiving facility	<del>1340</del>	0	Alpha-Numeric	X( <del>1340</del> )	N/A	N/A
NUCL_ACTVY	The activity level for a specific radionuclide within a given LLRW container. Units of measure indicated by the record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
OP_FLAG	A logical flag indicating whether a LLRW container requires disposal in an approved structural overpack.	1	0	Alpha-Numeric	X	T F Y N	True False Yes No
PCT_SIGN	Indicates whether the radionuclide percentage (RADIO_PCT) number is a less than value.	1	0	Alpha-Numeric	X	<  (blank)	Percent amount is less than the number given.  Percent amount is the number given.
PERMIT_NUM	The Tracking System permit number assigned to the holding facility of a LLRW container.	6	0	Alpha-Numeric	XX9999	N/A	Positions 1-2: State abbreviation.  Positions 3-6: Sequential number for permits in that state.
PHYS_FORM	A code indicating the physical form of LLRW within the container.	1	0	Alpha-Numeric	X	G L S	Gas Liquid Solid
PREV_CNSNR	The Tracking System permit	6	0	Alpha-Numeric	XX9999		Positions 1-2: State

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	number assigned to the facility sending a LLRW shipment for depleting.						abbreviation.  Positions 3-6: Sequential number for permits in that state.
PREV_CNTR	The previous unique identification number of a container which has been consolidated into the current container.	16	0	Alpha-Numeric	X(16)	N/A	N/A
PREV_MANF	The manifest number assigned to the shipment in which the previous container (PREV_CNTR) was received.	10	0	Alpha-Numeric	X(10)	N/A	N/A
PREV_PCT	The percentage of the consolidated container (PREV_CNTR) that has been consolidated into the current container.	3	0	Numeric	999	N/A	N/A
RAD_MEAS	A code indicating the units used to measure the radiation level of a LLRW container (SURF_RADIA).	1	0	Alpha-Numeric	X	M R	Millirems per hour (mR/hr)  Rems per hour (R/hr)
RAD_SIGN	Indicates whether the radiation level of a LLRW container (SURF_RADIA) is less than the value given.	1	0	Alpha-Numeric	X	<  (blank)	Radiation level less than number given.  Radiation level is the number given.
RADIO_PCT	The percentage of a radionuclide	6	3	Numeric	999.999	N/A	N/A

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	within a LLRW container with respect to all radionuclides within the container.						
RADIONUCL	The abbreviated atomic name of a radionuclide within a LLRW container.	8	0	Alpha-Numeric	XXXXXXXX X	N/A	Any valid radionuclide atomic symbol with atomic weight (C12 scale), e.g. C14, TC99, or CA40.
REC_TYPE	The EDT record type of the current record.	3	0	Alpha-Numeric	X99	M01 M02 M03 C02 C04 C05 W01 I05 P01	Original manifest record Consolidated manifest record Out of state consolidated manifest record Consolidated container record Container removed from inventory record Original container record Waste Type record Radionuclide record Consolidated container pointer record
SNM_GRAMS	The weight of a specific radionuclide of special nuclear material (U-233,	10	7	Numeric	999.999999 9	N/A	N/A

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SSS_BRAND	U-235) in grams. The brand name of a particular stabilization, sorbent, or solidification media (SSS_MEDIA) within a LLRW waste type.	15	0	Alpha-Numeric	X(15)	N/A	N/A
SSS_MEDIA	A code identifying the particular stabilization, sorbent or solidification media (SSS_MEDIA) within a LLRW waste type.	3	0	Numeric	999	60	Speedi Dri
						61	Celetom
						62	Floor Dry/Superfine
						63	Hi Dri
						64	Safe T Sorb
						65	Safe N Dri
						66	Florco
						67	Florco X
						68	Solid A Sorb
						69	Chemsil 30
						70	Chemsil 50
						71	Chemsil 3030
						72	Dicaperl HP200
						73	Dicaperl HP500
						74	Petroset
						75	Petroset II
						76	Aquaset
						77	Aquaset II

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						89	Other Sorbent
						90	Cement
						91	Concrete (Encapsulation)
						92	Bitumen
						93	Vinyl Chloride
						94	Vinyl Ester Styrene
						99	Other solidification
						100	None Required
SSS_VENDOR	The vendor of a particular stabilization, sorbent, solidification media (SSS_MEDIA) within a LLRW waste type.	15	0	Alpha-Numeric	X(15)	N/A	N/A
SURF_RADIA	The radiation level measure on contact with a LLRW container. Units of measure indicated by the record's RAD_MEAS value.	8	2	Numeric	999999.99	N/A	N/A
TC99_ACT	The total activity of TC-99 within a LLRW shipment. Units of measure indicated by the record's ACTVY_MEAS value.	24	10	Scientific	9.9999E99	N/A	N/A
TOT_ACTVY	The total activity	24	10	Scientific	9.9999E99	N/A	N/A

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	of all containers in a LLRW shipment. Units of measure indicated by the record's ACTVY_MEAS value.						
TOT_CNTRS	The total number of containers in a LLRW shipment.	6	0	Numeric	999999	N/A	N/A
TOT_SNM_WT	The total weight of all radionuclides of special nuclear material within a LLRW shipment, measured in grams.	10	7	Numeric	999.999999 9	N/A	N/A
TOT_SRC_WT	The total weight of source material on a LLRW shipment, in pounds.	9	2	Numeric	9999999.99	N/A	N/A
TOT_VOLUME	The total volume of all containers in a LLRW shipment, in cubic feet.	10	2	Numeric	99999999.0 0	N/A	N/A
TOT_WEIGHT	The total weight of all containers in a LLRW shipment, in pounds.	10	0	Numeric	9999999999	N/A	N/A
TRANS_INDX	The transportation index for a package label on a LLRW container.	10	0	Alpha-Numeric	X(10)	N/A	N/A
VOL_MEAS	The volume unit of measure.	1	0	Alpha-Numeric	X	F M	Cubic Feet Cubic Meters
WASTE_CLAS	The waste classification of a LLRW waste type.	2	0	Alpha-Numeric	XX	AS AU B C	Class A stable Class A unstable Class B Class C

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						>C	Greater than Class C
WASTE_CODE	A code indicating whether the waste in a waste type has been collected or processed.	1	0	Alpha-Numeric	X	C	Collected
						P	Processed
						D	De-commissioned
						(blank)	Neither
WASTE_TYPE	A code indicating the specific type of waste type.	2	0	Alpha-Numeric	XX	20	Charcoal
						21	Incinerator ash
						22	Soil
						23	Gas
						24	Oil
						25	Aqueous liquid
						26	Filter media
						27	Mechanical filter
						28	EPA Hazardous
						29	Demolition rubble
						30	Cation ion-exchange media
						31	Anion ion-exchange media
						32	Mixed bed ion-exchange media
						33	Contaminated equipment
						34	Organic liquid (except oil)

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						35	Glassware or lab ware
						36	<del>Concealed</del> Sealed source/device
						37	Paint or plating
						38	Evaporator bottoms, sludges, concentrates
						39	Compactible trash
						40	Non-compactible trash
						41	Animal carcasses
						42	Biological material (except animal <del>carcasses</del> <del>caracasses</del> )
						43	Activated material
						44	Mixed waste
						59	Other
WASTE_VOL	The volume of the specific waste type (WASTE_TYPE) within a LLRW container, in cubic feet.	7	2	Numeric	99999.99	N/A	N/A
WSTE_ACTVY	The total activity of all radionuclides	24	10	Scientific	9.9999E99	N/A	N/A

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	within a waste type. Units are indicated by the record's ACTVY_MEAS value.						
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(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Rules of Conduct, Discipline, Suspension and Discharge Procedures
- 2) Code Citation: 89 Ill. Adm. Code 827
- 3)
 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
827.5	New Section
827.10	Amend
827.15	New
827.20	Amend
827.30	Amend
827.35	Amend
827.40	Amend
827.50	Amend
827.60	Amend
827.70	Repeal
827.80	Amend
827.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends rules of conduct, and discipline and discharge procedures for students at the residential school facilities and updates all school rules to insure that language is consistent with current terminology and program practices. The revisions include:
  - Adding language that indicates the Rights, Responsibilities and Procedures Handbook is updated and distributed annually to staff, parents or guardians and students;
  - Changing the term :multi disciplinary staffing: to :eligibility review:;
  - Adding language that indicates parents or guardians will be immediately notified when disciplinary action has occurred – previous language indicated they were notified when they expressed a desire to be notified or when the incident was serious enough to warrant such notification;
  - Revising current practices for staff who have authority to reprimand and/or discipline students;
  - Removing special assignment of duties and restriction to classroom/dormitory from the list of disciplinary actions;
  - Adding structured study as a separate form of discipline;

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- Adding language concerning expulsion or termination of a student, including expulsion as a result of a student having a weapon and placement of that student by the local school district;
  - Repealing :Interim Services: because the DHS-DRS residential schools are not responsible to provide interim services; the local school district is responsible to provide services;
  - Repealing Appendix A because it is now included in the Rights, Responsibilities and Procedures Handbook;
  - Updating School Code references; and
  - Updating language so it is consistent with current program standards and Illinois State Board of Education requirements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 62762

217/557-1544

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- 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: The schools provide reconciliation statements and bills to local school districts for payment of transportation costs.
  - C) Types of professional skills necessary for compliance: Educators at the School for the Deaf and the School for the Visually Impaired are required to have appropriate certifications to teach students at each school.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER f: EDUCATIONAL FACILITIES

## PART 827

## RULES OF CONDUCT, DISCIPLINE, SUSPENSION AND DISCHARGE PROCEDURES

## Section

<a href="#">827.5</a>	<a href="#">Definitions</a>
827.10	General Applicability
<a href="#">827.15</a>	<a href="#">Accessibility</a>
827.20	Infractions by Students
827.30	Disciplinary Actions
827.35	Effective Date of Discipline
827.40	Appeals of Disciplinary Actions
827.50	Discharge
827.60	<a href="#">Eligibility Review</a> <del><a href="#">Case Study Evaluation</a></del> to Determine Whether a Student is Inappropriately Placed
827.70	Interim Services
827.80	Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others
827.APPENDIX A	Consequences/Definitions for Disciplinary Action

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 6500, effective March 27, 1987; amended at 12 Ill. Reg. 14700, effective September 2, 1988; amended at 17 Ill. Reg. 6260, effective April 5, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10249, effective August 10, 1999; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 827.5 Definitions**

[Definitions for this Part can be found at 89 Ill. Adm. Code 751.](#)

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

**Section 827.10 General Applicability**

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- a) ~~State~~ School staff shall maintain discipline at the ~~State~~ School to ensure the proper conduct and safety of the students. In all matters relating to the discipline ~~in~~ and conduct of the ~~students~~~~State School and the State School children~~, these staff ~~are "in loco parentis" (in place of a parent) stand in the relation of parents~~ to the ~~students~~~~pupils~~. This relationship shall extend to all activities (~~both~~ on and off campus) ~~that are~~ connected with the ~~State~~ School program and may be exercised at any time for the safety and supervision of the ~~students~~~~pupils~~ in the absence of their parents ~~or guardians~~. Nothing in this Section affects the ~~authority~~~~power~~ of the Department to establish rules with respect to discipline.
- b) ~~Disciplinary action taken by staff at the Schools will be progressive in nature and will be in response to the seriousness of the infraction, the student's age and disability, and the number of times the student has been involved in similar behavior. The disciplinary action taken by staff at these State Schools will be progressive in nature. For additional information regarding discipline and the code of conduct, see the Rights, Responsibilities and Procedures Handbook, provided to each parent and student upon admission to a State School. The disciplinary action will be in response to: the seriousness of the infraction which has occurred; the student's age and and disability; and the number of times he or she has been involved in similar behavior. Each case will be judged individually by the superintendent or designee in consultation with staff who take all relevant factors into consideration when reaching a decision.~~
- 1) ~~The Superintendent (or his or her designee) shall judge each student's case individually and his or her decision shall be based upon consultation with staff, consideration of all relevant factors, and the requirements of the Rights, Responsibilities and Procedures Handbook (Handbook).~~
  - 2) ~~The Handbook, which is updated annually, contains information regarding discipline and code of conduct. It is provided to students and their parents or guardians upon admission to the School and to students, parents or guardians and staff at the beginning of each school year.~~
- c) ~~Parents or guardians~~~~When State school staff have been made aware by the student's parents of their desire to be involved in their child's discipline, or when the superintendent has determined the incident so serious as to require parental involvement, parents~~ will be notified and informed of the disciplinary action taken ~~by the School~~. In cases of suspension and expulsion, the parent ~~or guardian~~ will

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be notified of the action taken by the State School and of the right to appeal the action. ~~in person or by telephone and by written notice. Parents of students over 18 will also receive notification.~~

- 1) Notification by the School will be done immediately in person, by telephone or by written notice.
  - 2) Parents or guardians of students over the age of 18 years will also receive notification.
- d) In addition to the disciplinary action ~~described contained~~ in Section 827.30, financial restitution will be required when damage results from a student's behavior that requires disciplinary action, and when that damage is to State property. ~~When the amount of damage is determined, through an impartial appraisal, the responsible student will be required to pay the cost of the damage upon notification by the superintendent. The Student/Parent is responsible for establishing and following through with a payment plan for repayment. If the student and/or parent refuses to cooperate or to follow through on the restitution payment, consequences may include the withdrawal of special privileges (i.e., extracurricular activities, graduation).~~
- 1) When the amount of damage is determined, the responsible student will be required to pay the cost of the damage, upon notification by the Superintendent.
  - 2) The student, parent or guardian is responsible for establishing and following through with a plan for repayment.
  - 3) If the student and/or parent or guardian refuses to cooperate or to follow through on the restitution payment, consequences may include the withdrawal of the student's special privileges (i.e., extracurricular activities, graduation).

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

**Section 827.15 Accessibility of Information**

Written and verbal information or communication regarding a student's conduct and the School's policies, procedures and disciplinary actions regarding student conduct shall be made available

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to students, parents and guardians in their native language, in their preferred mode of communication and in a format that is accessible for their use. This shall include interpreter and translation services for individuals whose primary language is other than English.

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

**Section 827.20 Infractions by Students**

Infractions of ~~State~~ School policies, including violations of the rules of conduct, may result in disciplinary action. The specific rules of conduct are provided in the ~~State School Handbook~~ that is provided to students and parents or guardians upon admission to the School and annually thereafter at the beginning of each school year., ~~Rights, Responsibilities and Procedures that is provided to parents and students annually at the time of enrollment at the beginning of the State School year (see Appendix A for the list of Consequences/Definitions for Disciplinary Action).~~

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

**Section 827.30 Disciplinary Actions**

- a) Disciplinary~~The following disciplinary~~ actions may~~can~~ be issued by school staff, as set forth in this Section and in accordance with Section 827.10. No teacher or staff member may use corporal punishment of any form, and may not in any way physically, verbally, emotionally or sexually abuse students. ~~Additionally, there shall be a review of the recommended discipline to determine if a behavior management plan is either in effect or needed prior to any disciplinary action being taken. A behavior management plan is developed only for serious infractions. If the student has a behavior management plan, the IEP team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary. All IEP meetings shall be held 10 working days prior to any such discipline involving a change in placement or suspensions of more than 10 days in a school year. Behavior intervention techniques are found at 89 Ill. Adm. Code 830.150. A behavior management plan shall not be developed for items listed in subsections (a)(1)-(5) below.~~
- b) A review of the recommended discipline shall be completed to determine if a behavior management plan is in effect, or if one is needed prior to any disciplinary action being taken.
- 1) A behavior management plan shall not be developed for items listed in

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subsections (c)(1) through (4).

- 2) A behavior management plan shall only be developed for serious infractions.
- 3) If the student has a behavior management plan, the Individualized Education Plan (IEP) team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary.
- 4) IEP meetings shall be held 10 working days prior to any discipline involving a change in placement or suspensions of more than 10 days in the aggregate for a School year.
- 5) 89 Ill. Adm. Code 830.150 (Behavior Intervention) identifies behavior intervention techniques that may be utilized.

c) The following disciplinary actions may be issued by School staff:

- 1) Counseling – Any staff person working directly with students may discuss informally counsel a student on a given time limited, a relatively uncomplicated matter with a student. ~~Ongoing~~ However, ongoing or complex counseling requiring specialized professional skills must be reported to the supervisor, who will make the appropriate referral and who will inform the Superintendent via chain of command, superintendent via the administrative chain of command.
- 2) Verbal reprimand – A verbal reprimand ~~may~~ can be issued by the supervisor for any inappropriate behavior whenby any staff person for behavior ~~which~~ is not consistent with ~~State~~ School policy or acceptable conduct.
- 3) Written reprimand – A written reprimand can be issued by education, educational and dormitory and administrative staff if they observe the student in activities thatwhich warrant such action. ~~Administrative staff can also issue written reprimands upon the recommendation of the appropriate staff or on their own.~~
- 4) ~~Special assignment of duties—Special assignment of duties can only be issued by staff having direct responsibility for the student. Special~~

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~~assignments requiring more than 3 hours but fewer than 5 hours time or being issued by a staff person who has issued a prior special assignment to the student, must receive prior approval from the staff person's supervisor.~~

- ~~45)~~ Referral to principal's office – Teachers may send a student who is disruptive to the principal's office during the class period. The principal will take action based upon the teacher's referral and will decide upon further discipline, if appropriate.
- ~~56)~~ Retention after ~~State~~ School – A teacher may retain a student for up to ~~one~~ hour a day for ~~three~~ days per ~~State~~ School year without prior approval of the teacher's supervisor. ~~Retaining a student beyond that number of hours requires the prior approval of the responsible teacher's supervisor.~~
- ~~67)~~ Detentions – Teachers may refer students for detentions to their respective principal ~~or his or her designee~~. The principal will review the matter and determine if and when a detention is assigned to a student.
- ~~78)~~ Withdrawal of Privileges – Privileges, such as social activities, may be withdrawn by appropriate ~~State School~~ staff and/or ~~Schoolschool~~ administrators based upon the seriousness of the student's infractions.
- ~~89)~~ Contract – A contract is a written agreement that the student, educator, and administrator compose together with the goal of modifying the student's behavior within a designated time period.
- ~~910)~~ Schedule change – Staff working directly with a student may recommend schedule changes that they believe ~~will~~would help resolve a disciplinary problem and ~~will~~would benefit the involved ~~students~~student(s). ~~The~~Such changes may not be made, ~~however~~, without the prior written approval of the ~~appropriate~~ principal and the supervisor of residential care.
- ~~1011)~~ Restriction to campus – A student may be restricted to campus with the prior approval of:
- A) the principal or the supervisor of residential care, depending upon where and when the infraction occurred, if the recommended period of the restriction does not exceed one week;

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- B) the ~~Superintendents~~superintendent if the recommended period of restriction is over one week; however, this authority may not be delegated if the recommended restriction is ~~2~~two weeks or more.
- ~~12)~~ ~~Restriction to classroom/dormitory—A student may be restricted to the classroom or dormitory for a specific period of time, but:~~
- A) ~~if the restriction is for two days or less, the principal or dorm supervisor must approve the restriction.~~
- B) ~~if the restriction is more than two days, the superintendent must approve the restriction following a meeting with involved staff to review all relevant facts.~~
- 11) Structured study – A guided after school instructional program in which students complete classroom assignments.
- ~~12~~13) ~~Structured Study/~~Selective ~~isolation~~Isolation – A guided instructional program, conducted in a setting away from other students, but during the school day, designed to help students concentrate on their academic program and at the same time receive counseling and an education time block focusing on the particular infraction that occurred. This disciplinary alternative to suspension must be approved by the ~~Superintendents~~superintendent prior to implementation.
- ~~13~~14) Suspension ~~From~~from the Dormitorydormitory, but Not Fromnot from the ~~State~~State-School—
- A) Residential care staff or their supervisors may recommend to the ~~Superintendents~~superintendent the suspension of a student from the dormitory but not from the ~~State~~State-School for a specific number of days, but the suspension shall not become effective until the ~~Superintendents~~superintendent has:
- iA) held an in-house Eligibility Review (ER) multidisciplinary ~~staffing~~to determine whether ~~that~~sueh action is appropriate in relation to the disciplinary infraction;



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~~1516~~) Suspension from ~~State~~ School – The suspension shall not become effective until the ~~Superintendentsuperintendent~~ has reviewed all relevant facts and has notified the parents ~~or/~~ guardians by telephone. ~~The phone call is followed by written notification sent to the parents/guardians and a copy of such notification is sent to the local school district. Notification must be made within 10 school days from the date of completion of the review.~~

~~A) The phone call shall be followed by written notification sent to the parents or guardians, with a copy sent to the local school district.~~

~~B) Notification must be made within 10 school days from the date of completion of the review.~~

~~1617~~) Expulsion from ~~State~~ School – Expulsion from the ~~State~~ School can only be done with the prior approval of the ~~Associate~~ Director of DHS-ORS. ~~Change of placement will only be used for cases of serious infractions that pose a significant threat to the safety or rights of the student or others. The student can be immediately suspended for up to 10 days pending an investigation of the situation by the superintendent.~~

~~A) Change of placement will only be used for cases of serious infractions that pose a significant threat to the safety or rights of the student or others.~~

~~B) The student can be immediately suspended for up to 10 days pending an investigation of the situation by the Superintendent.~~

~~db~~) The ~~DHS-DRSAssociate~~ Director ~~or designee~~ must expel a student who brings a gun or dangerous weapon on campus and ~~thesueh~~ expulsion shall take effect immediately as ~~is~~ required by the Gun Free Schools Act (20 USC 8921) and Section 10-22.6 of the School Code ~~[105 ILCS 5]~~.

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

**Section 827.35 Effective Date of Discipline**

a) All discipline ~~except as discussed in subsection (b) of this Section~~ will take place immediately or in the time frame established by the staff person determining the discipline. ~~Consideration shall be given for students who have, or who require, a~~

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behavior management plan as outlined in Section 827.30.

- b) In cases of suspensions of 10 days or more, changes of placement, or expulsion, the action taken will not take place until an appeal, if taken, has been exhausted, unless the situation poses a danger to the student or others, or the expulsion is required by the Gun Free Schools Act (~~20 USC 8921~~) and Section 10-22.6 of the School Code.
- 1) If expulsion is a result of the student having a weapon, the local school district is responsible for securing an alternate placement of the student for a minimum of 45 days.
  - 2) An IEP will be scheduled by the local school district to determine appropriate placement after the 45 day alternate placement period.
  - 3) The School is not responsible for providing interim services to students; however, if appropriate, the School will provide technical and program assistance for students returned to the local school district or Local Education Agency (LEA).

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

**Section 827.40 Appeals of Disciplinary Actions**

- a) Actions taken by DHS-~~DRS~~ in conformance with this Part are appealable through procedures ~~as~~ set forth in this Section.
- b) In cases of suspensions of more than 10 days and changes of placement including expulsion, the proposed discipline will not take place until the appeal has been exhausted, unless the student is a danger to self or others. Suspensions of more than 10 days or changes of placement may be appealed directly to the DHS-DRS Director or designee of Educational Services or through Impartial Due Process Hearing (89 Ill. Adm. Code 828).
- c) If the student receiving the discipline and/or his or her parents or guardian is are dissatisfied with disciplinary actions taken, they can appeal as follows:
- 1) Step 1. When the action is appealable under this Section, ~~the student and/or parents should, within 3 school days after learning or being~~

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~~informed by the school of the disciplinary action, ask the staff person who imposed the disciplinary action for a meeting to explain the student's and/or his/her parents' position. The student and/or parents may request that the supervisor of the staff person imposing the discipline, as well as the superintendent, be present at the meeting.~~

A) the student, parents or guardians may request a meeting with the staff person who imposed the disciplinary action within 3 school days after learning of, or being informed by the School of, the disciplinary action to explain the student's, parent's or guardian's position.

B) The student, parents or guardians may request the supervisor of the staff person imposing the discipline, as well as the Superintendent, to be present at the meeting.

C) The meeting must take place within 4 school days after the date the request is received.

2) Step 2-

A) If the matter is not resolved, the student, parents or guardians may, within 3 school days after meeting with the Superintendent, write a letter to the DHS-DRS Director requesting a meeting. ~~the student and/or parents should, within 3 school days after meeting with the superintendent, write a letter to the Director of Educational Services requesting a meeting.~~

B) The meeting with the DHS-DRS Director must take place within 5 working days after the date the written request is received.

~~d) For Step 1, the meeting must take place within 4 school days after the date the request is received. For Step 2, the meeting must take place within 5 working days after the date the written request is received.~~

de) A student has the right to be accompanied by or assisted by his or her parents or guardians, or other representative of the student's choosing, at any or all of the meetings. Any expenses that which result from involving the adults must be borne by the student or some source other than the State School.

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

**Section 827.50 Discharge**

A student may be discharged from a ~~State~~ School when:

- a) The student graduates from high ~~school~~ School.
- b) The student reaches age ~~22~~24. The student is eligible to receive education services through the day before his or her 22<sup>nd</sup> birthday; however, 89 Ill. Adm. Code 765.30(a) shall apply to students who become 22 during the school year. who becomes 21 during the school year shall be allowed to complete that year.
- c) The student's parents or guardians move out of State, unless a parent or guardian is a member of the armed forces.
- d) The student's parents or guardians request the discharge.
- e) It has been determined through an ERA multidisciplinary case study evaluation conducted in accordance with Section 827.60 that the student is inappropriately placed.
- f) The student is absent for 60 consecutive school days and the parents or guardian~~either~~ cannot be reached or will not provide information concerning indicating the reasons for the absence or the anticipated date the student will return. In thesesueh cases, the ~~State~~ School shall contact the local school district about whether the student will return (e.g., due to long term hospitalization, death, change of residence) and request assistance in locating and/or working with the parents or guardians.
- g) The student is expelled for behavior or a condition that is not, or does not result from, his or her disabilities~~disability(ies)~~, as indicated~~defined~~ in the Illinois State Board of Education's rules for Special Education (23 Ill. Adm. Code 226.400~~552~~).
- h) The student, when expelled, is returned to the local school district or LEA and it is the responsibility of the local school district or LEA to secure an appropriate education placement for the student. The School is not responsible for providing interim services; however, when appropriate and applicable, the School will

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provide program and technical assistance, if needed.

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

**Section 827.60 Eligibility Review~~Case Study Evaluation~~ to Determine Whether a Student is Inappropriately Placed**

- a) When the ~~State~~ School's administrators, faculty members, other staff, or consultants have reason to believe that a student at the ~~State~~ School is inappropriately placed, an ER~~a case study evaluation~~ will be conducted. ~~The evaluation will not be limited to the student's primary disability, but will include any disability that may be relevant to the determination that the student is or is not appropriately placed at the State School. Case Study Evaluation to Determine Need for Modification of Educational Service (89 Ill. Adm. Code 795.30) sets forth additional requirements.~~
- 1) The ER will not be limited to the student's primary disability, but will include any disability that may be relevant to the determination that the student is or is not appropriately placed at the School.
  - 2) Information contained in Eligibility Reviews to Determine Need for Modification of Educational Services (89 Ill. Adm. Code 795.30) sets forth additional requirements for the ER.
- b) The parents or guardians~~parent(s)~~ and the local school district will be informed of the reasons for the ER~~case study evaluation~~ and the kind of data the evaluators intend to develop. The evaluation shall be subject to parent or guardian~~parental~~ consent.
- c) In interpreting ER~~evaluation~~ data and in making placement decisions, the ~~State~~ School will:
- 1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
  - 2) ensure that information obtained from all ~~such~~ sources is documented and carefully considered; and

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- 3) ensure that the placement decision is made by a group of persons, knowledgeable about the student, e.g., parents or guardians, educators, psychologists~~psychologist~~, social workers, student care specialists, supervisors, administrators, medical practitioners and others knowledgeable about the student and/or the ERevaluative data.
- d) A decision to terminate the placement of a student at the State School must be made in accordance with Section 827.50 ~~of this Part~~. A conference will be held that includes, at a minimum, the following participants:
  - 1) A representative of each department of the State School, other than the student's teacher, who is qualified to provide, or supervise the provision of, special education. These~~Such~~ divisions include educational, residential, medical, social services, evaluation, and administration;
  - 2) The student's teacher;
  - 3) One or both of the student's parents or guardians;
  - 4) The student, as appropriate, ~~if the social worker or a conference participant requests his/her attendance, or the student is 17 years of age or older~~;
  - 5) A representative of the local school district of parent or guardian ~~and parental~~ student residence; and
  - 6) Other individuals, at the discretion of the parent or guardian, the local school district or the State School. Other individuals are allowed who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.
- e) The recommendation for placement~~of the conference~~ will be the consensus of the conference participants, in accordance with Recommendations (89 Ill. Adm. Code 795.60). The conference participants will document in the IEP~~prepare a written statement detailing~~ the reasons for the termination, including the type of services the participants believe the student needs and the reasons the State School cannot provide those services.
- f) The termination of a student's placement is an appealable issue under Impartial

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Due Process Hearing (89 Ill. Adm. Code 828). The ~~State~~ School will inform the parents or guardians of their right to request an impartial hearing should the conference recommend termination of the student's placement.

- g) When a student's placement at the School is terminated, the local school district or the LEA is responsible for securing an appropriate education placement for the student. The School is not responsible for providing interim education services; however, when applicable and appropriate, the School will assist with technical and program assistance.

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

**Section 827.70 Interim Services (Repealed)**

- a) ~~If the decision of the conference is to terminate the student's placement at the State School, the conference will recommend, at the request of the local school district, an appropriate placement for the student and/or interim services for the student at the State School. Such services shall be as appropriate to the student's needs as possible and continue to be provided for no more than 20 calendar days after the local school district has been notified. This allows time for the local school district to locate the appropriate placement for the student. Such obligation shall terminate if the student refuses to remain on campus or if the parent(s) refuses to allow the student to remain on campus. Further, such obligation is limited solely to such services as may be provided on the State School's premises.~~
- b) ~~In those circumstances in which the conference concludes that the student represents so substantial a danger to self, others or State School property that the only appropriate placement is beyond the State School's authority to provide, in accordance with Sections 10, 11 and 13 of the Disabled Persons Rehabilitation Act (e.g., homebound or hospital instruction, or that the student is unable to adjust to group living) the conference may recommend that the State School is not an appropriate placement for interim services. Any such changes in placements shall be made only in accordance with Section 827.80.~~
- e) ~~The State School will implement the recommendations of the conference and will provide interim services to the student for up to 20 calendar days (depending on the recommendation of the conference) unless the local school district locates an appropriate placement within less time. An interim IEP must be developed and~~

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~~sent to the local school district.~~

- ~~d) The modifications to the student's program will be initiated as soon as possible after the decision to terminate the placement of the student at the State School and the agreement to the amount and type of interim services to be offered.~~
- ~~e) The modifications to the student's program during the 20 calendar day interim period shall be made according to the procedures set forth in 89 Ill. Adm. Code 795.90-795.120 or Section 827.80.~~
- ~~f) Subsections (a) and (c) in no way modify the obligation of the local school district to provide a free appropriate public education to qualified students with disabilities within its jurisdiction, nor do these subsections modify the obligation of the local school district to locate an appropriate placement as soon as possible after the decision to terminate the student's placement at the State School has been made.~~
- ~~g) Under subsections (a) and (c) the State School shall not be required to maintain the student on campus or to provide services during scheduled breaks, shutdowns, or summer vacations.~~

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

**Section 827.80 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others**

- a) Suspensions made pursuant to this Section shall be made in accordance with Section 827.30 and the Handbook (see Section 827.10(b)).
- b) A suspension barring the student from both the educational and the residential components of the School for not more than 10 consecutive School days in one School year is not considered a significant change in placement or a discharge.
- c) A suspension for greater than 10 School days in one School year for any reason is considered a significant change in placement under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 828).
- d) The School may suspend a student for no more than 10 days in one School year

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when suspension is warranted due to a physical danger to the student, others, or School property that is caused by the student's presence, even when the student's behavior results from his or her disability.

- 1) If warranted because a student is an immediate physical danger to self or others, the Superintendent, or his or her designee, may restrict a student's extracurricular activities within the School during the pendency of due process proceedings.
- 2) The Superintendent of the School may also suspend, for no more than 10 days, a student who is an immediate danger to self or others during the pendency of due process proceedings.
- e) The School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents a substantial danger to self or others, the School may make a request for an expedited hearing.
- f) If the School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the School, the School shall initiate discharge procedures (see Section 827.50).
- g) As required under Section 827.30(d), the federal Gun Free Schools Act and Section 10-22.6 of the School Code, the School must expel a student for bringing a gun or dangerous weapon on campus.
- h) School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (d)(2) and (e).
- a) ~~A suspension barring the student from both the educational and the residential components of the State School for not more than 10 consecutive State School days in one State School year is not a significant change in placement or a discharge.~~
- b) ~~A suspension for greater than 10 State School days in one State School year for any reason is a significant change in placement under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 828).~~

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- e) ~~State School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (g) and (h).~~
- d) ~~The State School may suspend a student for no more than 10 days in one State School year when suspension is warranted due to the physical danger to the student, others, or State School property caused by the student's presence, even when the behavior results from the student's disability. Suspensions made pursuant to this Section shall be made in accordance with the procedures established in Section 827.30.~~
- e) ~~If the State School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the State School, the State School will initiate discharge procedures, as set out in Section 827.50.~~
- f) ~~If warranted because a student is an immediate physical danger to self or others, the superintendent or designee may restrict a student's extracurricular activities within the State School of the student during the pendency of due process proceedings.~~
- g) ~~The superintendent of the State School may also suspend, for no more than 10 days, the student who is an immediate danger to self or others during the pendency of due process proceedings.~~
- h) ~~The State School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents so substantial a danger to self or others that the only appropriate placement is beyond the State School's capability to provide (e.g., hospital or home bound instruction), the State School can make a request for an expedited hearing.~~

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

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**Section 827.APPENDIX A Consequences/Definitions for Disciplinary Action (Repealed)**

<b>Level 1</b>	<b>Definition</b>	<b>1<sup>st</sup>-Offense</b>	<b>2<sup>nd</sup>-Offense</b>	<b>3<sup>rd</sup>-Offense</b>
1. Tardiness	Being late to a scheduled activity one is required to attend (TAR).	Counseling/ verbal warning	Counseling/ Verbal reprimand	1 day detention
2. Littering	Discarding trash or other materials on the floor, grounds or other inappropriate place (LIT).	15-30 minutes clean-up duty.	One hour clean-up duty on campus.	Two hour clean-up duty
3. Possession of tobacco products on school grounds for students under 18	Possessing tobacco products (PTP).	Counseling/verbal warning/phone parents	1 day detention/dorm restriction/ counseling/ phone parents	3 day detention/dorm restriction/ counseling/ phone parents
4. Failure to complete assignments	Failing to completely follow through on an assignment or duty given by a staff member (FAI).	Counseling/ verbal reprimand/ 1 day detention	2 day detention/ dorm restriction	3 day detention/ dorm restriction
5. Loitering	Remaining in an area of the school/dorm for no apparent reason after being asked by staff to leave (LOI).	1 day detention/dorm restriction/verbal reprimand	2 day detention/dorm restriction	3 day detention/dorm restriction
6. Abusive language/ profanity	Using language that is inappropriate for use with the	1 day detention/ dorm restriction/ counseling/ verbal reprimand	2 day detention/ dorm restriction	3 day detention/ dorm restriction/ contract

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	group or individual to which it is addressed, such as name calling, profanity, obscenity, or derogatory comments (ABU).			
<del>7. Cheating/lying</del>	<del>Being dishonest, untruthful, or intentionally deceptive (CHE).</del>	<del>1-day detention/ counseling/ verbal reprimand</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction/ withdrawal of privileges (town, trips, etc.)</del>
<del>8. Bus/public transportation misconduct</del>	<del>Improper conduct while riding the bus, such as smoking, annoying others, refusing to obey the bus driver or other staff or endangering the health and safety of bus passengers (BUS).</del>	<del>Assigned seat on next trip</del>	<del>Suspension from bus privileges on next trip/ phone parents</del>	<del>Bus suspension for remainder of school year/ phone parents</del>
<del>9. Insolence</del>	<del>Being disrespectful in speech or action (INS).</del>	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction</del>
<del>10. Disruptive conduct</del>	<del>Inappropriate class behavior or disruption of an academic, recreational, or planned dorm activity (DIS).</del>	<del>Counseling/ verbal reprimand/ 1-day detention/ dorm restriction</del>	<del>2-day detention/ dorm restriction</del>	<del>3-day detention/ dorm restriction</del>
<del>11.</del>	<del>A student passes</del>	<del>Based on</del>	<del>Based on</del>	<del>Based on</del>

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Unauthorized petition	a petition around school/ dorm without permission from authorized administrative personnel (UNP).	consequences delineated in "Computer Contract"	consequences delineated in "Computer Contract"	consequences delineated in "Computer Contract"
13. Aggressive behavior	Physical or verbal inappropriate and unacceptable behaviors toward another student or staff member; socially unacceptable behavior that may endanger the students, people within the surrounding environment or the environment itself (AGG).	1-day detention/ dorm restriction/ counseling	2-day detention/ dorm restriction	3-day detention/ dorm restriction
14. Public Policy	Socially unacceptable and/or inappropriate physical contact during the school day and other school and dormitory social functions (example: hugging, kissing) (PDA)	Counseling/ verbal reprimand	Counseling/ verbal reprimand/ 1-day detention/ dorm restriction	Counseling/ verbal reprimand/ 1-3 day detention dorm restriction
15. Sexual misconduct	Sexually unacceptable	Counseling/ verbal reprimand/	Counseling/ verbal reprimand/	Counseling/ 3 day dorm

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	<del>and/or inappropriate sexual-physical contact with another person (example: playing doctor, grabbing, touching (SXI))</del>	<del>1-day detention/ dorm restriction/ contact social worker/ phone parent</del>	<del>2-day detention/ dorm restriction/ phone parent/ contact social worker</del>	<del>restriction/ 1-3 day selective isolation or suspension/ phone parent/ contact social worker</del>
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Level 2	Definition	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
16. Possession/ use of tobacco products on school grounds	Tobacco use is prohibited on school grounds (see smoke-free environment policy (SMI).	1 day detention/ dorm restriction	3 day detention/ dorm restriction with NO use of tobacco products/ phone parents	1 week detention/ dorm restriction with NO use of tobacco products/ phone parents
17. Cutting class	Being absent from class without authorization (CUT).	Extra work/ 1 day detention/ dorm restriction	Extra work/ 2 day detention/ dorm restriction/ phone parents	3 day detention/ dorm restriction/ truancy charges filled/ extra work/ phone parents
18. On/Off campus without permission	Being on or off campus without proper authorization or notification to staff (PER).	Revoke on/ off campus privileges for 2 weeks	Revoke on/ off campus privileges for 1 moth/ phone parents	Revoke on/ off campus privileges for 1 semester/ phone parents
19. Unauthorized distribution of printed material	The sharing of inappropriate and unacceptable computer, hard-copy, video, or any other commercially produced materials with	Counseling/ verbal reprimand/ 1 day detention/ dorm restriction	2 day detention/ dorm restriction/ phone parents	Phone parents dorm restriction possible 1 day selective isolation or suspension

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	other students and/ or staff members (UND).			
20. Disrespect/insubordination	Failing to follow directions given by a staff member; being disrespectful to a staff member	Counseling/verbal reprimand/1 day detention/dorm restriction	2 day detention/dorm restriction/phone parents	Phone parents/dorm restriction/possible 1-3 day selective isolation or suspension
21. Intimidation/threats to others	Verbal or physical action that may result in physical and/ or emotional harm to others	1 day detention/dorm restriction/counseling/possible 1 day isolation or suspension	2 day detention/dorm restriction/counseling/possible 1 day isolation or suspension	Phone parents/possible 1-3 day selective isolation/suspension/police notified
22. Fighting	Engaging in a physical struggle or conflict between two or more individuals with the intent of causing pain or injury (FIG).	1-2 day detention/dorm restriction/counseling/possible 103 day selective isolation or 2 day suspension	3-5 day detention/3-5 day dorm restriction/phone parents/103 day selective isolation/3 day suspension	Phone parents/dorm restriction/2-3 day selective isolation/5 day suspension
23. Sexual misconduct	Knowingly behaving in such a way that is in violation of school and social rules, policies and norms concerning sexual behavior whether or not the individuals involved consent to the act (SXM).	7 day dorm restriction/no on-campus privileges/counseling/phone parents	7 day room restriction/counseling/phone parents	Phone parents/3-10 day suspension from school
24. Theft	Taking someone else's property without that	Phone police/parents/restitution/	Phone police/parents/restitution/1-3	Phone police/parents/restitution/3 day

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	person's permission – for the purpose of this code, stealing is limited to items valued under \$100 (THF).	counseling/1-5 day detention/ dorm restriction	day selective isolation/3 day suspension/ counseling	selective isolation/5-7 day suspension/ counseling
25. Trespassing	Entering the land, property, or dormitory room of another person after receiving notice not to enter (TRE).	3 day detention/ dorm restriction/ counseling	Phone parents/ possible police intervention/1 day selective isolation/1 day suspension/ counseling	Phone police/ parents/3 day selective isolation/5-7 day suspension/ counseling
26. Gambling	Betting or taking part in a game of chance or skill for money or material gain (GAM).	Phone police/ parents/1 week detention/dorm restriction/ counseling	Phone police/ parents/1-3 day selective isolation/1-3 day suspension/ counseling	Phone police/ parents/3 day selective isolation 5-7 day suspension/ counseling
27. Criminal damage to property (under \$100)	Destroying or damaging public or private property in a willful manner – for the purpose of this code, property damage is limited to damage under \$100 (VAN).	Restitution/phone police/parents/ counseling/3 day dorm restriction/ detention	Restitution/1-3 day selective isolation/3 day suspension/counseling/phone police/parents notified	Restitution/phone police/parents/3 day selective isolation/5-7 day suspension/ counseling
28. Criminal damage to property (over \$100)	The willful destroying or damage of public or private property valued over \$100 (CRI).	Restitution/phone police/parents/ counseling/1-3 day selective	Restitution/phone police/parents/ counseling/3 day selective isolation/3 day suspension/ counseling	Restitution/phone police/parents/3 day selective isolation/5-7 day suspension/ counseling

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29. Unlawful assembly	Forming or participating in a group of 3 or more persons to cause violence, to do unlawful acts, or to disturb others (UNL).	2 day detention/ dorm restriction	Phone parents/3 day detention/ dorm restriction/ detention	Phone parents/5 day detention/5 day dorm restriction/ possible 1-3 day selective isolation/3 day suspension
30. Forgery	Forging any document or using a forged document (FOR).	1-3 day detention/dorm restriction/phone parents	1-3 detention/dorm restriction/phone parents	Detention/dorm restriction/ possible 1 day selective isolation/possible suspension/phone parents
31. Other (Level 2)	Staff of the State Schools reserve the right to use professional discretion to classify infractions not listed above as Level 2 infractions, as factors such as surrounding circumstances and new situation can affect incidents (OT2).	*Consequences decided upon severity of offense	*Consequences decided upon severity of offense	*Consequences decided upon severity of offense

<b>Level 3</b>	<b>Definition</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
32. Excessive violations	Students with multiple discipline code infraction (EXV).	Parent conference/ contact LEA/5- 10 day suspension	7-10 day suspension/IEP/ MDC	A manifestation determination will be completed on all level 3 offenses at an IEP meeting

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33. Absent from school without authorization	Absent from school without a valid excuse (AWA).	Phone parents/contact LEA/1-5 day detention/dorm restriction/counseling	Phone parents/contact LEA/possible 1-3 day selective isolation/1-10 day suspension	
34. Truancy See Illinois School Code Secs. 26-3d through 26-15 (TRU).				
35. Gangs and secret societies	Recruitment for gang/cult membership; possession, or display or use of gang/cult emblems, symbols, language inciting other students to intimidate, threaten or act with physical violence upon any other person (GSS).	Phone police/parents/contact LEA/1-10 day suspension/possible expulsion	Phone police/parents/contact LEA/1-10 day suspension/possible expulsion	
36. Possession of illegal materials	Holding of any material that is statutorily illegal (ILL).	Confiscate/phone police/parents/1-3 day selective isolation/3 day suspension	Phone police/parents/contact LEA/5-7 day suspension/IEP/MDC	
37. Threat to use dangerous weapon	Any written or verbal threat to use a dangerous weapon to inflict harm on others (TEA)	Phone police/parents/immediate suspension convening IEP	NOTE: The Gun-Free Schools Act of 1994 requires that the student be expelled from school for a period of not less than one year. If a student is determined to have brought a	WEAPON – Illinois School Code Expulsion period. The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a

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			<p>weapon to school under the jurisdiction of the agency (ISD), then such policy shall be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and may allow the chief administering officer of the agency, after a multi-disciplinary team has determined whether a relationship exists between the conduct and the disability, to modify such expulsion requirement for a multi-disabled student on a case-by-case basis. School personnel may order a change of placement for up to 45 days if the student carries a weapon to school or to a school</p>	<p>case-by-case basis.</p> <p>Mandatory expulsion. A student who has brought a weapon to school, any school sponsored activity event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year, except that the expulsion period may be modified by the board on a case-by-case basis. For purposes of this offense, the term "weapon" means possession, use, control or transfer of any object that may be used to cause bodily harm, including but not limited to a weapon as defined by 18 USC 921, including BB</p>
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			function	guns and firearms as defined in Section 1.1 of FOID, Use of Weapon, as defined in Section 24-1 of the Criminal Code, knives, guns, firearms, rifles, shotguns, brass knuckles, billy clubs, or "look-alike". Such items as baseball bats, pipes, bottles, locks, sticks, pencils, and pens may be considered weapons if used or attempted to be used to cause bodily harm. Reference: 105 ILCS 5/10-22.6
39. Hazing	Any activity, tradition or amusement engaged in by students for the purpose of embarrassing or hurting another student (HAZ).	Phone police/parents/contact LEA/1-3 day selective isolation/5 day suspension/counseling/IEP/MDC	Phone police/parents/contact LEA/3 day selective isolation/10 day suspension/IEP/MDC	
40. Possession of over the counter	Any student possessing legal medications	Phone parents/1-2 day selective isolation/1-2 day	Phone parents/3 day selective isolation/1-10	

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medications/ drugs	(OCM).	suspension/ counseling	day suspension/ contact LEA	
41. Possession of drug paraphernalia	Any student possessing materials that can be used to ingest illegal drugs (PSP).	Phone police/parents/1- 2 day selective isolation/1-2 day suspension/ counseling	Phone police/ parents/contact LEA/3 day selective isolation/1-10 day suspension	
42. Possession of drugs or alcohol	Possession of illegal drugs/ alcohol/look- alikes is strictly prohibited (DRU).	Phone police/ parents/contact LEA/1-3 day selective isolation/5-10 day suspension/ counseling	Phone police/ parents/contact LEA/1-3 day selective isolation/1-10 day suspension/ agreement to attend drug or alcohol abuse classes/ counseling/ contract	School personnel may order a change of placement for up to 45 days if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at a school function
43. Distribution/sale of drugs or alcohol	Selling/providing illegal drugs/ alcohol/look- alikes is strictly prohibited (SAL).	Phone police/ parents/contact LEA/7-10 day suspension/MDC /IEP conference/ expulsion	There are not second or third consequences for 43-54 because the incidents are serious enough that they do not warrant additional chances. Instead an automatic IEP conference will be convened before permission to return to classes	

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

			and dormitory. Attendance is required by students, parents/legal guardians, and LEA.	
44. Extortion	Obtaining sex, drugs, money, or other valuable from another person through the use of force or coercion (EXT).	Restitution/phone police/parent/contact LEA/1-3 day selective isolation/3-5 day suspension	Note 1: Student will be suspended until the IEP can be held.	
45. Robbery	Taking the property of another by force or threat of force totaling \$100-300 (ROB).	Phone police/parent/contact LEA/5-10 day suspension/counseling/restitution/IEP/MDC/possible expulsion	Note 2: Intervention strategies such as counseling and behavioral management plan will be used when appropriate.  Note 3: The police will be called only after permission from the Executive Duty Officer unless the student is a danger to self or to other (i.e., assault/battery).	
46. Arson	Intentionally setting fires when there is the probability they	Phone police/parent/contact LEA/7-10 day suspension/IEP/		

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

	will cause property damage, bodily injury, or anxiety (ARS).	MDC/counseling/expulsion		
47. Theft (over \$100)	Obtaining another person's property illegally – for the purpose of this code, theft applies to property valued at \$100 or more (LAR).	Phone police/parent/contact LEA/3 day selective isolation/5-7 day suspension/counseling/MDC/IEP/restitution		
48. Bomb threat	Falsely telling someone that a bomb exists, or stating the intent to obtain or use a bomb (BOM).	Phone police/parents/contact LEA/immediate suspension pending convening MDC/IEP		
49. Assault/battery	Inflicting physical pain or injury, or beating another person in a violent manner (BAT).	Phone police/parents/DCFS/contact LEA/3 day selective isolation/5-7 day suspension/counseling/MDC/IEP		
50. Possession/sale of stolen property	Having or selling property belonging to another person or the State without the consent of that person or the State (STP).	Restitution/phone police/parents DCFS/contact LEA/3 day selective isolation/5-7 day suspension/counseling/MDC/IEP		
51. Break-in or	Breaking a lock,	Restitution/phone		

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

forced entry	window, etc., or using force to get into a building, room, or vehicle (BRE).	police/parents /contact LEA/3 day selective isolation/5-7 day suspension/ possible expulsion/ counseling/MDC/ IEP		
52. False fire alarm	Intentionally activating a fire alarm with the knowledge that fire or other reason to use the alarm exists (FFA).	Phone police/ parent/contact LEA/1-3 day selective isolation/1-3 day suspension		
53. Sexual abuse	Knowingly behaving in such a way that is in violation of school and social rules, policies, and norms concerning sexual behavior (SXA).	Phone DCFS/ police/parents/ contact LEA/1-10 day suspension. Possible expulsion		
54. Sexual assault	An act of sexual penetration by use of force or threat of force (SXB).	Phone DCFS/ police/parents/ contact LEA/10 day suspension/ possible expulsion		
55. Other (Level 3)	Staff of the State Schools reserve the right to use professional discretion to classify	*Consequence decided upon severity of offense		

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

	infractions not listed above as Level 3 infraction, as factors such as surrounding circumstances and new situations can affect incidents (OT3).			
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(Source: Repealed at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

- 1) Heading of Part: Counting of Provisional Ballots
- 2) Code Citation: 26 Ill. Adm. Code 218
- 3) 

<u>Sections Numbers</u> :	<u>Proposed Action</u> :
218.10	New
218.20	New
218.30	New
218.40	New
- 4) Statutory Authority: Implements Article 18A of and authorized by Section 18A-15 of the Election Code (10 ILCS 5/18A and 18A-15)
- 5) A Complete Description of the Subjects and Issues Involved: Establishes procedures for counting provisional ballots, where a voter casts a provisional ballot from a precinct in which he or she is not registered. It implements portions of PA 95-971, and amended by PA 96-848.
- 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 the rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not create or enhance a State mandate.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Steven S. Sandvoss, General Counsel  
Illinois State Board of Elections  
2329 South MacArthur Blvd.

## STATE BOARD OF ELECTIONS

## NOTICE OF PROPOSED RULES

Springfield IL 62704

217/782-4141

ssandvoss@elections.il.gov

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

The full text of the Proposed Rule is identical to that of the text of the Emergency Rule, and begins in this issue of the Illinois Register on page 4506:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:                      Adopted Action:  
     140.24                                      Amend  
     140.28                                      Amend  
     140.55                                      Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: January 29, 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*: March 22, 2013; 37 Ill. Reg. 3362 and May 24, 2013; 37 Ill. Reg. 7078
- 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>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.462	Amend	37 Ill. Reg. 12637; August 16, 2013
140.12	Amend	38 Ill. Reg. 19971; December 20, 2013
140.440	Amend	38 Ill. Reg. 19971; December 20, 2013
140.2	Amend	38 Ill. Reg. 2529; January 24, 2014

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.3	Amend	38 Ill. Reg. 2529; January 24, 2014
140.6	Amend	38 Ill. Reg. 2529; January 24, 2014
140.441	Amend	38 Ill. Reg. 2529; January 24, 2014

- 15) Summary and Purpose of Rulemaking: 89 Ill. Adm. Code 140.24 clarifies payment procedures for alternate payees; addresses the reasonable concerns of applicable providers and alternate payees; and implements the enhanced screening and verification mandates of the SMART Act. Also, adds language that provides that certain classified employers, who are eligible to participate in the State's Medical Assistance Program, may be designated as an alternate payee by an individual practitioner who is employed by the payee. Further, tracks currently proposed changes to 89 Ill. Adm. Code 140.1001, which address registration requirements for alternate payees.

In addition, this rulemaking amends 89 Ill. Adm. Code 140.28, Record Requirements for Medical Providers, which formerly required providers of medical services that are enrolled in the Medical Assistance Program to retain business and professional records for a period of three years. The rulemaking requires such providers to retain business and professional records for a period of six years. Accordingly, this rulemaking will change the retention period to six years.

89 Ill. Adm. Code 140.55 implements a new Electronic Data Interchange (EDI) process that replaces the existing Recipient Eligibility Verification (REV) system and will offer a HIPAA compliant means for trading partners to verify recipient eligibility (real time and batch mode), submit medical claims (batch mode only), and check medical claim status (real time and batch mode). The existing REV system is constrained to a limited number of participating entities due to the original procurement process established for this process. The new EDI process will provide medical providers more choices of vendors in the electronic data exchange marketplace.

- 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

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART E: GROUP CARE

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

## Section

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

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

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

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

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## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

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

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

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

## SUBPART K: MANDATORY MCO ENROLLMENT

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

## Section

140.1300	Definitions
140.1310	Recovery of Money
140.1320	Penalties
140.1330	Enforcement
140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
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140.TABLE F	Podiatry Service Schedule (Repealed)
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
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140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

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

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December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table

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B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366,

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effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill.

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Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at

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22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective

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October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency

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rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August

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20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

**Section 140.24 Payment Procedures**

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller.
- b) All providers of medical services must designate a payee when enrolling in the Department's Medical Assistance Program.
  - 1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address, the designated address of the provider's corporate or partnership office, or a designated address that will accept and forward the remittance advice to the business entity.
  - 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized State agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following addresses that will accept and forward the remittance advice to the individual practitioner:
    - A) The provider's service address; or
    - B) The provider's residence; or
    - C) The provider's designated address; or

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- D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section; or
- E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- 3e) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- cd) Individual practitioners may request the Department to designate an alternate payee for the practitioner. The Department may permit a request if the Department determines that the designation is consistent with the provision of medical services to eligible recipients. The alternate payee must meet the registration conditions for, and be registered as an alternate payee pursuant to 89 Ill. Adm. Code 140.1001. Additionally, the individual practitioner must meet the following conditions~~Subpart J and:~~
- 1) The individual practitioner must have~~has~~ a contractual/salary arrangement with a hospital or a hospital affiliate, as defined by the Hospital Licensing Act [210 ILCS 85], that requires fees to be turned over to the hospital or hospital affiliate, as a condition of employment with a hospital or professional school. A professional school is defined as a college or university offering a degree to qualify individuals for licensure to perform medical services; or
  - 2) The individual practitioner must have a contractual/salary arrangement with a professional school that requires fees to be turned over to the professional school. A professional school is defined as a college or university offering a degree to qualify individuals for licensure to perform medical services; or
  - 3) The individual practitioner must have~~has~~ a contractual/salary arrangement with or be~~is~~ employed by a practitioner owned group practice that requires fees to be turned over to the practitioner owned group practice. The practitioner owned group practice must be owned by three or more full-

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time licensed individual practitioners who are eligible to participate in the Medical Assistance Program; or

- 43) The individual practitioner must have a contractual/salary arrangement with a partnership~~is a partner in a partnership and has a partnership arrangement~~ that requires fees to be turned over to the partnership. The partnership must be solely-owned by two or more practitioners who are eligible to participate in the Medical Assistance Program; or
- 54) The individual practitioner must have~~has~~ a contractual/salary arrangement or be~~is~~ employed by a governmental entity that requires ~~as a condition of employment, that the~~ fees to be turned over to the governmental entity; or
- 65) The individual practitioner must have~~has~~ a contractual/salary arrangement with or is employed by a community mental health agency that requires fees to be turned over to the community mental health agency~~that is certified by the Department of Human Services under 59 Ill. Adm. Code 132~~. The community mental health agency must be certified by the Department of Human Services under 59 Ill. Adm. Code 132 and be enrolled as a provider in the Medical Assistance Program; or
- 76) The individual practitioner must have~~has~~ a contractual/salary arrangement or be~~is~~ employed by a Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that requires fees to be turned over to the center or clinic. The center or clinic must be~~is~~ enrolled as a provider in the Medical Assistance Program; or
- 7) ~~The individual practitioner has a contractual/salary arrangement or is employed by a hospital affiliate, as defined by the Hospital Licensing Act [210 ILCS 85]; or~~
- 8) The individual practitioner must have a contractual/salary arrangement with~~is employed by~~ a corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois that requires fees to be turned over to the corporation~~and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America~~; or

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9) The individual practitioner must have a contractual/salary arrangement as a condition of employment with an individual practitioner "employer" that requires fees to be turned over to the employer~~an employee, as a condition of employment, to turn over his or her fees to the employer~~. The employer must be eligible to participate in the Medical Assistance Program. An individual practitioner may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65]~~and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65]~~.

de) The Department will not permit the designation of a payee or alternate payee that appoints, employs, or contracts with any person as an owner, officer, director, or individual with management or advisory responsibility who is terminated, suspended, or barred or has voluntarily withdrawn as a result of a settlement agreement, from any state or federal healthcare program.

ef) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee.

(Source: Amended at 38 Ill. Reg. 4330, effective January 29, 2014)

**Section 140.28 Record Requirements for Medical Providers**

- a) Providers shall maintain in the regular course of business the following:
- 1) Any and all business records~~;~~ that may indicate financial arrangements between the provider and other providers in the program or other entities, or that are necessary to determine compliance with federal and State requirements, including but not limited to:
    - A) business ledgers of all transactions,

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- B) records of all payments received, including cash,
  - C) records of all payments made, including cash,
  - D) corporate papers, including stock record books and minute books,
  - E) records of all arrangements and payments related in any way to the leasing of real estate or personal property, including any equipment,
  - F) records of all accounts receivable and payable; and
- 2) Any and all professional records that relate to the quality of care given by the provider or that document the care for which payment is claimed, including but not limited to:
- A) medical records for applicants and recipients of public assistance. This rule does not require a provider to keep or make available medical records for persons who are not applicants or recipients and for whom no claim to the Department for payment is made.
  - B) other professional records required to be maintained by applicable federal or State law or regulations.
- b) The business and professional records required to be maintained shall be kept in accordance with accepted business and accounting practice and shall be legible. Such records must be retained for a period of not less than ~~63~~ years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations. However, the Department will not deny, suspend or terminate a provider pursuant to Sections 140.14 through 140.19 solely because the provider has failed to keep records for more than 3 years.
- c) All records required to be maintained shall be available for inspection, audit and copying (including photocopying) by authorized Department personnel during normal business hours. Department personnel shall make all attempts to examine

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such records without interfering with the professional activities of the provider.

- d) The provider's business and professional records for at least 12 previous calendar months shall be maintained and available for inspection by authorized Department personnel on the premises of the provider. Department personnel shall make requests in writing to inspect records more than 12 months old at least 2 days in advance of the date they must be produced.
- e) The provider is responsible to furnish records to the Department. If records are maintained by a designated alternate payee or another entity, the provider remains responsible for obtaining those records and furnishing them to the Department.

(Source: Amended at 38 Ill. Reg. 4330, effective January 29, 2014)

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

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

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- 6) "Trading Partner" is an entity that has successfully completed the EDI trading partner application process and executed an agreement with the Department to utilize the Department's EDI service.

REV System Description

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

- b) Electronic Data Interchange (EDI) Service  
A new Electronic Data Interchange process will offer a HIPAA compliant means for trading partners to verify recipient eligibility (real time and batch mode), submit medical claims (batch mode only) and check medical claim status (real time and batch mode). This information will be made available to medical providers through Department approved trading partners. Trading partners are responsible for marketing the EDI service to medical providers. Direct access to the EDI service will be made available through Department prescribed methods. Only Department approved trading partners and their subscribing medical providers are authorized to access information provided through the EDI service, except as may be approved through subsection (e)(4).

Definitions

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

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

- c) Recipient Eligibility Verification (REV) System Contract Termination

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

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

- 1) Submit a Department prescribed application~~proposal acceptable~~ to the Department and execute an agreement~~a contract~~ with the Department. The agreement will establish the amount of reimbursement the trading partner will pay to the Department for real time mode and batch mode requests. The agreement will also provide that the provider or trading partner will~~Under this contract, the contractor must agree to~~ execute a written contract with each subscriber prior to any exchange of data with that subscriber ~~and only after the contractor has received prior approval from the State of the model subscriber contract language~~;
- 2) ~~By the end of the first 12 months of the contract, handle a minimum number of subscribers or transactions per month as determined by the Department;~~
- 2)3) Agree to access data through one or more high speed data transmission circuits as determined by the Department to be compatible with current technology and operating needs. Current compatible high speed data transmission circuits shall be identified as part of the information provided to applicants who request the application from the Department. Updates to technology, operating needs or transmission circuits will be provided to existing trading partners via electronic communication at least 30 days before usage is required;
- 3)4) Treat all information, including information relating to recipients and medical providers~~providers~~ obtained by the contractor through~~performance while~~ under the agreement~~contract~~ with the Department, as confidential information pursuant to the Public Aid Code [305 ILCS 5]

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and federal regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) (42 CFR 160, 162 and 164);

- 4)5) Provide data to subscribers through a system designed to be flexible to meet each subscriber's needs as well as meeting the following specific requirements:
- A) Support various means of telecommunication that are commonly available for use by the subscriber; and
  - B) Be compatible with the State of Illinois Department of Central Management Services' current electronic communication protocol~~telecommunications operating environment~~;
- 5)6) Certify that it is neither an individual nor an organization that:
- A) Furnishes statements or bills and receives payment in the name of medical ~~the~~ providers; or
  - B) Advances money to a medical provider for accounts receivable that the medical provider has assigned, sold or transferred to the individual or organization for an added fee or a deduction of the portion of the accounts receivable.
- e)4) Subscriber Contracts  
The trading partner~~contractor~~ must agree that all contracts with subscribers provide that:
- 1) Access to the system shall be restricted to the sole purpose of verification of medical assistance eligibility, submission of medical claims, and providing claims history information when~~where~~ a subscriber is requesting payment information for medical services rendered to a recipient;
  - 2) The subscriber indemnifies and holds harmless the State, its agents and employees from any and all claims by the~~such~~ subscriber or any recipient who is aggrieved by the actions of any party under the contract;
  - 3) The subscriber is an enrolled medical ~~Medicaid~~ provider or the medical provider's agent;

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- 4) ~~The fees charged to subscribers must be reasonable;~~
- 4)5) ~~Any other~~ third party who is not qualified as a subscriber may be granted access to the EDI service through a trading partnersystem only with prior approval of the DepartmentState;
- 5)6) All information, including information relating to recipients and providers obtained by the subscriber, through performance under contract with the contractor, is treated as confidential information pursuant to the Public Aid Code [305 ILCS 5] and federal regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) (42 CFR 160, 162 and 164); and
- 6)7) The subscriber will certifycertifies that neither it, nor any employees, partners, officers or shareholders of the subscriber, are currently barred, suspended or terminated from participation in the Medicaid or Medicare programprograms, nor are any of the above currently under sanction for, or serving a sentence for, conviction of any Medicaid or Medicare program offenses.
- f)e) Charges for EDISystem Services
- 1) Reimbursement rates for real time mode and batch mode requests from a trading partnerCharges to contractors will be established in the agreementcontract between the trading partnerecontractor and the Department.
- 2) Charges to the subscribers are made in accordance with the fee schedule and provisions specified in the contract between the trading partner and subscriberecontractor's and subscriber's contract.
- f) Required Subscriber Information
- ~~The following recipient information must be made available to the subscriber:~~
- 1) ~~Medicaid eligibility status for service date(s);~~
- 2) ~~Date of birth;~~

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- 3) ~~Medicare eligibility;~~
- 4) ~~HMO enrollment data;~~
- 5) ~~Recipient restriction status;~~
- 6) ~~Spend-down status;~~
- 7) ~~Recipient claims history information; and~~
- 8) ~~Third Party Liability (TPL) information, including:~~
  - A) ~~Carrier name and address;~~
  - B) ~~Coverage types;~~
  - C) ~~Policyholder name and address;~~
  - D) ~~Policy number;~~
  - E) ~~Group number;~~
  - F) ~~Coverage date; and~~
  - G) ~~Coverage termination date.~~

(Source: Amended at 38 Ill. Reg. 4330, effective January 29, 2014)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.140                      Adopted Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: January 29, 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*: July 12, 2013; 37 Ill. Reg. 9875
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted amendment provides for an add-on payment to hospitals and freestanding chronic dialysis centers for outpatient renal dialysis treatments or home dialysis treatments by \$60 per treatment day. The add-on payment is effective with services provided on and after July 1, 2013.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeanette Badrov

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

217/782-1233

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

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## 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

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148.20	Participation
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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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- 148.160 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
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

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	(Repealed)
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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)
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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
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148.456	Ambulatory Procedure Listing Increase Payments
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148.460	Catastrophic Relief Payments
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148.468	Trauma Level II Hospital Adjustment Payments
148.470	Dual Eligible Hospital Adjustment Payments
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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

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

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148.510	Reimbursement

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148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

## SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

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## SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

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148.810	Definitions
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148.830	Providers Participating in the Program
148.840	Stabilization and Discharge Practices
148.850	Medication Management
148.860	Community Connect IMD Hospital Payment
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148.880	Program Reporting
148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence

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## 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. 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,

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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. 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,

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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 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;

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emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; 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.

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.140 Hospital Outpatient and Clinic Services**

- a) Fee-For-Service Reimbursement
  - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-

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service basis, except for:

- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
  - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
  - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
  - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
  - B) The per diem cost of inpatient hospital services shall be calculated

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by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140, Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
  - 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
  - 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
  - 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)  
Effective July 1, 2012, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.
- 1) APL Groupings  
Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the

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procedures. The groupings are as follows:

A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this surgical procedure group shall be \$1,794.00.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this surgical procedure group shall be \$1,049.00.
- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this surgical procedure group shall be \$752.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. Certain dental procedures performed by dentists are included in this group. In order for a dental procedure to be eligible for reimbursement in the outpatient setting, the following criteria must be met: patient requires general anesthesia or conscious sedation; patient has a medical condition that places the patient at an increased surgical risk, such as, but not limited to, cardiopulmonary disease, congenital anomalies, history of complications associated with

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anesthesia, such as hyperthermia or allergic reaction, or bleeding diathesis; or the patient cannot be safely managed in an office setting because of behavioral, developmental, or mental disorder. The rate for this surgical procedure group shall be \$287.00.

## B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this surgical procedure group shall be \$941.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure group shall be \$304.00.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure group shall be \$176.00.
- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure group shall be \$136.00.

- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such

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that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.
  - ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.
  - iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.
- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does

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not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;
  - ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be \$222.00; or
  - iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.
- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.
  - ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
  - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
  - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.

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- F) Effective July 1, 2012, subject to 89 Ill. Adm. Code 152.100, Group 6 for physical rehabilitation services shall no longer be in effect and outpatient physical rehabilitation services provided by a hospital shall be reimbursed through the non-institutional payment system, but will be reimbursed as a hospital service at the following rates of reimbursement:
- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
  - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
  - iii) The rate for rehabilitation services provided by children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3)(A), shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
    - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
    - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
  - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the

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Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
  - i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
  - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72.
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate

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reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital; chemotherapy services provided in conjunction with radiation therapy services; and physical rehabilitation, occupational or speech therapy services provided in conjunction with any APL group described in this subsection (b). For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsections (b)(1)(A) through (b)(1)(E) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims that resulted in a zero payment by the Department. A one-time amount of:
  - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
  - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
  - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined

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in 89 Ill. Adm. Code 149.50(c)(3)(A).

- 5) County Facility Outpatient Adjustment
- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
  - ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
  - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
  - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.

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- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
  - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) Critical Access Hospital Rate Adjustment  
Hospitals designated by the Illinois Department of Public Health as Critical Access Hospital (CAH) providers in accordance with 42 CFR 485.subpart F shall be eligible for an outpatient rate adjustment for services identified in subsections (b)(1)(A) through (b)(1)(F), excluding services for Medicare/Medicaid crossover claims. This adjustment shall be calculated as follows:
- A) An annual distribution factor shall be calculated as follows:
    - i) The numerator shall be \$33 million.
    - ii) The denominator shall be the RY 2011 total outpatient cost coverage deficit calculated in accordance with 89 Ill. Adm. Code 148.115, less the RY 2011 Rural Adjustment Outpatient Payments calculated in accordance with 89 Ill. Adm. Code 148.115, plus the annual outpatient supplemental payment calculated in accordance with 89 Ill. Adm. Code 148.456.
  - B) Hospital Specific Adjustment Value  
For each hospital qualified under this subsection (b)(6) the hospital specific adjustment value shall be the product of each hospital's specific cost coverage deficit calculated in subsection (b)(6)(A)(ii) and the distribution factor calculated in subsection (b)(6)(A):
  - C) Effective for dates of service on or after July 1, 2012, the final APL Rate Adjustment Values shall be the quotient of:

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- i) The hospital specific adjustment value identified in subsection (b)(6)(B) divided by
  - ii) The total outpatient services identified in subsections (b)(1)(A) through (b)(1)(E), excluding services for Medicare/Medicaid crossover claims for calendar year 2009, adjudicated and contained in the Department's paid claims database as of December 31, 2010.
- D) Non-State Government Owned Provider Adjustment  
Final APL rates for hospitals identified in non-State government owned or operated providers in the State's Upper Payment Limits demonstration shall be adjusted when necessary to assure compliance with federal upper payment limits as stated in 42 CFR 447.304.
- E) Applicability  
The rates calculated in accordance with subsection (b)(6)(A) shall be effective for dates of service beginning January 1, 2011 and shall be adjusted each State fiscal year beginning July 1, 2011.
  - i) For State fiscal year 2011, the rate year shall begin January 1, 2011 and end June 30, 2011.
  - ii) For State fiscal year 2012 and beyond, the rate year shall be for dates of services beginning July 1 through June 30 of the subsequent year.
  - iii) For purposes of this adjustment, a children's hospital identified in Section 149.50(c)(3)(B) shall be combined with the corresponding general acute care parent hospital.
  - iv) Beginning with State fiscal year 2012 and each subsequent State fiscal year thereafter, the adjustment to the FY 2011 final APL Rate adjustment shall be limited to 2% in accordance with spending limits in 35 ILCS 5/201.5.
- 7) No Year-End Reconciliation  
With the exception of the retrospective rate adjustment described in

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subsection (b)(9) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

- 8) **Rate Adjustments**

With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

    - A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
    - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
  - 9) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
  - 10) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240

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through 148.300 and 89 Ill. Adm. Code 149.

- 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate that will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
- 3) Payment for non-routine services. For services that are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
  - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
  - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

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7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

8) Effective July 1, 2013, hospitals and freestanding chronic dialysis centers will receive an add-on payment of \$60 per treatment day to the rate described in subsection (c)(2) for outpatient renal dialysis treatments or home dialysis treatments provided to Medicaid recipients under Title XIX of the Social Security Act, excluding services for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/ Medicare crossovers) and excluding services provided under Subpart D: State Chronic Renal Disease Program, as defined in Sections 148.600 through 148.640.

d) Non Hospital-Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement

Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter base rate shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
- ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
- iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this

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Section to determine the per encounter base rate.

- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

B) Supplemental Rate

- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
- ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

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- 2) Rate Adjustments  
Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:
    - A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
    - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
    - C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
  - 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
  - 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic

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owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
  - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
  - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
  - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
  - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate that shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the

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annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- f) Critical Clinic Provider Pharmacies  
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended at 38 Ill. Reg. 4363, effective January 29, 2014)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
160.60	Amend
160.61	Amend
160.65	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: January 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do this rulemaking 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*: August 2, 2013; 37 Ill. Reg. 12342
- 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 emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking clarifies that life insurance premiums are a deductible expense when calculating a responsible relative's net income for child support purposes, if a court has ordered the responsible relative to have life insurance coverage to secure payment of ordered child support in the event of the responsible relative's death. These payments are deductible for child support purposes only, not to cover maintenance (alimony). Clarification is made to the definition

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"services" to eliminate any confusion or misinterpretation that only counties with a population of less than 2,000,000 must comply. Further, establishes that when paternity is established by HFS via the administrative paternity order that information shall be placed on a birth certificate through Vital Records at the Department of Public Health. Also clarifies exactly when the Department is allowed to modify an "arrears only administrative order" that is an administrative order entered when only past due support is still owed.

- 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, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER f: COLLECTIONS

## PART 160

## CHILD SUPPORT SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

160.1	Incorporation by Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.12	Administrative Accountability Process
160.15	Fees for IV-D Non-TANF Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

## SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

## Section

160.30	Cooperation With Support Enforcement Program
160.35	Good Cause for Failure to Cooperate with Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF  
CHILD SUPPORT ORDERS

## Section

160.60	Establishment of Support Obligations
160.61	Uncontested and Contested Administrative Paternity and Support Establishment
160.62	Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64	Compromise of Assigned Obligations
160.65	Modification of Support Obligations

## SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

## SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

## SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support for Intergovernmental Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

## SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Quarterly Notice of Child Support Account Activity

## SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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- 160.150 Department Review of Distribution of Child Support for TANF Recipients  
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

## SUBPART I: INTERGOVERNMENTAL IV-D CASES

## Section

- 160.200 Provision of Services in Intergovernmental IV-D Cases

**AUTHORITY:** Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

**SOURCE:** Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998;

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emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011; amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective January 23, 2012; amended at 36 Ill. Reg. 9140, effective June 11, 2012; amended at 37 Ill. Reg. 8017, effective May 28, 2013; amended at 38 Ill. Reg. 4392, effective January 27, 2014.

SUBPART C: ESTABLISHMENT AND MODIFICATION OF  
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions
  - 1) "CSS" means any Child Support Specialist performing assigned duties, his or her supervisory staff and any other person assigned responsibility by the Director of the Department.

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- 2) "Service" or "Served" means notice given:
- A) by personal service, substitute service at the individual's usual place of abode with some family member or a person residing there who is at least 13 years old, certified mail (with or without return receipt requested) or restricted delivery,
  - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act, or*
  - C) *in counties with a population of less than 2,000,000 [305 ILCS 5/10-4]*, by any method provided by law for service of summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206] and Sections 10-4 and 10-11 of the Public Aid Code [305 ILCS 5/10-4 and 10-11].)
- 3) "Support Statutes" means the following:
- A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
  - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
  - C) The Non-Support Punishment Act [750 ILCS 16];
  - D) The Uniform Interstate Family Support Act [750 ILCS 22];
  - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
  - F) Any other statute in another state that provides for child support.
- 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
- 5) "Child's needs" means:

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- A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
  - B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1) ~~of this Section.~~
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
    - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
    - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
  - 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
    - A) the Title IV-D case name and identification number;
    - B) the names and birthdates of the persons for whom support is sought or other information identifying ~~thosesueh~~ persons, such as a prior court number;
    - C) that the responsible relative has a legal obligation to support the named persons;
    - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and

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E) that the responsible relative should bring specified information regarding his or her income and resources to the interview.

3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

1) In cases handled under subsection (d) ~~of this Section~~, the CSS shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

A) "Net Income" is the total of all income from all sources, minus the following deductions:

- i) Federal income tax (properly calculated withholding or estimated payments);
- ii) State income tax (properly calculated withholding or estimated payments);
- iii) Social Security (FICA payments);
- iv) Mandatory retirement contributions required by law or as a condition of employment;
- v) Union dues;

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- vi) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;
  - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
  - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
  - ix) Medical expenditures necessary to preserve life or health;
  - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts; and
  - xi) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) ~~of this Section~~ shall be allowed only for the period that thesueh payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of thesueh payment period.
- 2) In de novo hearings provided for in subsection (d)(5)(H) ~~of this Section~~ and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

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- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
  - ii) State income tax (properly calculated withholding or estimated payments);
  - iii) Social Security (FICA payments);
  - iv) Mandatory retirement contributions required by law or as a condition of employment;
  - v) Union dues;
  - vi) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;
  - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
  - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
  - ix) Medical expenditures necessary to preserve life or health; and
  - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) ~~of this Section~~ shall be allowed only for the period that thesuch payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support

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obligation upon termination of ~~thesueh~~ payment period.

C) The ~~above~~ guidelines in this subsection (c)(2) shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

- i) the financial resources and needs of the child;
- ii) the financial resources and needs of the custodial parent;
- iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
- iv) the physical and emotional condition of the child, and his or her educational needs; and
- v) the financial resources and needs of the non-custodial parent.

D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.

3) In cases referred for judicial action under subsection (e) ~~of this Section~~, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

4) All orders for support shall include a provision for the health care coverage of the child. In all cases in which ~~where~~ health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter, support orders requiring the relative to provide ~~sueh~~ coverage when a child can be added to an existing insurance policy at

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reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost ~~of the coverage thereof~~ in determining the minimum amount of support to be ordered.

- 5) In cases ~~in which~~~~where~~ the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) ~~of this Section~~ when the IV-D client requests that such an order for retroactive support be entered or requested.
- 6) The final order in all cases shall state the support level in dollar amounts.
- 7) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) ~~of this Section~~, shall order, or, when proceeding under subsection (e) ~~of this Section~~, shall request the court to order the relative to report for participation in job search, training or work programs established for ~~those~~~~such~~ relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) ~~of this Section~~, or, when proceeding under subsection (e) ~~of this Section~~, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 8) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
  - A) of any new address of the responsible relative;
  - B) of the name and address of any new employer or source of income of the responsible relative;

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- C) of any change in the responsible relative's Social Security Number;
  - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
  - E) if ~~the responsible relative has access to group coverages~~, the policy name and number and the names of persons covered under the policy.
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency.
- 11) At the request of the IV-D client, the Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support, as follows:
- A) In cases handled under subsection (d) ~~of this Section~~, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is

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ordered, if the child was born out of wedlock).

B) In de novo hearings provided for in subsection (d)(5)(H) ~~of this Section~~ and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases ~~in which~~ ~~where~~ the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.

C) In cases referred for judicial action under subsection (e) ~~of this Section~~, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

d) Administrative Process

1) Use of Administrative Process

A) Unless otherwise directed by the Department, the CSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
- ii) alleged paternity and support is sought from the mother;

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- iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
- iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

- B) In addition to those items specified in subsection (b)(2) ~~of this Section~~, the notice of support obligation shall inform the responsible relative of the following:
- i) that the responsible relative may be required to pay retroactive support as well as current support; and
  - ii) that in its initial determination of child support under subsection (c) ~~of this Section~~, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) ~~of this Section~~; and
  - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through ~~(xi)(x) of this Section~~; and
  - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) ~~of this Section~~, Section 14(b) of the Illinois Parentage Act of 1984 ~~[750 ILCS 45/14]~~, and Section 505 of the Illinois Marriage and Dissolution of Marriage Act ~~[750 ILCS 5/505]~~, either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
  - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at

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which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) ~~of this Section~~, Section 14(b) of the Illinois Parentage Act of 1984 ~~[750 ILCS 45/14]~~, and Section 505 of the Illinois Marriage and Dissolution of Marriage Act ~~[750 ILCS 5/505]~~; and

- vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
  - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The CSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) ~~of this Section~~ when ~~the~~ ~~sueh~~ relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered ~~that~~ ~~which~~ shall incorporate the resulting support amount ~~therein~~. When requested by the IV-D client, the CSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) ~~of this Section~~. The CSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D client for the benefit of the child during the retroactive period as specified in the IV-D client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.
- 3) Failure to Appear
- A) In instances in which the responsible relative fails to appear in

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response to the notice of support obligation or fails to provide necessary information to determine net income, the CSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) ~~of this Section~~. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) ~~of this Section~~. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.

- B) The CSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the CSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
- i) financial ability, as determined from the guidelines contained in subsection (c) ~~of this Section~~, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) ~~of this Section~~; or
  - ii) income exceeds that reported by the relative.
- C) The CSS will not issue a subpoena under subsection (d)(3)(B) ~~when of this Section where~~ the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him or her pursuant to subsection (d)(3)(B) ~~of this Section~~, the CSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) ~~of this Section~~, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the

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Department's subpoena powers, enter a support order in accord with subsection (c)(1) ~~of this Section.~~

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
  - A) the Title IV-D case name and identification number;
  - B) the names and birthdates of the persons for whom support is ordered;
  - C) the beginning date, amount and frequency of support;
  - D) any provision for health insurance coverage ordered under subsection (c)(4) ~~of this Section;~~
  - E) a provision for retroactive support ordered under subsection (c)(11), including the total retroactive support obligation and the beginning date, amount (that shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
  - F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (that shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
  - G) a provision requiring that support payments be made to the State Disbursement Unit;
  - H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2)

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~~of this Section~~, except that, for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];

- I) except ~~when~~ where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) ~~of this Section~~ and that in order to have the Department consider other factors listed in subsection (c)(2)(C) ~~of this Section~~, Section 14(b) of the Illinois Parentage Act of 1984 [~~750 ILCS 45/14~~] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [~~750 ILCS 5/505~~], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
- J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.
- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of ~~the~~ such order, by:
- A) delivery at the conclusion of an interview ~~during which~~ where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative, or a written statement

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identifying the place, date and method of delivery signed by the Department's representative, shall be sufficient for purposes of notice to that person.

B) regular mail to the party not receiving personal delivery ~~when~~where the relative fails or refuses to accept delivery, ~~where~~ either party does not attend the interview, or the orders are entered by default.

8) In any case ~~in which~~where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.

9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.

e) Judicial Process

1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3)~~-of this Section~~) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D)~~of this Section~~, and as otherwise determined by the Department.

2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:

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- A) intervene;
  - B) modify;
  - C) change payment path;
  - D) establish an order for support;
  - E) establish retroactive support when the IV-D client requests it;
  - F) establish past-due support;
  - G) establish parentage;
  - H) obtain a rule to show cause;
  - I) enforce judicial and administrative support orders; and
  - J) combinations of any of the above.
- 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].
- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) ~~of this Section~~, more than 30 days after the entry of an administrative support order under subsection (d) ~~of this Section~~, a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.

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- 2) Petitions under this subsection (f) must:
  - A) cite a meritorious defense to entry of the order;
  - B) cite the exercise of due diligence in presenting that defense to the Department;
  - C) be filed no later than two years following the entry of the administrative support order, except that the following times ~~listed below~~ shall be excluded in computing the two years:
    - i) time during which the person seeking relief is under legal disability;
    - ii) time during which the person seeking relief is under duress;
    - iii) time during which the ground for relief is concealed from the person seeking relief;
  - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

(Source: Amended at 38 Ill. Reg. 4392, effective January 27, 2014)

**Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment**

- a) Definitions
  - 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that

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the father is another (unrelated random) man from the same racial background.

- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
  - 3) "Service" or "Served" means notice given:
    - A) by personal service, substitute service at the individual's usual place of abode with some family member or a person residing there who is at least 13 years old, certified mail (with or without return receipt requested) or restricted delivery<sup>3</sup>;
    - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act [305 ILCS 5/10-4]; or*
    - C) *in counties with a population of less than 2,000,000 [305 ILCS 5/10-4], by any method provided by law for service of a summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206]; Sections 10-4 and 10-11 of the Public Aid Code [305 ILCS 5/10-4 and 10-11].)*
  - 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
  - 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
  - 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].
  - 7) "Probability of paternity" is the value converted from the "Combined Paternity Index" into the percentage of probability.
- b) Uncontested Administrative Paternity Process
- 1) Except as otherwise determined, the Department shall establish a man's

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paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- A) a non-marital child and support is sought from the alleged father;
  - B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
  - C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.
- 2) Contact with Responsible Relatives
- A) Following the IV-D client interview, the Department shall contact and interview:
    - i) alleged fathers to establish paternity and support obligations; and
    - ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.
  - B) The purpose of contact and interview shall be to obtain relevant facts, including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.
- 3) At least ten working days in advance of the interview, the Department

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shall serve upon or provide to the alleged father from whom child support is sought, by ordinary mail, a notice of alleged paternity and support obligation, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
  - B) the name and birthdate of the non-marital child;
  - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
  - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
  - E) that the alleged father should bring specified information regarding his income and resources to the interview;
  - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
  - G) that the alleged father may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
  - B) the name and birthdate of the non-marital child;
  - C) that the mother has a legal obligation to support the child;

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- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
  - E) that the mother should bring specified information regarding her income and resources to the interview;
  - F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
  - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
  - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
    - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
    - ii) the Department may enter an order finding the alleged father to be the father of the child.
- 5) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
  - B) the name and birthdate of the non-marital child;
  - C) that the mother has a legal obligation to support the child;

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- D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;
- F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
  - i) an administrative support order may be entered against the mother by default or the Department may seek an administrative or court determination of financial ability based upon the guidelines; and
  - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.

6) ~~When~~Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 ~~[750 ILCS 45/5(a)(1) and (2)]~~, the Department shall send a notice to the presumed father which shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the child's name and birthdate;
- C) the name of the child's mother;

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- D) that the man to whom the notice is directed has been identified as the child's presumed father;
  - E) that another man has been alleged to be the child's father, and the name of that alleged father;
  - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
  - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
  - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.
- 8) In cases involving a non-marital child:
- A) The Department shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody, visitation, the right to obtain and agree to be bound by the results of genetic testing, and the right to deny paternity and obtain a contested hearing.

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- B) The Department shall enter and, within 14 days after entry, serve or mail the parties a copy of an administrative paternity order finding the alleged father to be the father of the child in the following circumstances. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date, and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person. The Department shall enter the order where:
- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity;
  - ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
  - iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
  - iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity;
  - v) the alleged father fails to appear for interview in response

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to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;

- vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity; or
  - vii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.
- C) The Department shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) ~~of this Section~~ shall not be valid ~~when~~ where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except ~~when~~ where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- 10) A party aggrieved by entry of an administrative paternity order, pursuant to subsection (b)(8) ~~of this Section~~, may have the order vacated if, within 30 days after the authorized mailing or service of the order, the party appears in person at the office to which he or she was given notice to appear for an interview pursuant to subsection (b)(3) ~~of this Section~~ and files a written request for relief from the order. The Department shall then

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proceed with the establishment of paternity under this Section. A party may obtain relief under this subsection (b) only once in any proceeding to establish paternity.

- 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12] by signing a rescission of paternity and filing it with the Department by the earlier of:
    - A) 60 days after the date the acknowledgment of paternity was signed; or
    - B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party.
  - 12) If the mother or alleged father signs a rescission of paternity, the Department shall process the case under this subsection (b).
- c) Contested Paternity Hearing Officers
- 1) Except as otherwise directed by the Department or provided for in this Part, cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at a hearing to determine the existence of the father and child relationship. The notice and any administrative hearing shall be governed by 89 Ill. Adm. Code 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.
  - 2) Notice shall be given to all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) ~~of this Section~~ or, ~~when~~where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. ~~When~~Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published

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in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.

- 3) The Department shall enter default paternity determinations in contested administrative cases as provided for under subsection (b) ~~of this Section~~. However, ~~when~~where notice of the administrative proceedings was served on a party by publication under subsection (c)(2) ~~of this Section~~, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsections (d)(1) through (9) ~~of this Section~~, except that the notice of default paternity determination shall not include the mother's and father's Social Security numbers. The Department shall not proceed to establish paternity administratively under subsection (c) ~~of this Section~~ in those cases in which~~wherein~~ the court has acquired jurisdiction previously or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.
- 4) In any case in which~~where~~ the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the paternity determination case shall remain in the original county of venue unless a transfer to another county of proper venue is requested by either party and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative paternity process.
- d) An administrative paternity order, whether entered under subsection (b) or (c) ~~of this Section~~, shall include the following:
  - 1) the Title IV-D case name and identification number;
  - 2) the name and birthdate of the child for whom paternity is determined;
  - 3) the alleged father's name and his Social Security number, if known;

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- 4) the mother's name and her Social Security number, if known;
- 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
- 6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), (v) or (viii) ~~of this Section~~, or in a contested hearing under subsection (c) ~~of this Section~~, a statement informing the client and responsible relative that each has 30 days after the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;
- 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (v) or (viii) ~~of this Section~~, a statement informing the client and responsible relative of the relief available pursuant to subsection (b)(10) ~~of this Section~~;
- 8) a statement that, more than 30 days after entry of an administrative paternity order, a party aggrieved by entry of the administrative paternity order may petition the Department for release from the order under the provisions of subsection (e) ~~of this Section~~; and
- 9) in cases in which paternity is administratively determined in a contested hearing under subsection (c) ~~of this Section~~, a statement informing the client and responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III]; and-
- 10) a statement that the Department shall send a copy of the administrative paternity order to the Department of Public Health (DPH), Office of Vital Records, and that DPH, Office of Vital Records, shall prepare a birth certificate in accordance with the paternity order.

e) Petitions For Release – Extraordinary Remedies

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- 1) Notwithstanding the statements required by subsection (d) ~~of this Section~~, more than 30 days after entry of an administrative paternity order under subsection (b) or (c) ~~of this Section~~, a party aggrieved by entry of an administrative paternity order may petition the Department for release from the order.
- 2) Petitions under this subsection (e) must:
  - A) Cite a meritorious defense to entry of the order.
  - B) Cite the exercise of due diligence in presenting that defense to the Department.
  - C) Be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall be excluded in computing the two years:
    - i) time during which the person seeking relief is under legal disability;
    - ii) time during which the person seeking relief is under duress; and
    - iii) time during which the ground for relief is concealed from the person seeking relief.
  - D) Be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent by certified mail, return receipt requested or by any manner provided by law for service of process. The filing of a petition under this subsection (e) does not affect the validity of the administrative paternity order.
- f) When the paternity of a child has been administratively established under subsection (b) or (c) ~~of this Section~~, the Department shall enter an administrative support order under the process set forth in Section 160.60.

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- g) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.
- h) The Department shall notify the Department of Public Health of final administrative paternity determinations, voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.
- i) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated ~~in this subsection below~~ occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:
- 1) the Department enters a final administrative determination of paternity; or
  - 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act ~~[410 ILCS 535/12]~~; or
  - 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act ~~[410 ILCS 535/12]~~.
- j) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 ~~[750 ILCS 45]~~, the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:
- 1) involving contested paternity, except ~~whenwhere~~ the case is appropriate for referral to a Department hearing officer;
  - 2) ~~whenwhere~~ the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;
  - 3) ~~whenwhere~~ the court has acquired jurisdiction previously; or
  - 4) ~~whenwhere~~ the results of genetic testing show that the alleged father is not

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excluded and the combined paternity index is less than 1000 to 1 and there is a 99.9% probability of paternity, except when the case is appropriate for referral to a Department hearing officer under subsection (c) ~~of this Section.~~

(Source: Amended at 38 Ill. Reg. 4392, effective January 27, 2014)

**Section 160.65 Modification of Support Obligations**

## a) Definitions

- 1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.
- 2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support.
- 3) "Assignment of support" has the meaning set forth in Section 160.5.
- 4) "Assignment of medical support" has the meaning set forth in Section 160.5.
- 5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.
- 6) "Review" means the CSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) ~~of this Section.~~
- 7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent above or below the existing order for support and the change is an amount equal to at least \$10 a month.

## b) Review and Modification of Support Orders

- 1) The Department, beginning October 13, 1993, shall review child support

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orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:

- A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) ~~of this Section~~, that a review would not be in the best interests of the child and neither parent has requested a review; or
  - B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or
  - C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review.
- 2) Prior to the expiration of the 36 month period:
- A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:
    - i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
    - ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
    - iii) the Department has not determined that a review would not be in the best interests of the child.
  - B) In any case in which an administrative order for support has been entered, the Department shall review the order if either the custodial parent or the non-custodial parent files a sworn petition with the Department requesting review and modification of the

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administrative order for support either for the current support or, in the event that a current support obligation is no longer owed and only past due support remains, and the order requires periodic payments toward the past due support, the Department shall calculate the new support terms in accordance with the provisions of Section 160.60(c)(1), for support alleging:

- i) that the Quantitative Standard of Review has been met; or
  - ii) that there has been a substantial change in circumstances since the entry of the last administrative order for support meriting modification of the existing order; or
  - iii) both, unless the Department has determined that a review would not be in the best interests of the child.
- C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and ~~thesuch~~ change would materially affect ability to support.
- 3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- c) Notice of the Right to Request a Review or File a Petition
- 1) In each Title IV-D case, the Department shall provide notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order or, as appropriate, to file a petition to modify an administrative order, where to request a review or file a petition, and the information that must accompany a request or petition.
  - 2) The Department shall use the broadcast or print media at least twice a

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calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

## d) Notice of Review

- 1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.
- 2) The notice of review shall:
  - A) Require completion of a ~~form~~ financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and
  - B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order, or request the court to order, the responsible relative to provide health insurance. However, in cases ~~in which~~ where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).

## e) Information Gathering and Employer Contact

- 1) The Department shall capture all available responsible relative financial information from existing federal and State sources (for example, Illinois Department of Employment Security) through electronic data searches on all IV-D cases.
- 2) The Department may send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:
  - A) require the disclosure of responsible relative employment information, including but not limited to:

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- i) the period of employment;
  - ii) the frequency of wage payments;
  - iii) gross wages, net pay and all deductions taken in reaching net pay;
  - iv) the number of dependent exemptions claimed by the responsible relative; and
  - v) health insurance coverage available to the responsible relative through the employer.
- B) require employer compliance within 15 calendar days after the employer's receipt of the notice.
- 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department may use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.
- f) Review of the Order for Support
  - 1) The CSS shall review any financial information concerning the responsible relative. ~~When~~Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the CSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.
  - 2) The CSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).
  - 3) The CSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.
  - 4) The CSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are

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being met through other means. In no event shall the CSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

- g) Notice of Review Results  
The Department shall inform the client and responsible relative of the results of the review and provide a copy of the CSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.
- 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:
- A) The Department will not take action to modify the order for support.
- B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
- C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:
- i) signing and returning the request for a redetermination to the Department;
- ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request; and
- iii) in a case in which the Department has previously entered an administrative order for support, alleging on the request for redetermination that a substantial change in circumstances has occurred since the entry of the last support order meriting a modification of the support order.
- 2) When the review indicates the Quantitative Standard for Review has been

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met, the client and responsible relative will be advised that:

- A) The Department will take action to modify the existing order for support in accordance with the review results.
  - B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.
- 3) In cases in which an administrative order for support is entered in accordance with subsection (h) and in cases in which, after redetermination in accordance with subsection (h), the Department advises that it will take no action to modify an existing administrative order of support:
- A) The client and responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support or the notice of modification review redetermination results in which to request a de novo modification hearing in accordance with 89 Ill. Adm. Code 104.102. The client will be further advised that he or she may provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
  - B) When both the client and the responsible relative request a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The parties shall be advised of the right to present evidence at the hearing, including the client's right to provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
  - C) When the responsible relative requests a hearing and the client does not, the client shall again be advised of the right to present evidence at the hearing.

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- D) When the client requests a hearing and the responsible relative does not, the responsible relative shall again be advised of the right to present evidence at the hearing.
- 4) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day ~~the~~ request is received by the Department shall be considered as the last day.
- 5) In de novo hearings provided for in subsection (g)(3) and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine whether the Quantitative Standard for Review has been met. If the hearing officer determines that the Quantitative Standard has not been met, determine, in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510] and the opinions of the Illinois Supreme Court or the Illinois Appellate Court construing Section 510, whether the party or parties requesting a de novo hearing have demonstrated the occurrence of a substantial change in circumstances since entry of the last administrative order for support warranting modification of that order.
- 6) If the Department's hearing officer determines that the Quantitative Standard for Review has not been met and that the party or parties requesting the hearing have not demonstrated the occurrence of a substantial change in circumstances since entry of the last administrative order for support warranting modification of that order, the hearing officer will recommend entry of a final administrative decision finding that modification of the existing support order is not warranted and denying the request for entry of a new order.
- 7) If the Department's hearing officer determines that the Quantitative Standard for Review has been met or that the party or parties requesting the hearing have demonstrated the occurrence of a substantial change in circumstances since entry of the last administrative order for support warranting modification of that order, the hearing officer will recommend entry of a final administrative decision resulting in entry of a new administrative order for support. In recommending terms of the new administrative order, either for current support or, in the event a current

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support obligation is no longer owed and only past due support remains, periodic payments toward the past due support, the hearing officer shall calculate the new support terms in accordance with the provisions of ~~Section 89 Ill. Adm. Code~~ 160.60(c)(2).

- 8) After receipt of the hearing officer's recommendation as specified in subsections (g)(6) and (g)(7), the Department shall enter a final administrative decision that is reviewable in the Circuit Court only in accordance with the provisions of the Administrative Review law [735 ILCS 5/Art. III].

h) Further Actions Taken by the Department

- 1) The Department shall take the following action when the CSS has determined in accordance with subsection (f) ~~of this Section~~ that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:
- A) In a case involving an order for support entered by the court, the CSS shall:
- i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
  - ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act ~~[750 ILCS 5/510]~~; and
  - iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) ~~of this Section~~.
- B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this Section, the CSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

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- i) The CSS shall effect income withholding in accordance with Section 160.60(d)(6).
  - ii) The CSS shall provide to the client and responsible relative copies of the administrative order for support, together with the notice described in subsection (g)(2)(C) ~~of this Section~~.
- 2) If the Department receives a written request for a de novo modification hearing as described in subsection (g)(3) ~~of this Section~~ within 30 calendar days after the date of mailing of a modified administrative order for support or notice described in subsection (g)(3)(A), the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(4) ~~of this Section~~.
- 3) Upon receipt of a request for a redetermination as set forth in subsection (g)(1) ~~of this Section~~ within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) ~~of this Section~~.
- i) Timeframes for Review and Modification
  - 1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days after October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) ~~of this Section~~.
  - 2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) ~~of this Section~~, at 36 month intervals based upon:
    - A) the date the order for support was modified; or
    - B) the date an order was entered determining that the order for support would not be modified; or

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- C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.
- 3) Within 15 calendar days after receipt of a request for a review or sworn petition requesting review and modification of an administrative order for support, the Department shall determine whether a review should be conducted in accordance with subsection (b)(2) ~~of this Section~~.
- 4) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:
  - A) send the notice of review in accordance with subsection (d) ~~of this Section~~;
  - B) conduct a review of the order in accordance with subsection (f) ~~of this Section~~;
  - C) send the notice of review results in accordance with subsection (g) ~~of this Section~~; and
  - D) conclude any action to modify the order for support.
- j) Interstate Review and Modification
  - 1) Initiating Cases
    - A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days after October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) ~~of this Section~~, and whether the review should be conducted by the Department or another state.
    - B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) ~~of this Section~~, at 36

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month intervals based upon:

- i) the date the order for support was modified; or
- ii) the date an order was entered determining that the order for support would not be modified; or
- iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

C) Within 15 calendar days after receipt of a sworn petition requesting review and modification of an administrative order for support or an intergovernmental request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1)~~-of this Section~~, and whether the review should be conducted by the Department or another state.

D) Prior to the expiration of the 36 month period, the Department:

- i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B)~~-of this Section~~; and
- ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C)~~-of this Section~~.

E) The Department shall determine in which state a review should be conducted after considering all relevant factors, including but not limited to:

- i) the location of existing orders;
- ii) the present residence of each party; and
- iii) whether a particular state has jurisdiction over the parties.

F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C)~~-of this Section~~, in which the Department has

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determined to request a review of an order for support in another state, the Department shall:

- i) send a request for review to that state within 20 calendar days after receipt of sufficient information to conduct the review and provide that state with sufficient information on the requestor of review to act on the request; and
- ii) send to the parent in Illinois a copy of any notice issued by the responding state in connection with the review and modification of the order, within five working days after receipt of ~~thesuch~~ notice by the Department.

## 2) Responding Cases

- A) Within 15 calendar days after receipt of a request for a review of an order for support in Illinois as the responding state, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) ~~of this Section~~.
- B) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) ~~of this Section~~.

## k) Consolidation of Administrative Orders

Notwithstanding any other provision of this Section, at any time the Department determines that a non-custodial parent subject to an administrative order for support is responsible for any child or children residing with the same custodian, other than the child for whom the administrative order for support imposes a support obligation, the Department may enter a new support order for the children subject to notice requirements and determination of financial ability to pay support set forth in Section 160.60. Any order so entered shall be considered a prospective modification of any administrative order or orders for support previously entered by the Department with regard to the children covered by the new order subject to the same right of review as any other modified administrative order for support.

(Source: Amended at 38 Ill. Reg. 4392, effective January 27, 2014)

## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
112.9	Amendment
112.65	Amendment
112.69	Amendment
112.127	Amendment
112.150	Amendment
112.151	Repeal
112.152	Repeal
112.153	Repeal
112.305	Amendment
112.307	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and PA 98-114
- 5) Effective Date of Rule: January 29, 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: September 20, 2013; 37 Ill. Reg. 15185
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various non-substantive changes were made to this rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

## DEPARTMENT OF HUMAN SERVICES

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- 13) Will this rulemaking replace any emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-114 amends the Temporary Assistance for Needy Families (TANF) Article of the Illinois Public Aid Code. In a provision concerning eligibility for benefits under the TANF program, this Act provides that the Department of Human Services shall disregard the value of all assets held by the family, effective immediately. As a result of this rulemaking, the value of assets shall not be considered in determining eligibility for an assistance payment. By eliminating the asset test, families can be encouraged to build a savings fund that will assist them in maintaining self-sufficiency when they experience an employment setback or other hardship.

Companion amendments are also being adopted in 89 Ill. Adm. Code 115 and 89 Ill. Adm. Code 121.

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

## SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets ( <a href="#">Repealed</a> )
112.152	Asset Disregards ( <a href="#">Repealed</a> )

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- | 112.153 Deferral of Consideration of Assets ([Repealed](#))
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

## SUBPART H: PAYMENT AMOUNTS

## Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

## SUBPART I: OTHER PROVISIONS

## Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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## SUBPART J: CHILD CARE

## Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.9 Client Cooperation**

- a) As a condition of eligibility, clients must cooperate:
  - 1) in the determination of eligibility;

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- 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
  - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date;
  - 4) by designing a Responsibility and Services Plan (RSP) appropriate for his or her situation, signing the RSP and following through on the activities agreed to in the RSP. ~~These~~ activities may not begin until at least 30 days after the date of application. An applicant who refuses to cooperate in designing or signing an RSP is not eligible for TANF cash assistance. An applicant who refuses to follow through or fails, without good cause, to follow through with the activities agreed upon in the RSP is also ineligible for TANF cash assistance.
- b) TANF applicants who quit working without good cause during the application process are not eligible for cash assistance.
  - c) Clients are required to avail themselves of all potential ~~income sources~~ [resources](#).
  - d) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
  - e) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.
  - f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow a reasonable period for the return of the requested information. The first day of the period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.
  - g) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow a reasonable period for the return of the requested information or for

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verification that the third party information has been requested. The first day of the period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information ~~that~~<sup>which</sup> must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party, but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide ~~that~~<sup>such</sup> verification.
- 3) If the applicant requests an extension, either verbally or in writing, in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of 90 days from the date of application shall be granted. The first day of the 90-day period is the calendar day following the date of application. The 90th day must be a work day.
- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.65 Responsibility and Services Plan**

- a) The Department shall advise every applicant and recipient of:
  - 1) the requirement that all recipients move toward self-sufficiency; and

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- 2) the value and benefits of employment.
- b) Clients who are adults or minor parents must prepare, sign and submit a personal Responsibility and Services Plan ([RSP](#)). Active recipients who are adults or minor parents who have previously prepared, signed and submitted a personal ~~RSP~~[Responsibility and Services Plan](#) must comply with the [RSP](#) plan. Department staff shall assist each client in completing the [RSP](#) plan.
- c) The ~~RSP~~[Responsibility and Services Plan](#) includes the following:
- 1) job history;
  - 2) job preferences;
  - 3) job search plans;
  - 4) child immunization;
  - 5) school attendance;
  - 6) family well-being, including domestic or sexual violence, substance abuse, homelessness and mental and physical health issues;
  - 7) family information;
  - 8) income ~~and assets~~;
  - 9) child support;
  - 10) education/training;
  - 11) child care;
  - 12) transportation;
  - 13) legal; and
  - 14) referral.

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- d) This Section does not apply to Representative Payees.
- e) A parent who refuses to complete the [RSP Responsibility and Services Plan](#), when appropriate for his or her family, renders the entire assistance unit ineligible. Supervisory approval is required to confirm refusal.
- f) A client who fails to follow up in taking the necessary steps that will lead to self-sufficiency, as decided upon in the [RSP Responsibility and Services Plan](#), is subject to sanction (see Section 112.79). Failure to comply with provisions relating to domestic or sexual violence will not result in sanction.

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.69 Felons and Violators of Parole or Probation**

- a) Persons convicted, for acts that occur after August 21, 1996, of a Class X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law will not receive payment.
- b) Persons convicted, for acts that occur after August 21, 1996, of any drug-related felony not listed in subsection (a) ~~of this Section~~ under Illinois or federal law are ineligible for two years following the date of the conviction, unless they are in drug treatment or aftercare as defined in the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] or have successfully participated in and completed drug treatment and/or aftercare subsequent to their conviction.
- c) Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states is ineligible to participate in the Illinois TANF program for a ten-year period beginning with the date of the conviction.
- d) Probation and parole violators are not eligible.
- e) Fugitive felons are not eligible.
- f) Family members of the persons ineligible under subsections (a) through (e) ~~of this Section~~ may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for [thesesueh](#)

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family members, the income ~~and resources~~ of the ineligible person isare considered available to them.

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

**Section 112.127 Lump-Sum Payments**

- a) Income received either in the form of a one-time only payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered non-recurring lump-sum income (a lump-sum payment). Examples of non-recurring lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.
- b) Any portion of the lump-sum payment used to pay for expenses incurred as a result of the lump-sum payment shall be exempt from consideration as non-recurring lump-sum income as follows:
  - 1) Personal Injury Settlement – That portion of a personal injury payment is exempt ~~that~~which is used to pay for:
    - A) necessary costs of litigation or settlement, including attorney's fees;
    - B) the Department's charge (see 89 Ill. Adm. Code ~~Section~~102.260);
    - C) medical costs resulting from the injury and paid by the client;
    - D) expenses to repair or replace personal property which was damaged as a result of the injury.
  - 2) Workers' Compensation Payment – That portion of a Workers' Compensation payment is exempt ~~that~~which is used to pay for:
    - A) necessary costs of litigation or settlement, including attorney's fees;

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- B) medical costs resulting from the injury and paid by the client.
- 3) Insurance Payments
- A) Insurance Payments – That portion of an insurance payment received due to loss is exempt when used to:
- i) Repair or replace a lost or damaged resource, including, but not limited to, repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
  - ii) Pay the funeral, burial or medical expenses of an insured whenwhere the client is the beneficiary of the insured's life insurance policy.
- B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) ~~of this Section~~ within 60 days after receipt shall be budgeted (see Section 112.105(a)) as non-recurring lump-sum income. A payment receipt shall be required as verification of any insurance-related expenses claimed as exempt under subsection (b)(3)(A) ~~of this Section~~.
- c) Lump-sum payments are considered nonexempt unearned income for the month of receipt. Any amount remaining is not considered ~~an asset~~ for the following month.

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.150 Assets**

a) The value of ~~nonexempt~~ assets shall not be considered in determining eligibility for an assistance payment.

- b) ~~The entire equity value of a jointly held liquid asset or the client's proportional share of a jointly held non-liquid asset shall be considered in determining eligibility for an assistance payment, unless:~~

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- 1) ~~the asset is a joint income tax refund;~~
  - 2) ~~the client can document the amount of his or her legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;~~
  - 3) ~~the asset is held jointly with a client or clients of any Department assistance program other than food stamps;~~
  - 4) ~~the client documents that he or she does not have access to the asset. Appropriate documentation may include but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders;~~
  - 5) ~~the client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (4) of this Section for examples of documentation);~~
  - 6) ~~the co-owner refuses to make the asset available; or~~
  - 7) ~~the co-owner has engaged in violent activity against a family member in the past.~~
- e) ~~A federal income tax refund received after December 31, 2009 and before January 1, 2013 is considered an exempt asset. All income tax refunds received on or after January 1, 2013 shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.~~
- d) ~~An applicant or recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 14.~~
- e) ~~Pension plans are exempt from consideration as an asset, including accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan.~~

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(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.151 Exempt Assets (Repealed)**

- a) ~~The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:~~
- ~~1) A home that is the usual residence of the assistance unit.~~
  - ~~2) Clothing, personal effects and household furnishings.~~
  - ~~3) One automobile per assistance unit.~~
  - ~~4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2011 et seq.).~~
  - ~~5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).~~
  - ~~6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) and the special food service program for children under the National School Lunch Act (42 USC 1751 et seq.).~~
  - ~~7) The principal and interest of a trust fund which the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.~~
  - ~~8) Burial spaces and additions or improvements to a burial space.~~
  - ~~9) Prepaid Funeral Agreements worth \$1500 or less per person.~~
  - ~~10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.~~
  - ~~11) A nonrecurring lump-sum SSI payment and a nonrecurring lump-sum~~

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~~SSA payment based on the individual's disability and made to that individual in a TANF assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.~~

- ~~12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.~~
  - ~~13) The value of micro equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.~~
  - ~~14) Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act or in a program approved by the Department.~~
  - ~~15) A federal income tax refund received after December 31, 2009 and before January 1, 2013.~~
- b) ~~In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.~~
- ~~1) The assets of a stepparent for purposes of determining the stepchild's eligibility.~~
  - ~~2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USC 3045 et seq.), as amended.~~
  - ~~3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq.).~~
  - ~~4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.~~

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- 5) ~~Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1601 et seq.).~~
- 6) ~~Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USC 1437f) of the U.S. Housing Act of 1937.~~
- 7) ~~Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.~~
- 8) ~~Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.~~
- 9) ~~Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.~~
- 10) ~~For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case will be reviewed in the DHS central office to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.~~
- 11) ~~Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 1989b through 1989b-8).~~
- 12) ~~Any payment received under Title II of P.L. 100-383 of the Aleutian and~~

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~~Pribilof Islands Restitution Act (50 USC 1989c through 1989c-8).~~

- ~~13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.~~
- ~~14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.~~
- ~~15) Assets accumulated from income earned through employment under the federal "Health Start" Project.~~
- ~~16) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.~~
- ~~17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.~~
- ~~18) Payments received under the federal Radiation Exposure Compensation Act (42 USC 2210 nt).~~
- ~~19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.~~

(Source: Repealed at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.152 Asset Disregards (Repealed)**

~~In addition to the exempt assets listed in Section 112.151, the Department disregards up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person family. The asset disregard increases \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family).~~

(Source: Repealed at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.153 Deferral of Consideration of Assets (Repealed)**

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~~Non-exempt real property is to be deferred for six consecutive months provided the family makes a good faith effort to sell the property and agrees to use the proceeds to repay the amount of assistance received during such period that would not have been paid had the property been sold at the beginning of the period.~~

(Source: Repealed at 38 Ill. Reg. 4441, effective January 29, 2014)

## SUBPART I: OTHER PROVISIONS

**Section 112.305 Strikers**

- a) Definition
  - 1) A striker is anyone directly involved in:
    - A) a strike;
    - B) a work stoppage planned by employees, including a work stoppage because a contract expired;
    - C) a slowdown planned by employees;
    - D) other interruption of operations planned by employees.
  - 2) A person who is a sympathy striker is considered to be a striker.
  - 3) An individual who has been or is on strike at any time during a fiscal month is considered a striker for the fiscal month.
- b) An employee affected by a lockout is not a striker.
- c) A family with a parent on strike, or a caretaker relative on strike who is not a parent, or a child on strike shall be ineligible, unless the family was receiving TANF or was eligible to receive TANF on the day before the strike began.
- d) Eligibility and level of benefits for a striker's family are determined using the family's income ~~and assets~~ as ~~it was they were~~ on the day before the strike began. If eligible on the day before the strike, eligibility and level of benefits are determined by using the greater of the striker's pre-strike income or current

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income plus the non-striking household member's current income.

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

**Section 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96**

- a) This Section 112.307, except as specified in subsection (b), applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date, but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).
- b) This Section applies to all non-citizens except the following:
  - 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
  - 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
  - 3) persons admitted as Cuban or Haitian Entrants;
  - 4) persons admitted by application before April 1, 1980 under Section 203(a)(7) of the INA;
  - 5) persons admitted as refugees by application after March 31, 1980 under Section 207(c) of the INA; and
  - 6) persons whose deportation is being withheld under Section 243(h) of the INA.
- c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:
  - 1) the sponsor signed an affidavit of support or a similar agreement assuring the non-citizen will not become a public charge;
  - 2) the sponsor is not a recipient of TANF or SSI;

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- 3) the non-citizen has been a resident of the U.S. for less than three years;
- 4) the non-citizen is not a child or spouse of the sponsor.
- d) A sponsor is an individual, private organization or agency or public organization or agency.
- e) The spouse's income ~~and assets~~ will be counted even if the sponsor and spouse married after the agreement was signed.
- f) The sponsor, if found able to support the non-citizen, wholly or partially, is liable for the needs of the individual only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.
- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.
- h) The sponsor's income ~~and assets~~ available to meet the needs of the non-citizen are determined in the following manner:
  - 1) Determination of Available Income
    - A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
    - B) Add the unearned income of the sponsor and spouse, if they live together.
    - C) Deduct 3 times the TANF payment level for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

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- D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
  - E) Subtract any alimony or child support paid to individuals not living with the sponsor.
- 2) Income remaining is applied to the needs of the immigrant.
- 3) ~~Determination of Sponsor's Assets~~  
~~The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.~~
- i) ~~If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.~~

(Source: Amended at 38 Ill. Reg. 4441, effective January 29, 2014)

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- 1) Heading of the Part: Refugee/Repatriate Program
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Section Number: 115.10                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13]
- 5) Effective Date of Rule: January 29, 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: September 20, 2013; 37 Ill. Reg. 15187
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A non-substantive change was made to this rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 45 CFR 400.66 requires that in administering a publicly-administered refugee cash assistance program, the State agency must operate its refugee cash assistance program consistent with the provisions of its TANF program in regard to the treatment of resources. Public Act 98-0114 provides that the Department of Human Services' TANF program shall disregard the value of all assets held by the

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family, effective immediately. In accordance, resources will no longer be considered in determining eligibility for the Refugee Resettlement Program (RRP).

Companion amendments are also being adopted in 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 121.

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 62762

217/785-9772

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 115  
REFUGEE/REPATRIATE PROGRAM

## Section

115.1	Incorporation By Reference
115.10	General Provisions
115.20	The Cuban Phasedown Program (Repealed)
115.30	The Refugee Resettlement Program
115.32	Refugee Resettlement Program: Application for Assistance
115.33	Refugee Resettlement Program: Furnishing of Social Security Numbers
115.34	Refugee Resettlement Program: Work Registration/Participation Requirements
115.36	Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37	Refugee Resettlement Program: Counseling (Repealed)
115.38	Refugee Resettlement Program: Sanctions For Failure to Cooperate With Work Requirements
115.39	Refugee Resettlement Program: Good Cause For Failure to Cooperate
115.40	The Cuban/Haitian/Entrant (Status Pending) Program
115.50	The Repatriate Program
115.60	Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990; amended at 14 Ill. Reg. 10438, effective June 20, 1990; amended at 16 Ill. Reg. 10291, effective June 19, 1992; amended at 18 Ill. Reg. 17671, effective November 30, 1994; amended at 20 Ill. Reg. 11484, effective August 9, 1996; recodified from the Department of Public Aid to the

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Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 25 Ill. Reg. 3046, effective February 8, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8763, effective July 2, 2001; peremptory amendment at 32 Ill. Reg. 18088, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5018, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; amended at 33 Ill. Reg. 12795, effective September 4, 2009; emergency amendment at 37 Ill. Reg. 15416, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4468, effective January 29, 2014.

**Section 115.10 General Provisions**

- a) The Department administers the Refugee Resettlement Program (RRP) and the Repatriate Program in Illinois. These programs are fully funded by grants provided by the federal government. The administration and authorization of assistance under any of these programs is limited to a period of time established by the federal government based on available federally appropriated funds for the year. The administration and authorization of assistance under any of these programs ceases if the Department is not authorized to request and receive federal funds for the purpose of providing assistance under these programs.
- b) For the Refugee Resettlement Program assistance shall be authorized on the basis of the Temporary Assistance for Needy Families (TANF) Payment Level (see 89 Ill. Adm. Code 112). The following case compositions define the level of issuance:
  - 1) Adult. A single adult is a person who is ineligible as a child, or married and living with his/her spouse, or a minor parent (or caretaker) of a child. Full-time college students, age 18 or over, do not qualify for cash benefits.
  - 2) Family cases, which must include at least one eligible child. The child must be under age 18 or age 18 and a full-time student in high school. Only the following adults may be included:
    - A) A specified relative of the child and the spouse of the specified relative; or
    - B) The legal guardian of child and the spouse of the legal guardian; or
    - C) The unrelated caretaker of a child and the spouse of the unrelated caretaker.

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- c) ~~For cash, resources to be considered in all situations are those immediately available for use at the time financial assistance is needed. Available resources are to be considered when they are in existence, the value is ascertainable, they are under the control of the recipient, and can be drawn upon for maintenance.~~ Resources are not considered for either cash or medical only cases.
- d) For the Refugee Resettlement Program, assistance may not ordinarily be furnished for more than the established period of time after the date of entry. For persons granted asylum, the established period of time starts with the date asylum was granted.
- e) The following provisions are applicable to the RRP:
- 1) To be eligible for RRP, a family or individual(s) must be ineligible for categorical assistance (TANF, Aid to the Aged, Blind or Disabled (AABD), and related Medical Assistance No Grant (MANG) programs);
  - 2) The individuals must avail themselves of all potential income sources, resources including application for and acceptance of Supplemental Security Income (SSI) and categorical assistance;
  - 3) The following provisions of the TANF program (see 89 Ill. Adm. Code 112) are applicable to the RRP:
    - A) Client and Department rights and responsibilities. Refugees or parolees who are potentially eligible for SSI must apply for SSI.
    - B) Application for assistance (not eligible for \$100 compensatory payment or Presumptive Eligibility (PE) authorization). All adults must sign the application. Cash benefits start with the date of application.
    - C) Residence.
    - D) Client Cooperation.
    - E) Furnishing of Social Security Numbers.

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- ~~F)~~ ~~Assets (cash benefits only).~~
- ~~FG)~~ Income. For RRP medical, initial eligibility is based on income on the date of application. Earnings from employment that start after the date of application do not count for RRP medical.
- ~~GH)~~ Support from responsible relatives (Non-Title IV-D provisions) (42 USC 651 et seq.).
- ~~HI)~~ Personal Injury.
- ~~IJ)~~ Other financial benefits (i.e., the child care for work and training and other benefits described in 89 Ill. Adm. Code 112.308).
- ~~JK)~~ Standards:  
For a single adult case, the following payment levels apply:
- i) Group I Counties  
\$243 monthly
  - ii) Group II Counties  
\$233 monthly
  - iii) Group III Counties  
\$198 monthly.
- ~~KL)~~ Special authorizations.
- ~~LM)~~ Medical Assistance standard (use the MANG(C) standard if Medical Assistance only is authorized; for a household of one, the Medical-Only Standard is \$283/month).
- ~~MN)~~ Case Records.
- ~~NO)~~ Medical Services.

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- | [OP](#)) Funeral and Burials.
  - | [PQ](#)) Incorrect Payments.
  - | [QR](#)) Special Projects.
  - | [RS](#)) Crisis Assistance Programs (family cases only).
  - | [ST](#)) Replacement of lost or stolen warrants; and
- 4) In family cases, the parent (or other responsible person making application) is to be designated as the payee. In adult cases, the recipient is to be the payee.
- f) Individuals receiving assistance under these programs are eligible to participate in the food stamp program if they meet the eligibility requirements of the food stamp Program.

(Source: Amended at 38 Ill. Reg. 4468, effective January 29, 2014)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:                      Adopted Action:  
121.57    Amendment  
121.58    Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Rule: January 29, 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 rulemakings, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: September 20, 2013; 37 Ill. Reg. 15189
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various non-substantive changes were made to this rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.1	Amendment	37 Ill. Reg. 16302; October 18, 2013

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- 15) Summary and Purpose of Rulemaking: 7 CFR 273.8(f)(4) allows the use of vehicle asset policy adopted for TANF to be applied to SNAP. Public Act 98-114 provides that the Department of Human Services' TANF program shall disregard the value of all assets (including vehicles) held by the family, effective immediately. In accordance, vehicles will no longer be considered in determining eligibility for SNAP.

Companion amendments are also being adopted in 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 115.

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

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield IL 62762

217/785-9772

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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## Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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## NOTICE OF ADOPTED AMENDMENTS

January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

**Section 121.57 Assets**

- a) The value of nonexempt assets shall be considered in determining eligibility only if a household is not categorically eligible (see Section 121.76).
- b) Value of Nonexempt Assets
  - 1) The value of nonexempt assets is the equity value (fair market value less the amount owed), except for prepaid funeral agreements valued over \$1500.
  - 2) The Department considers the following assets in determining eligibility:

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## A) Liquid Assets

- i) Liquid assets are those properties in the form of cash or other financial instruments ~~that~~which are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks or bonds, lump-sum payments, and prepaid funeral agreements.
- ii) Exempt any retirement funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code. Exempt any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

## B) Nonliquid Assets

Nonliquid assets are those properties ~~that~~which are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.

## C) Assets of Sponsors of Aliens

Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54) (~~20122004~~)) in accordance with Section 121.55.

D) ~~Licensed Vehicles~~

~~The Department shall consider the equity value of a licensed vehicle unless exempted as stated in Section 121.58.E)~~Prepaid Funeral Agreements

The value of prepaid funeral agreements over \$1500.00 per person is considered.

(Source: Amended at 38 Ill. Reg. 4475, effective January 29, 2014)

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**Section 121.58 Exempt Assets**

## a) Homestead Property

- 1) The home and surrounding property thatwhich, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
- 2) Homes thatwhich are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, remain exempt if the household intends to return.
- 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.

## b) Personal Property

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies. Pension plans are exempt from consideration as an asset, except accounts owned solely by an individual, such as an Individual Retirement Account (IRA), 401 K or Keogh Plan, that are accessible without a penalty for withdrawal.

## c) Income Producing Property

- 1) Property thatwhich is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
- 2) Property thatwhich is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the value of thesueh property shall be excluded from financial resources until the expiration of the one year period beginning on the date thesueh member ceases to be self-employed in farming.

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- 3) A rental home ~~that~~<sup>which</sup> is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by subsection (c)(1) ~~of this Section.~~
- d) Disaster Relief Payments  
Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- e) Inaccessible Assets  
Assets whose cash value is not accessible to the household, such as, but not limited to:
  - 1) irrevocable trust funds,
  - 2) security deposits on rental property and utilities,
  - 3) property in probate,
  - 4) real property when a good faith effort is being made to sell at a reasonable price,
  - 5) jointly owned assets ~~that~~<sup>which</sup> cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent,
  - 6) non-liquid asset or assets (see Section 121.57(b)(2)(B)) ~~that~~<sup>which</sup> have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets,
  - 7) monies received from the Social Security Administration under the PASS Program that are held in a separate account, or
  - 8) an asset ~~that~~<sup>if</sup> when sold or otherwise disposed of, would net the household less than \$1500. The net is determined by subtracting the expenses of disposing of the property from the equity value. This does not apply to negotiable financial instruments or stocks and bonds.
- f) Prorated Income

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Money ~~that~~<sup>which</sup> has been prorated as income, such as income of self-employed persons or students.

- g) Indian Lands  
Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.
- h) Federal Statute Exclusions  
Assets excluded for ~~SNAP~~<sup>food-stamp</sup> purposes by express provision of Federal Statute.
- i) ~~Licensed~~ Vehicles
- ~~1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;~~
  - ~~2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);~~
  - ~~3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);~~
  - ~~4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);~~
  - ~~5) used as the household's home;~~
  - ~~6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual;~~
- ~~\*Agency Note: Exclusions (1)-(6) also apply when the vehicle is not in use because of temporary unemployment.~~
- ~~7) one licensed vehicle per household, regardless of its use;~~
  - ~~8) the equity value of one licensed vehicle for each adult household member;~~

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~~regardless of its use;~~

~~9) the equity value of any other licensed vehicles used by household members under age 18 to drive to and from employment, training or education which is preparatory for employment, or to seek employment. Temporary periods of unemployment are not to affect this exemption;~~

~~10) any vehicle if the net proceeds would total less than \$1500 if sold; and~~

~~11) property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) of this Section.~~

- j) Assets of a TANF or SSI household member  
All assets of a household member who receives TANF or SSI benefits.

(Source: Amended at 38 Ill. Reg. 4475, effective January 29, 2014)

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- 1) Heading of the Part: Rules and Regulations of the Board
- 2) Code Citation: 74 Ill. Adm. Code 800
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
800.120	Amend
800.130	Amend
800.140	Amend
800.510	Amend
- 4) Statutory Authority: 40 ILCS 5/22A
- 5) Effective Date of Rule: January 31, 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*: October 18, 2013; 37 Ill. Reg. 16310
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: There is no difference between proposal and final notice version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments will remove redundant language and update antiquated practices contained in 74 Ill. Adm. Code 800. Further, these amendments will provide for rulemaking requirements set forth in the Open

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Meetings Act [5 ILCS 120], pertaining to the allowance of attendance by means other than physical presence [5 ILCS 120/7], addressing the meetings by members of the public [5 ILCS 120/2.06(g)], and recording the meetings by members of the public [5 ILCS 120/2.05].

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

Linsey Schoemehl  
General Counsel/Chief Compliance Officer  
Illinois State Board of Investment  
180 N. LaSalle Street, Suite 2015  
Chicago IL 60610

312/793-1486  
Linsey.schoemehl@illinois.gov

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

ILLINOIS STATE BOARD OF INVESTMENT

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TITLE 74: PUBLIC FINANCE  
CHAPTER VII: ILLINOIS STATE BOARD OF INVESTMENT

PART 800  
RULES AND REGULATIONS OF THE BOARD

SUBPART A: AUTHORITY

Section  
800.5 Authority

SUBPART B: BY-LAWS

Section  
800.110 Offices of the Board  
800.120 Meetings  
800.130 Officers and Their Duties  
800.140 Committees

SUBPART C: GENERAL POLICIES

Section  
800.210 Functions  
800.220 Fiduciary Aspects  
800.230 Delegation of Authority  
800.240 Budget

SUBPART D: ACCOUNTING

Section  
800.310 Investment Account  
800.320 Fund Credits  
800.330 Fund Charges  
800.340 Reserve Balances

SUBPART E: REPORTS

Section  
800.410 Fiscal Reporting

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800.420 Audits

## SUBPART F: AMENDMENTS

Section  
800.510 Amendments

AUTHORITY: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Rules and Regulations of the Board, effective March 25, 1971; amended January 8, 1972; amended October 6, 1972; amended February 14, 1975; amended February 9, 1976; amended February 9, 1977; codified at 5 Ill. Reg. 10701; amended at 31 Ill. Reg. 1986, effective January 9, 2007; amended at 32 Ill. Reg. 360, effective December 26, 2007; amended at 35 Ill. Reg. 13915, effective August 1, 2011; amended at 37 Ill. Reg. 2720, effective February 25, 2013; amended at 38 Ill. Reg. 4491, effective January 31, 2014.

## SUBPART B: BY-LAWS

**Section 800.120 Meetings**

- a) Regular meetings. Meetings of the Board shall be held at least once each calendar quarter, on a date and at a time specified by the Chair.
- b) Special meetings. Special meetings may be called at any time by the Chair or Vice Chair of the Board or by any three members of the Board. ~~As required by law, written notice shall be given at the time and place of each special meeting at least three days previous to the date of the meeting. The notice need not contain information regarding the subject matter for consideration at the meeting.~~ Any business of whatever nature may be taken up and disposed of at any special meeting. ~~Notice of any special meeting may be waived by the members. The waiver shall be duly recorded in the minutes of the meeting.~~
- c) Place and hour of meetings. Meetings of the Board shall be held at the general office of the Board or at any other place selected by the Chair or agreed upon by the Board, at the hour fixed by the Chair or by the members calling a special meeting.
- d) Annual meeting. The annual meeting of the Board shall be held in the month of

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September.

- e) Quorum. A majority of all members of the Board shall constitute a quorum for the transaction of business at any regular or special meeting.
- f) Meetings open to the public. ~~All As required by law, all~~ meetings of the Board ~~and any subsidiary body, including without limitation any committee,~~ shall be ~~subject to and conducted open to the public except as otherwise provided~~ in accordance with the Open Meetings Act [5 ILCS 120].
- g) Attendance by a means other than physical presence
  - 1) If a quorum of the members of the Board or the Executive Committee is physically present, a majority of those physically present may allow a member of the Board to attend the meeting by other means (video or audio conference) if the member is prevented from physically attending because of:
    - A) personal illness or disability;
    - B) employment purposes or the business of the Board; or
    - C) a family or other emergency.
  - 2) If a member wishes to attend a meeting by other means, the member must notify the Board's General Counsel before the meeting unless advance notice is impractical.
  - 3) Except as otherwise provided in this subsection (g)(3), the limitations of this subsection (g) shall not apply to closed meetings of the Board or the Executive Committee or to open or closed meetings of any other subsidiary body, including without limitation any committee other than the Executive Committee, that does not have authority to make binding recommendations or determinations or to take any other substantive action. If the limitations of this subsection (g) do not apply, any or all members of the Board or a subsidiary body may attend a meeting by audio or video conference. Neither advance notice nor permission for that means of attendance is required. No minimum number of members need be physically present at the noticed location of the meeting.

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h) Order of business

- 1) The following order shall govern the transaction of business of the Board at any regular or special meeting:
  - A) Roll Call
  - B) ~~Communications~~Minutes of Previous Meeting
  - C) Report of the Chair~~Communications~~
  - D) Minutes of Previous Meeting~~Report of Standing and Special Committees~~
  - E) Report of ~~Standing and Special Committees~~the Chair
  - F) Deferred Compensation~~Report of the State Treasurer~~
  - G) Report of Consultant~~the Director~~
  - H) Report of the Director~~Investment Counsel~~
  - I) Reports of any Member of the Board
  - J) Unfinished Business
  - K) New Business
  - L) Adjournment
- 2) Any motion or resolution may be presented and considered out of the regular order of business by consent of a majority of the members present at any regular or special meeting.
- 3) If an individual wishes to address a member of the Board at a meeting required to be open under the Open Meetings Act, the individual shall provide prior written notice to the Board's General Counsel. The notice shall describe the identity of the speaker and the general subject matter of

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the address and shall specify the meeting at which the address will be made. A copy of any written materials that the individual wishes to distribute to any Board member during the address must be attached to the notice.

- ih) Voting. Each member shall have one vote on any question coming before the Board at any regular or special meeting at which that member is in attendance. Concurring votes by a majority of the members present at the meeting shall be necessary for the adoption of any resolution or action by the Board.
- ij) Roll calls. The Chair or any member may request a roll call on any motion or resolution involving an expenditure of moneys or the creation of a liability for the Board or on any other motions. The vote of each member present shall then be recorded in the minutes of the meeting.
- ik) Reconsideration. A motion for the reconsideration of any vote shall be in order only if made at the meeting at which the vote sought to be reconsidered is taken or at the next regular meeting.
- il) Deferral of reports. Upon request of any two members of the Board, the consideration of any report presented by any committee shall be deferred for one meeting, and a copy of the report of the committee shall be provided each member of the Board.
- im) Record of proceedings-

  - 1) The Board shall keep a full record of all its proceedings in which all of its transactions is recorded. All resolutions approved by the Board shall be signed by the Chair and Recording Secretary and shall be filed with the minutes of the meeting at which adopted. At least five days before the date of the next scheduled meeting, the Board's General Counsel~~Recording Secretary~~ shall supply each Board member with a copy of the minutes of the last meeting.
  - 2) If an individual wishes to record the proceedings of the Board at a meeting required to be open under the Open Meetings Act, the individual shall provide prior written notice to the Board's General Counsel. The notice shall describe the identity of the individual and the means by which the meeting will be recorded and shall specify the meeting at which the

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recording will be made.

(Source: Amended at 38 Ill. Reg. 4491, effective January 31, 2014)

**Section 800.130 Officers and Their Duties**

- a) Elective officers. The following named officers shall be elected by the Board biennially at the annual meeting in each odd-numbered year from among the members of the Board: Chair, Vice Chair, ~~and~~ Recording Secretary, and Member at Large. Any vacancy occurring during a biennial period shall be filled in like manner for the unexpired term of office.
- b) Appointive officers. The following named officers shall be appointed by the Board: the Director and such other officers as the Board may from time to time determine.
- c) Officers ex officio. The State Treasurer shall be ex officio Custodian and Treasurer of the Board.
- d) Chair. The Chair shall be the chief executive officer of the Board; shall preside at all meetings; announce the business before the Board; announce the question under consideration and the result of the vote taken; request a roll call upon any action or resolution as herein provided. He or she shall appoint all necessary committees and see that they perform their assigned duties. The Chair and the Director shall sign all written contracts and agreements upon authorization of the Board. The Chair shall exercise general supervision over the operations of the agency.
- e) Vice Chair
  - 1) In the absence of the Chair, the Vice Chair shall act as Chair at any regular or special meeting and shall serve in the Chair's stead if the Chair is temporarily unable or unwilling to act.
  - 2) If the Chair or Vice Chair is not available to preside at a meeting, any member selected by a majority vote of those present may act as presiding officer, pro tempore.
- f) Recording ~~Secretary~~secretary. The Recording Secretary shall ~~record the~~

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~~proceedings of each meeting of the Board and make copies available to each member. In accordance with law, he or she shall give proper and timely notice of all meetings to members of the Board and others concerned with the business of the Board; shall prepare for each meeting of the Board an Order of Business showing the business to be transacted by the Board; shall~~ authenticate with his or her signature any resolutions of the Board; and shall perform such other duties as may be prescribed by the rules, orders or resolutions of the Board.

## g) Custodian

- 1) The State Treasurer, as official Custodian of the Board, shall provide adequate safe deposit facilities for securities, funds and other assets received by the Board and hold those securities, funds and other assets subject to the order of the Board. ~~He or she shall arrange to receive from the several pension funds subject to the jurisdiction of the Board all securities in their possession or for which commitments had been made, and all funds, assets or moneys representing permanent or temporary investments or cash reserves maintained for the purpose of obtaining income. All transfers shall be receipted for, in detail, by the Chair and Director of the Board.~~
- 2) The Board may also contract, for a predetermined fee, with any national or state bank or trust company authorized to do a trust business in the State of Illinois for custodial and trust accounting facilities for the investments under its control, which may include the collection of interest, dividends and principal payments.
- 3) ~~From the reports compiled by the State Treasurer relative to the cash balances applicable to each pension fund for a determination of investable funds, each retirement system shall report to the Board periodically, but at least once each month, the amounts available for investment after provision for the current requirements of the fund for benefits and expense payments.~~
- 4) The Custodian shall submit periodic reports to the Board on the investments held for the account of the pension funds under the jurisdiction of the Board.

## h) Director

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- 1) The Director shall administer the affairs of the Board pursuant to the provisions of the statute governing the Board, subject to and under supervision of the Board. With the approval of the Board, the Director may employ such personnel, professional or clerical, as may be desirable and necessary, and fix their compensation. The Director shall be in complete charge of all records, books, files, papers and documents belonging to the Board, ~~other than those in the possession and under control of the statutory Custodian.~~
- 2) The Director or Chair shall answer all correspondence bearing upon the business of the Board; shall present to the Board bills for expenses; shall request any information and reports that may be required during the course of operations to effectuate the objectives of the Board; and shall prepare periodic statements and reports to fully carry out the expressed and implied requirements of the applicable law. He or she shall perform such other duties that are called for by the rules, orders, directives and resolutions of the Board.

(Source: Amended at 38 Ill. Reg. 4491, effective January 31, 2014)

**Section 800.140 Committees**

- a) Executive Committee
  - 1) There shall be an Executive Committee of the Board, consisting of the Chair, Vice Chair, ~~and~~ Recording Secretary, and Member at Large ~~one other member of the Board, who shall serve for a two-year term and who shall be elected at an annual meeting following the election of officers. The Recording Secretary shall serve as Secretary of the Committee.~~
  - 2) The Executive Committee has the authority to conduct all business of the Board during the interim between Board meetings and report that business at the next Board meeting for ratification by the Board. ~~The Executive Committee shall resolve any questions of procedure in the interim between meetings of the Board, propose to the Board changes in policy, and recommend to the Board changes in the statute governing the Board with the view of bringing about improved total return on investments consistent with the high standards of safety required in the investment of public~~

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~~funds. Recommendations may also be made by the Committee for possible extension of the scope of authority of the Board to include other pension or trust funds.~~

- b) Audit and Compliance Committee
- 1) There shall be an Audit and Compliance Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include formally communicating with the Illinois Auditor General, creating the Board's internal ethics code, and ensuring compliance with Illinois ethics laws.)
  - 2) The Committee will elect a Committee Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
  - 3) Additional responsibilities of the Audit and Compliance Committee shall be to maintain supervision over all accounting related activities of the Board, including but not limited to regular liaison with the Office of the Auditor General, independent auditors and accounting consultants to the Board. In addition, the Committee will participate in the review of the Board's activities by the Legislative Audit Commission and the Auditor General.
  - 4) The Audit and Compliance Committee shall have oversight responsibility for all matters relating to the Illinois Ethics Act. The Chair of the Committee shall be the designated Ethics Officer for Board members and staff. The Committee shall develop and make recommendations to the Board regarding policies and procedures for internal codes of ethics for both the Board and Staff members, consistent with the State Officials and Employees Ethics Act [5 ILCS 430].
  - 5) The Committee will recommend changes in accounting [and general compliance](#) policy for Board consideration.
  - 6) The Committee shall meet as often as necessary in the discretion of the

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Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act. All Board members shall be encouraged to attend and participate.

## c) Investment Policy Committee

- 1) There shall be an Investment Policy Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include interviewing investment management firms that are finalists in the Board's competitive bidding process and recommending policies pertaining to the Board's investments, such as the Board's asset allocation study.)
- 2) It shall be the responsibility of the Committee:
  - A) to recommend investment policy to the Board, both at its regularly scheduled meetings and whenever recommendations appear, in the judgment of the Committee, to be necessary or desirable;
  - B) for the ongoing and specific supervision of the internal investment process, including but not limited to advance approval of all long-term investment transactions not falling within certain delegatory guidelines established by Board action; and
  - C) for ongoing liaison with external investment advisors, together with recommendations concerning the tenure, compensation, fund direction, and retention of the advisors.
- 3) The ~~Investment Policy~~ Committee ~~will~~ shall elect a Chair ~~and a Vice Chair~~, to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
- 4) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act. All Board members shall be encouraged to attend and participate.

## ILLINOIS STATE BOARD OF INVESTMENT

## NOTICE OF ADOPTED AMENDMENTS

- 5) The Committee shall advise the Board when the Committee believes it is appropriate that non-Board members with investment and economic expertise participate in Committee affairs.
  - 6) The Board Chair will be an ex-officio, voting member of the Committee.
- d) Emerging Manager Committee
- 1) There shall be an Emerging Manager Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the next annual meeting of the Board following the election of officers. The Board shall determine the Committee's responsibilities. (Examples of such delegation include interviewing emerging managers and recommending policies pertaining to the Board's investments, such as the Board's [Emerging and Minority Investment Manager and Minority and Illinois Brokerage Policy or Targeted Investment](#) Policy.)
  - 2) An "emerging manager" is a qualified investment adviser that manages an investment portfolio of at least \$10,000,000, but less than \$10,000,000,000, and is a "minority owned business", "female owned business" or business owned by a person with a disability, as those terms are defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575/2(A)(3), (4) and (4.1)].
  - 3) It shall be the policy of the Committee:
    - A) to increase access to and business with emerging managers; and
    - B) to [maximize utilization of minority-owned broker/dealers by the Board's investment managers](#), ~~allocate at least 5% of fund assets to emerging managers, consistent with statutes;~~
    - C) ~~to encourage emerging managers to grow assets under their management, outperform the applicable benchmark index, and eventually move into the core portfolio.~~
  - 4) It shall be the responsibility of the Committee:

## ILLINOIS STATE BOARD OF INVESTMENT

## NOTICE OF ADOPTED AMENDMENTS

- A) to interview emerging manager applicants for specific asset classes;
  - B) to function as ongoing liaison with emerging managers, together with recommendations concerning the tenure, compensation, fund direction, and retention of emerging managers;
  - C) to recommend emerging manager policy to the Board, both at its regularly scheduled meetings and whenever those recommendations appear, in the judgment of the Committee, to be necessary or desirable; [and](#)
  - D) to conduct other duties as assigned by the Board.
- 5) The Committee will elect a Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
- 6) The Committee shall meet as often as necessary, in the discretion of the Board or the Chair of the Committee, so long as the meetings are in compliance with the Open ~~Meetings~~[Meeting](#) Act. All Board members shall be encouraged to attend and participate.

(Source: Amended at 38 Ill. Reg. 4491, effective January 31, 2014)

## SUBPART F: AMENDMENTS

**Section 800.510 Amendments**

Amendments to this Part may be proposed by any member of the Board, shall be submitted to the [Board's General Counsel](#)~~Recording Secretary~~ in writing, and shall be acted upon in the following manner:

- a) Upon receipt of a proposal for an amendment, the [Board's General Counsel](#)~~Recording Secretary~~ shall mail a copy to each member of the Board setting forth in full the proposed amendment at least 10 days prior to the date of any regular or special meeting at which the proposal will be submitted for consideration.

## ILLINOIS STATE BOARD OF INVESTMENT

## NOTICE OF ADOPTED AMENDMENTS

- b) At the next regular or special meeting following the mailing of the notice, or at any meeting thereafter to which consideration of the amendment has been postponed, the amendment may be adopted by a vote of at least a majority of all members of the Board. At the meeting, the proposed amendment may be modified before being acted upon, without the necessity of any further notice to the members, provided that the amendment as modified shall be applicable only to those Sections or subsections to which the notice specifically referred, and provided further that any modification shall be approved by at least a majority of all members of the Board.
- c) When the Board has approved a proposal to amend this Part, the amendment shall be proposed and adopted as required by the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 38 Ill. Reg. 4491, effective January 31, 2014)

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY RULES

- 1) Heading of Part: Counting of Provisional Ballots
- 2) Code Citation: 26 Ill. Adm. Code 218
- 3) 

<u>Sections Numbers:</u>	<u>Emergency Action:</u>
218.10	New
218.20	New
218.30	New
218.40	New
- 4) Statutory Authority: Implements Article 18A of the Illinois Election Code (10 ILCS 5/Art. 18A) and authorized by Section 18A-15 of the Illinois Election Code (10 ILCS 5/18A-15)
- 5) Effective Date of Rule: January 23, 2014
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will expire at the end of the 150-day period, or adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: January 23, 2014
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As of this writing, the 2014 General Primary Election is only 53 days away, and the procedures for counting provisional ballots contained in Section 18A-15 of the Election Code, as amended by P.A. 098-0115, [the Act] must be in effect for that Election. The State Board of Elections began working on the proposed rules shortly after the Act went into effect on July 29, 2013. Staff submitted the draft version to the election authorities [EAs] for their input, as they were the entities that would be most impacted by the amendments to 18A-15, being the officials who are responsible for its implementation. Concerns were raised about the initial draft version of the rules from two of the larger EAs (in terms of registered voters). As a result, a second draft addressing those concerns was then proposed and submitted to the EAs. This second version was approved by the majority of the EAs in attendance at the county clerks convention held at the end of September. Subsequent to their approval at said convention, several EAs had a change of position, and communicated their objections to the second draft version. In response to these objections, the SBE drafted a third version of the rules, which was

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY RULES

substantially similar to the first version, with a few adjustments made based on comments received from the two larger EAs referenced above. Having to create three versions of the rulemaking (which included the provision of them to the EAs and soliciting their comments) resulted in a delay in the submission of the rules to JCAR for the pre-draft review (which itself took some time) and thus necessitates pursuing the promulgation through emergency rulemaking.

- 10) A Complete Description of the Subjects and Issues Involved: Establishes procedures for counting Provisional Ballots, where a voter casts a Provisional Ballot from a precinct in which he or she is not registered.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: To further comply with Public Act 95-971 as amended by Public Act 96-0848.
- 13) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Steven S. Sandvoss, General Counsel  
Illinois State Board of Elections  
2329 South MacArthur Blvd.  
Springfield, IL 62704

217/782-4141  
ssandvoss@elections.il.gov

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

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY RULES

## TITLE 26: ELECTIONS

## CHAPTER I: STATE BOARD OF ELECTIONS

## PART 218

## COUNTING OF PROVISIONAL BALLOTS

## Section

218.10 General Provisions

## EMERGENCY

218.20 Counting Procedures for Provisional Ballots Cast in an Incorrect Precinct (Within the Same Election Authority's Jurisdiction)

## EMERGENCY

218.30 Counting Procedures for Provisional Ballots Cast in an Incorrect Precinct (Within a Different Election Authority's Jurisdiction)

## EMERGENCY

218.40 Follow-up Procedures

## EMERGENCY

AUTHORITY: Implementing Article 18A of the Election Code [10 ILCS 5/Art. 18A] and authorized by Section 18A-15 of the Election Code [10 ILCS 5/18A-15].

SOURCE: Adopted by emergency rulemaking at 38 Ill. Reg. 4506, effective January 23, 2014, for a maximum of 150 days.

**Section 218.10 General Provisions****EMERGENCY**

This Part implements Article 18A of the Election Code, setting forth procedures to be followed when counting provisional ballots (see Section 18A-5 of the Code) that were voted and cast in a precinct other than the precinct in which the provisional voter is registered.

## a) Definitions

"Citywide or Villagewide Office" means an office elected by the electors of an entire municipality.

"Correct Precinct" means the precinct in which the provisional voter (see subsection (b)) is registered to vote.

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"Countywide Office" means the offices of Clerk, Sheriff, State's Attorney, Circuit Court Clerk, Recorder, Auditor, County Board President, County Board Member or County Commissioner in those counties that elect those officers countywide, Coroner, Regional Superintendent of Schools, Sanitary District Commissioners/Trustees, Assessor, Board of Review Members in those counties that elect those officers countywide, and Treasurer. Some of the above offices are not elected offices in certain counties as they are appointed or simply do not exist in the county.

"Election Authority" means either the County Clerk, County Board of Election Commissioners or Municipal Board of Election Commissioners, as the case may be.

"Election Code" or "Code" means 10 ILCS 5.

"Election Jurisdiction" means an entire county, in the case of a county in which no city board of election commissioners is located or that is under the jurisdiction of a county board of election commissioners; the territorial jurisdiction of a city board of election commissioners; and the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance, election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors.

"Incorrect Precinct" means the precinct in which the voter cast a provisional ballot, but is not the precinct in which he/she is registered to vote. In order for a provisional ballot to be eligible for counting when cast in an incorrect precinct, that precinct must be located within either the county or municipality in which the voter is registered.

"Leading Established Political Party" means one of the two political parties whose candidates for Governor at the most recent 3 gubernatorial elections received either the highest or second highest average number of votes. The first leading political party is the party whose candidate for Governor received the highest average number of votes in the 3 most recent gubernatorial elections and the second leading political party is the party whose candidate for Governor received the second highest average number of votes in the 3 most recent gubernatorial elections.

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"Persons Entitled to Vote Provisionally" or "Provisional Voter" means a person claiming to be a registered voter who is entitled by Section 18A-5 of the Code to vote a provisional ballot under the following circumstances:

*The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote;*

*The person's voting status has been successfully challenged by an election judge, a pollwatcher or any legal voter;*

*A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period;*

*The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so;*

*The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period; or*

*The voter received an absentee ballot but did not return the absentee ballot to the election authority, and failed to surrender it to the election judges. (Section 18A-5 of the Code)*

"Statewide Office" means the Constitutional offices of Governor and Lt. Governor running jointly, Secretary of State, Attorney General, Comptroller and Treasurer.

"Township Office" means an office elected by the electors of an entire township.

b) Procedures for Voting Provisionally in the Polling Place

- 1) If any of the 6 reasons (cited in the definition of provisional voter in subsection (a)) for casting a provisional ballot exists, *an election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the*

## STATE BOARD OF ELECTIONS

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*person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address (and/or consult any alternative tools provided by the election authority for determining a voter's correct precinct polling place) and instruct the person to go to the proper polling place to vote.* (Section 18A-5(b)(1) of the Code) If the person insists on voting in the polling place even after being informed that the polling place is for a precinct in which he or she is not registered (the incorrect precinct) the judges of election shall inform the voter that:

- A) by voting in the incorrect precinct, some of the votes cast will not be counted if it is later determined that the voter was not entitled to cast votes for those offices by virtue of the fact that the address at which the voter is registered is not located within the district, county, township or municipality for which he or she has cast votes; and
  - B) votes for other offices such as judicial, park district, library district or school district and referenda (including Statewide) are not eligible to be counted.
- 2) Once it has been determined by the election judges that the person is entitled to receive a provisional ballot, and the voter has completed the provisional voter affidavit (see Section 18A-5(b)(2) of the Code), the voter shall be given a provisional ballot and shall proceed to vote that ballot. Upon receipt of the ballot by the election judges, the ballot shall be transmitted to the election authority in accordance with Section 18A-10(a) of the Election Code.

**Section 218.20 Counting Procedures for Provisional Ballots Cast in an Incorrect Precinct  
(Within the Same Election Authority's Jurisdiction)**

**EMERGENCY**

- a) The election authority shall:
  - 1) transmit to the State Board of Elections the provisional voter's identifying information and voting jurisdiction (see Section 18A-15(d) of the Code) within 2 calendar days. Following that, and subject to subsection (2)

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below, if the election authority having jurisdiction over the provisional voter determines that the voter has cast a provisional ballot in an incorrect precinct, the ballot shall still be counted using the procedures established in subsection (b) or Section 218.30 if applicable. Jurisdictions that use election machines authorized pursuant to Article 24C of the Election Code for casting provisional ballots may vary procedures of this Section and Section 218.30 as appropriate for the counting of provisional ballots cast on those machines.

- 2) determine whether the voter was entitled to cast a provisional ballot. The voter is entitled to cast a provisional ballot if:
  - A) *the affidavit executed by the voter contains, at a minimum, the provisional voter's first and last name, house number and street name, and signature or mark* (Section 18A-15(b)(2) of the Code);
  - B) *the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from the provisional voter, an election judge, the Statewide voter registration database maintained by the State Board of Elections, the records of the county clerk or board of election commissioners' database, or the records of the Secretary of State* (Section 18A-15(b)(3) of the Code); and
  - C) the provisional voter *did not vote by absentee ballot* and did not vote during the period for early voting (Section 18A-15(b)(4) of the Code).
- b) Once it has been determined by the election authority that the voter was entitled to vote a provisional ballot, even though it had been cast in an incorrect precinct, the election authority shall select a team or teams of 2 duly commissioned election judges, one from each of the two leading established political parties in Illinois (currently the Democratic Party and Republican Party) to count the votes that are eligible to be cast on the provisional ballot. In those jurisdictions that use election officials as defined in Section 18A-15(h) of the Code, these duties may be performed by those election officials.
  - 1) Votes cast for Statewide offices, the Office of President of the United States (including votes cast in the Presidential Preference Primary), and

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United States Senate shall be counted on all provisional ballots cast in the incorrect precinct.

- 2) Votes cast for Representative in Congress, delegate/alternate delegate to a national nominating convention, State Senator, State Representative, or countywide, citywide or township office shall be counted if it is determined by the election judges or officials that the voter would have been entitled to vote for one or more of these offices had the voter voted in the precinct in which he or she is registered to vote (i.e., the correct precinct) and had the voter voted a ballot of the correct ballot style containing all the offices and candidates for which the voter was entitled to cast a ballot (the correct ballot style). This determination shall be made by comparing a sample ballot of the correct ballot style with the actual provisional ballot cast by the voter. If the same office (including the same district number for a Congressional, Legislative or Representative district) appears on both the correct ballot style sample ballot and the provisional ballot cast by the voter, votes for that office shall be counted. All votes cast for any remaining offices (offices for which the voter would not have been entitled to vote had he or she voted in the correct precinct) shall not be counted.
- 3) No votes shall be counted for an office when the voter voted for more candidates than he/she was allowed.
- 4) Once it has been determined which offices are to be counted and the provisional ballot contains no other votes, the provisional ballot shall be counted pursuant to the procedures set forth in this subsection (b).
- 5) If a provisional ballot does not contain any valid votes, the provisional ballot shall be marked invalid and shall not be counted.
- 6) Any provisional voting verification system established by an election authority shall inform the provisional voter that his or her provisional ballot was partially counted because it was cast in an incorrect precinct.
- 7) If a provisional ballot only contains votes cast for eligible offices, and does not contain any votes cast for ineligible offices, the ballot may be tabulated without having to be remade.

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- 8) If a provisional ballot contains both valid votes that must be counted and invalid votes that cannot be counted:
- A) the election judges, consisting in each case of at least one of each of the 2 leading political parties, shall, if the provisional ballot was cast on a paper ballot sheet, proceed to remake the voted ballot onto a blank ballot that includes all of the offices for which valid votes were cast, transferring only valid votes. The original provisional ballot shall be marked "Original Provisional Ballot" with a serial number commencing at "1" and continuing consecutively for ballots of that kind in the precinct. The duplicate provisional ballot shall be marked "Duplicate Provisional Ballot" and be given the same serial number as the original ballot from which it was duplicated. The duplicate provisional ballot shall then be treated in the same manner as other provisional ballots.
  - B) if the provisional ballot was cast on a direct recording electronic voting device, the election judges shall mark the original provisional ballot as a partially counted defective electronic provisional ballot because it was cast in the incorrect precinct (or bear some similar notation) and proceed to either:
    - i) remake the voted ballot by transferring all valid votes to a duplicate paper ballot sheet of the correct ballot style, marking the duplicate ballot "Duplicate Electronic Provisional Ballot" and then counting the duplicate provisional ballot in the same manner as the other provisional ballots marked on paper ballot sheets; or
    - ii) transfer, or cause to be transferred, all valid votes electronically to the correct precinct, which shall be counted and added to the vote totals for the correct precinct, excluding any votes that cannot be counted.
  - c) For provisional ballots cast at a partisan primary election, the judges shall use a duplicate ballot of the correct ballot style for the same political party as the ballot chosen by the voter.

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY RULES

- d) At least one qualified pollwatcher for each candidate, political party, and civic organization, as authorized by Section 17-23 of the Code, shall be permitted to observe the ballot remaking process.

**Section 218.30 Counting Procedures for Provisional Ballots Cast in an Incorrect Precinct  
(Within a Different Election Authority's Jurisdiction)  
EMERGENCY**

- a) Incorrect Precinct is Located in the Same County as the County Where the Voter is Registered
- The election authority having possession of the provisional ballot shall first notify the election authority having jurisdiction over the provisional voter that the voter cast a provisional ballot in its jurisdiction and provide whatever information is needed for the election authority to comply with the notification requirements set forth in Section 18A-15(d) of the Code. If a voter cast a provisional ballot in an incorrect precinct located in the jurisdiction of an election authority other than the election authority having jurisdiction over the voter's correct precinct, but where the precinct is located within the same county as the 2 election authorities (e.g., a voter is registered in the City of Chicago, but casts a provisional ballot in suburban Cook County), the election authority in whose territory the provisional ballot was cast shall, after receipt of the provisional ballot, transmit it, along with the provisional voter's affidavit and any other documentation provided to the election judges, to the office of the election authority having jurisdiction over the voter's correct precinct. The ballot shall be transmitted within 8 business days after the election at which it was cast. If the locations of the election authorities' offices are such that it is feasible to hand deliver the ballot, the ballot shall be transmitted in that manner by 2 election judges (or election officials), one from each of the 2 leading political parties. If the locations of the 2 election authorities are such that it is not feasible to hand deliver the ballot, the election authority having jurisdiction over the incorrect precinct shall cause the ballot to be transmitted via express mail within 8 business days after the election at which the ballot was cast, with a delivery date no later than the second business day following the mailing date. Upon receipt of the ballot by the election authority having jurisdiction over the correct precinct, the election authority shall proceed to remake, and count the votes on, the provisional ballot in accordance with the procedures described in Section 218.20, including the determination of eligibility to cast a provisional ballot. Any information provided to the election authority within the 7 day period provided for in Section 18A-15 of the Code shall be

## STATE BOARD OF ELECTIONS

## NOTICE OF EMERGENCY RULES

transmitted to the office of the election authority having jurisdiction over the voter's correct precinct, along with the provisional ballot of that voter.

- b) Incorrect Precinct is Located in a Different County from the County Where the Voter is Registered, but is Located in the Same Municipality as the One in Which the Voter is Registered
- 1) The election authority having possession of the provisional ballot shall first notify the election authority having jurisdiction over the provisional voter that the voter cast a provisional ballot in its jurisdiction and provide whatever information is needed for the election authority to comply with the notification requirements set forth in Section 18A-15(d) of the Code. The election authority shall then cause the ballot, along with the provisional voter's affidavit and any other documentation provided to the election judges, to be transmitted via express mail within 8 business days after the election at which the ballot was cast, with a delivery date no later than the second business day following the mailing date. Upon receipt of the ballot by the election authority having jurisdiction over the correct precinct, that election authority shall proceed to remake and count the votes on the provisional ballot in accordance with the procedures described in Section 218.20, including the determination of eligibility to cast a provisional ballot. Any information provided to the election authority within the 7 day period provided for in Section 18A-15 of the Code shall be transmitted to the office of the election authority having jurisdiction over the voter's correct precinct, along with the provisional ballot of that voter.
  - 2) If a voter casts a provisional ballot in a precinct outside of the county in which he or she is registered and outside of the municipality in which he or she is registered (if applicable), the ballot shall not be counted. It shall, however, be transmitted via the U.S. Postal Service to the election authority having jurisdiction over the voter's correct precinct within 14 days after the election and shall be kept for 2 months, the same length of time as is required for other voted ballots.

**Section 218.40 Follow-up Procedures**  
**EMERGENCY**

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NOTICE OF EMERGENCY RULES

The original provisional ballot cast by the voter shall be stored separately from other ballots voted in the election and shall be preserved in the same manner as original ballots that had to be remade for other reasons, such as a damaged ballot or as a result of a voter over-voting an office.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
146.800	New
146.810	New
146.820	New
146.830	New
146.840	New
- 4) Date Proposal published in Illinois Register: May 31, 2013; 37 Ill. Reg. 7191
- 5) Date Adoption published in Illinois Register: November 8, 2013; 37 Ill. Reg. 17624
- 6) Date Request for Expedited Correction Published in Illinois Register: December 6, 2013; 37 Ill. Reg. 19748
- 7) Adoption Effective Date: October 23, 2013
- 8) Correction Effective Date: October 28, 2013
- 9) Reason for Approval of Expedited Correction: These Sections contain an incorrect adoption effective date.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

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

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EXPEDITED CORRECTION

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EXPEDITED CORRECTION

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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EXPEDITED CORRECTION

effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013.

## SUBPART F: BIRTH CENTERS

**Section 146.800 General Description**

This Part sets forth the conditions that a birth center must meet in order to participate in medical programs administered by the Department. For the purposes of this Part, "birth center" means an alternative healthcare delivery model that is exclusively dedicated to serving the childbirth-related needs of women and their newborns and has no more than 10 beds. A birth center is a designated site in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy that is away from the mother's usual place of residence.

(Source: Added at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013)

**Section 146.810 Participation Requirements**

Effective May 1, 2013, to participate in medical programs administered by the Department, a birth center must:

- a) Meet all requirements for licensure established by the Illinois Department of Public Health at 77 Ill. Adm. Code 265.1250.
- b) Meet all requirements for enrollment and participation in medical programs administered by the Department as defined in Subpart B of 89 Ill. Adm. Code 140.

(Source: Added at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013)

**Section 146.820 Record Requirements**

In addition to Department record requirements in 89 Ill. Adm. Code 140, a birth center must maintain complete, comprehensive and accurate clinical records to ensure adequate patient care. These records include, but may not be limited to, the record requirements identified in the Illinois Department of Public Health's administrative rules at 77 Ill. Adm. Code 265.2200. The Department shall describe, by notice to providers, any other records that are to be maintained.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EXPEDITED CORRECTION

(Source: Added at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013)

**Section 146.830 Covered Birth Center Services**

- a) The Department shall pay a birth center for the provision of essential delivery services, not otherwise excluded or limited, that are provided by a birth center in compliance with birth center licensure standards (see 77 Ill. Adm. Code 265).
- b) The Department shall pay a birth center for observation services, the need for which must be documented in the medical record. The practitioner's orders must support the need for observation services and the corresponding nurses' notes must document that skilled observation services were furnished.
- c) The Department shall pay a transfer fee to a birth center when a birth center transfers a woman to a hospital due to complications arising prior to the delivery.

(Source: Added at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013)

**Section 146.840 Reimbursement of Birth Center Services**

- a) Facility services provided by a birth center will be reimbursed at the lower of billed charges or 75 percent of the statewide average facility payment rate made to a hospital for an uncomplicated vaginal birth.
- b) Observation services will be reimbursed at the lower of billed charges or at 75 percent of the rate established by the Department for the number of hours of observation billed pursuant to 89 Ill. Adm. Code 148.140(b)(1)(D).
- c) Transfer fees will be reimbursed at the lower of billed charges or 15 percent of the statewide average facility payment rate made to a hospital for an uncomplicated vaginal birth.

(Source: Added at 37 Ill. Reg. 17624, effective October ~~2823~~, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013)

## DEPARTMENT OF STATE POLICE

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Electronic Transmission of Fingerprints
- 2) Code Citation: 20 Ill. Adm. Code 1265
- 3) Section Number: 1265.30
- 4) Date Proposal published in Illinois Register: July 5, 2013; 37 Ill. Reg. 9462
- 5) Date Adoption published in Illinois Register: October 18, 2013; 37 Ill. Reg. 16834
- 6) Date Request for Expedited Correction published in Illinois Register: December 6, 2013, 37 Ill. Reg. 19754
- 7) Adoption Effective Date: October 3, 2013
- 8) Correction Effective Date: October 3, 2013
- 9) Reason for Approval of Expedited Correction: When published, the Notice page, Main Source Note and Section Source Note had an October 8, 2013 effective date. The correct effective date is October 3, 2013.

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF EXPEDITED CORRECTION

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1265  
ELECTRONIC TRANSMISSION OF FINGERPRINTS

## SUBPART A: PROMULGATION

Section	
1265.10	Purpose
1265.20	Definitions

## SUBPART B: OPERATIONS

Section	
1265.30	Requirements

AUTHORITY: Implementing and authorized by Sections 3 and 3.1 of the Criminal Identification Act [20 ILCS 2630/3 and 3.1] and authorized by Section 15 of the Civil Administrative Code of Illinois [20 ILCS 2605/15].

SOURCE: Adopted at 21 Ill. Reg. 1210, effective January 10, 1997; amended at 37 Ill. Reg. 16836, effective October 38, 2013; expedited correction at 38 Ill. Reg. 4524, effective October 3, 2013.

## SUBPART B: OPERATIONS

**Section 1265.30 Requirements**

- a) Fingerprint images, a photograph (beginning January 1, 2014) of the individual being fingerprinted, and related alpha numeric identification data submitted to the Department for the purpose of the fee applicant process shall be submitted by means of electronic transmission.
- b) Electronic transmission of fingerprint data to the Department shall be accomplished utilizing livescan procedures or other comparable technology approved for use by the Department.
- c) Electronic transmission of data and a photograph of the individual being

## DEPARTMENT OF STATE POLICE

## NOTICE OF EXPEDITED CORRECTION

fingerprinted are required for all fee applicant process inquiries to the Department and all fee applicant process inquiries made to the FBI through the Department. The effective date of the photograph requirement is January 1, 2014.

- d) In the event of equipment malfunction or other special circumstance that makes electronic transmission of fingerprint data impractical, the Department may allow limited use of paper fingerprint records for fee applicant submissions.
- e) Applicants with a physical handicap or ailment, when taking the applicant's photo would cause the applicant harm in any way, are excluded from the photo requirement.

| (Source: Amended at 37 Ill. Reg. 16836, effective October 38, 2013; expedited correction at 38 Ill. Reg. 4524, effective October 3, 2013)

## ILLINOIS DEPARTMENT OF REVENUE

## NOTICE OF RECODIFICATION

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Date of Index Department Review: January 31, 2014
- 4) Subpart and Headings Being Recodified:

<u>Subpart</u>	<u>Headings</u>
SUBPART G	BASE INCOME OF TRUSTS AND ESTATES
SUBPART I	GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME
SUBPART J	COMPENSATION
SUBPART K	NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
SUBPART L	BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
SUBPART M	ACCOUNTING
SUBPART N	TIME AND PLACE FOR FILING RETURNS
SUBPART O	COMPOSITE RETURNS
SUBPART P	COMBINED RETURNS
SUBPART Q	REQUIREMENT AND AMOUNT OF WITHHOLDING
SUBPART R	AMOUNT EXEMPT FROM WITHHOLDING
SUBPART S	INFORMATION STATEMENT
SUBPART T	EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD
SUBPART U	ESTIMATED TAX PAYMENTS
SUBPART V	COLLECTION AUTHORITY
SUBPART W	NOTICE AND DEMAND
SUBPART X	ASSESSMENT
SUBPART Y	DEFICIENCIES AND OVERPAYMENTS
SUBPART Z	CREDITS AND REFUNDS
SUBPART AA	INVESTIGATIONS AND HEARINGS
SUBPART BB	JUDICIAL REVIEW
SUBPART CC	DEFINITIONS
SUBPART DD	LETTER RULING PROCEDURES
SUBPART EE	MISCELLANEOUS

## ILLINOIS DEPARTMENT OF REVENUE

## NOTICE OF RECODIFICATION

5) Outline of the Subpart And Headings of the Part As Recodified:

<u>Subpart</u>	<u>Headings</u>
SUBPART H	BASE INCOME OF TRUSTS AND ESTATES
SUBPART J	GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME
SUBPART K	COMPENSATION
SUBPART L	NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
SUBPART M	BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
SUBPART N	ACCOUNTING
SUBPART O	TIME AND PLACE FOR FILING RETURNS
SUBPART P	COMPOSITE RETURNS
SUBPART Q	COMBINED RETURNS
SUBPART S	REQUIREMENT AND AMOUNT OF WITHHOLDING
SUBPART T	AMOUNT EXEMPT FROM WITHHOLDING
SUBPART U	INFORMATION STATEMENT
SUBPART V	EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD
SUBPART W	ESTIMATED TAX PAYMENTS
SUBPART X	COLLECTION AUTHORITY
SUBPART Y	NOTICE AND DEMAND
SUBPART Z	ASSESSMENT
SUBPART AA	DEFICIENCIES AND OVERPAYMENTS
SUBPART BB	CREDITS AND REFUNDS
SUBPART CC	INVESTIGATIONS AND HEARINGS
SUBPART DD	JUDICIAL REVIEW
SUBPART EE	DEFINITIONS
SUBPART FF	LETTER RULING PROCEDURES
SUBPART GG	MISCELLANEOUS

6) Conversion Table Of Present And Recodified Subparts:

<u>Present Subpart</u>	<u>Recodified Subpart</u>
SUBPART G	SUBPART H

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF RECODIFICATION

SUBPART I  
SUBPART J  
SUBPART K  
SUBPART L  
SUBPART M  
SUBPART N  
SUBPART O  
SUBPART P  
SUBPART Q  
SUBPART R  
SUBPART S  
SUBPART T  
SUBPART U  
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SUBPART FF  
SUBPART GG

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 28, 2014 through February 3, 2014. These rulemakings are scheduled for review at the Committee's February 18, 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>
3/13/14	<u>Pollution Control Board</u> , Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)	7/26/13 37 Ill. Reg. 11843	2/18/14
3/13/14	<u>Pollution Control Board</u> , Effluent Standards (35 Ill. Adm. Code 304)	7/26/13 37 Ill. Reg. 11861	2/18/14
3/13/14	<u>Office of the State Fire Marshal</u> , Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280)	11/15/13 37 Ill. Reg. 18240	2/18/14
3/13/14	<u>Office of the State Fire Marshal</u> , Fire Sprinkler Contractor Licensing Rules (41 Ill. Adm. Code 109)	11/15/13 37 Ill. Reg. 18236	2/18/14
3/14/14	<u>Chief Procurement Officer for Capital Development Board</u> , Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8)	8/2/13 37 Ill. Reg. 12143	2/18/14
3/14/14	<u>Department of Human Services</u> , Office of Inspector General Adults with Disabilities Abuse Project (Repealer) (59 Ill. Adm. Code 51)	11/8/13 37 Ill. Reg. 17331	2/18/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

3/16/14	<u>Department of Veterans' Affairs</u> , Rules Governing Educational Opportunities of Children of Deceased Veterans (95 Ill. Adm. Code 101)	10/18/13 37 Ill. Reg. 16332	2/18/14
3/16/14	<u>Department of Veterans' Affairs</u> , Viet Nam Veterans Compensation (95 Ill. Adm. Code 104)	10/18/13 37 Ill. Reg. 16350	2/18/14
3/16/14	<u>Department of Veterans' Affairs</u> , Veterans' Scratch-Off Lottery Grant Program (95 Ill. Adm. Code 125)	10/18/13 37 Ill. Reg. 16359	2/18/14

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA), Bureau of Air, is accepting public comments on a revision to the motor vehicle emissions budgets contained in the Maintenance Plan for the Illinois portion of the Chicago Ozone Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS).

The Illinois EPA will accept written comments from the public. The written comments and any requests for a public hearing must actually be received by the Illinois EPA by March 17, 2014. Comments and requests for a hearing should be mailed to:

Dean Studer, Hearing Officer  
Illinois EPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a public hearing is received by March 17, 2014, a public hearing will be held on March 24, 2014, at 1 pm in the Bureau of Air Conference Room (Room 4158N) at the Illinois EPA's Headquarters at 1021 North Grand Avenue East, Springfield, Illinois, to receive comments regarding the revision to the motor vehicle emissions budgets contained in the Maintenance Plan. If a public hearing is conducted, the written public comment period will be extended to April 8, 2014.

The public hearing will be cancelled unless a written request for a public hearing is actually received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by March 17, 2014. Verification or cancellation of the public hearing will be posted by March 19, 2014, on the Illinois EPA's website at: <http://www.epa.state.il.us/public-notices/>. Interested persons may also contact Dean Studer, the Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed revision to the motor vehicle emissions budgets may be viewed by the public on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/> or during regular business hours (Monday through Friday, 8:30 a.m. until 4:30 p.m., except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois and 831 Busse Road, Elk Grove Village, Illinois. No walk-in requests for copies of this material will be accommodated unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

If a timely hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Information and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. Any questions about the hearing procedures, requests for copies of the hearing rules, or requests for special need interpreters should be directed to the Hearing Officer at the address above.

The Illinois EPA is proposing to revise the motor vehicle emissions budgets contained in the Maintenance Plan for the Illinois portion of the Chicago Ozone Nonattainment Area for the 1997 8-Hour Ozone NAAQS by increasing the motor vehicle emissions budgets through the use of a safety margin. The transportation conformity regulations contained in 40 C.F.R. Part 93 allow the use of a safety margin if the projected levels of emissions for the final year of a maintenance plan are less than the emission levels estimated for the maintenance plan's attainment year. The Chicago Ozone Nonattainment Area year 2025 projected emissions for volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) in the Maintenance Plan were over 175 and 469 tons per day lower, respectively, than the year 2008 attainment year emissions estimates. Due to changes in the planning assumptions used to calculate motor vehicle emissions, the Illinois EPA is proposing to increase the year 2025 Chicago Ozone Nonattainment Area VOC and NO<sub>x</sub> motor vehicle emissions budgets by 12 and 25 tons per day, respectively.

The Illinois EPA will submit the revised motor vehicle emissions budgets to the United States Environmental Protection Agency for approval as a State Implementation Plan (SIP) revision under the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* This Notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 U.S.C. § 7410(l)) (public notice for SIP revisions) and 40 C.F.R. Part 51.

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

B & T Services of Monee, Inc.  
4922 W. Margaret Street  
Monee, IL 60449  
IDOL Case No.(s): 2007-PW-AP06-0839 & 2006-PW-RW06-0939  
May 21, 2010 and continuing through May 20, 2014

American Brick Paving, Inc.  
c/o John Biebrach, President  
825 Seegers Road  
Des Plaines, IL 60016  
IDOL Case No.: 2010-PW-WJ11-0557  
September 24, 2010 and continuing through September 23, 2014

Performance Paving, Ltd.  
c/o Larry Kennebeck, President  
520 Bonner Road  
Wauconda, IL 60084  
IDOL Case No.(s): 2008-PW-WJ01-0530 & 2010-PW-WJ08-0214  
November 29, 2010 and continuing through November 29, 2014

Dem/Ex Group, Inc.  
c/o Daniel Saal  
805 S. Adams Street  
Manito, IL 61546  
IDOL Case No.(s): 2008-PW-RW09-0186 & 2010-PW-RDW09-0351  
July 29, 2011, and continuing through July 29, 2015  
Gire Construction, Inc.  
aka Gire Roofing

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

c/o Ed Gire  
712 S. Neil Street  
Champaign, IL 61820  
IDOL Case No.(s): 2010-PW-JD08-0104 & 2011-PW-JD07-0009  
December 16, 2011, and continuing through December 16, 2015

American Painting, Inc.  
c/o Gary Bens  
1820 S. Wallace, Unit 118  
St. Charles, IL 60174  
IDOL Case No.(s): 2010-PW-DA12-0578 & 2012-PW-DA09-0139  
August 10, 2012, and continuing through August 10, 2016

City Cottage Group, Inc.  
2907 South Wabash Avenue  
Chicago, IL 60616  
IDOL Case No.(s): 2008-PW-DA02-0631 & 2010-PW-DA08-0123  
March 30, 2012, and continuing through March 30, 2016

Champion Environmental Services, Inc.  
38 West End Drive  
Gilberts, IL 60136  
IDOL Case No.(s): 2009-PW-LL02-0743 & 2011-PW-RDW05-1039  
June 1, 2012, and continuing through June 1, 2016

Tree and Land, Inc.  
c/o Karen J. Matan  
P.O. Box 698  
Minooka, IL 60447  
IDOL Case No.(s): 2008-PW-DA10-0330 & 2012-PW-RDW07-0027  
"this debarment is effective until 4 years have elapsed from the date of publication of the list containing the name of the contractor".

I.M. Electric  
8953 Hanslik Court  
Naperville, Illinois 60564-5809  
IDOL Case No.(s) : 2010-PW-DA02-0762, 2010-PW-DA02-0763 & 2012-PW-RW07-0054  
December 9<sup>th</sup>, 2013 continuing through December 9<sup>th</sup>, 2017

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Exterior Construction Specialists, LLC.  
3920 Hawthorne Court  
Waukegan, Illinois 60087  
IDOL Case No.(s) : 2011-PW-DC02-0672 & 2013-PW-WJ04-0705, 2013-PW-WJ04-  
0709, 2013-PW-WJ06-0912.  
January 22<sup>nd</sup>, 2014 continuing through January 22<sup>nd</sup>, 2018

Copies of the Prevailing Wage Act are available on the internet at  
<http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
900 S. Spring Street  
Springfield, Illinois 62704

## SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STATEMENT OF OBJECTION TO EMERGENCY AMENDMENTS

- 1) Heading of Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
560.100	Amendment
560.310	Amendment
- 4) Date Notice of Emergency Amendments Published in the *Illinois Register*: 37 Ill. Reg. 20784; December 27, 2013.
- 5) Date JCAR Statement of Objection Published in the *Illinois Register*: 38 Ill. Reg. 3386; January 31, 2014.
- 6) Agency Response to Joint Committee Objection: In response to the Objection issued by the Joint Committee on Administrative Rules at hearing of January 14, 2014, the Secretary of State repeals the emergency rulemaking referenced above.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

STRATTON OFFICE BUILDING  
ROOM C-1  
SPRINGFIELD, ILLINOIS  
FEBRUARY 18, 2014  
10:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**

Chief Procurement Officer for Capital Development Board

44-8-13-12143 MR

1. Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8)
  - First Notice Published: 37 Ill. Reg. 12143 – 8/2/13
  - Expiration of Second Notice: 3/14/14

Education

23-1-13-15635 JE

2. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
  - First Notice Published: 37 Ill. Reg. 15635 – 10/4/13
  - Expiration of Second Notice: 3/12/14

23-22-13-17352 JE

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

3. Code of Ethics for Illinois Educators (23 Ill. Adm. Code 22)  
-First Notice Published: 37 Ill. Reg. 17352 – 11/8/13  
-Expiration of Second Notice: 3/12/14

23-23-13-17358 JE

4. Standards for the School Service Personnel Certificate (23 Ill. Adm. Code 23)  
-First Notice Published: 37 Ill. Reg. 17358 – 11/8/13  
-Expiration of Second Notice: 3/12/14

23-28-13-17439 JE

5. Standards for Certification in Special Education (23 Ill. Adm. Code 28)  
-First Notice Published: 37 Ill. Reg. 17439 – 11/8/13  
-Expiration of Second Notice: 3/12/14

23-29-13-17551 JE

6. Standards for Administrative Certification (23 Ill. Adm. Code 29)  
-First Notice Published: 37 Ill. Reg. 17551 – 11/8/13  
-Expiration of Second Notice: 3/12/14

Educational Labor Relations Board

80-1100-13-15559 LB

7. General Procedures (80 Ill. Adm. Code 1100)  
-First Notice Published: 37 Ill. Reg. 15559 – 10/4/13  
-Expiration of Second Notice: 3/9/14

80-1110-13-15563 LB

8. Representation Procedures (80 Ill. Adm. Code 1110)  
-First Notice Published: 37 Ill. Reg. 15563 – 10/4/13  
-Expiration of Second Notice: 3/9/14

80-1130-13-15567 LB

9. Collective Bargaining and Impasse Resolution (80 Ill. Adm. Code 1130)  
-First Notice Published: 37 Ill. Reg. 15567 – 10/4/13  
-Expiration of Second Notice: 3/9/14

80-1135-13-15584 LB

10. University of Illinois Bargaining Units (80 Ill. Adm. Code 1135)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

- First Notice Published: 37 Ill. Reg. 15584 – 10/4/13
- Expiration of Second Notice: 3/9/14

Financial and Professional Regulation

68-1284-13-18400 LB

11. Massage Licensing Act (68 Ill. Adm. Code 1284)
  - First Notice Published: 37 Ill. Reg. 18400 – 11/22/13
  - Expiration of Second Notice: 2/26/14

68-1455-13-18407 LB

12. Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)
  - First Notice Published: 37 Ill. Reg. 18407 – 11/22/13
  - Expiration of Second Notice: 2/26/14

Healthcare and Family Services

89-102-13-17249 EMS

13. Rights and Responsibilities (89 Ill. Adm. Code 102)
  - First Notice Published: 37 Ill. Reg. 17249 – 11/8/13
  - Expiration of Second Notice: 3/6/14

89-110-13-17259 EMS

14. Application Process (89 Ill. Adm. Code 110)
  - First Notice Published: 37 Ill. Reg. 17259 – 11/8/13
  - Expiration of Second Notice: 3/6/14

89-120-13-17272 EMS

15. Medical Assistance Programs (89 Ill. Adm. Code 120)
  - First Notice Published: 37 Ill. Reg. 17272 – 11/8/13
  - Expiration of Second Notice: 3/6/14

89-123-13-17293 EMS

16. Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)
  - First Notice Published: 37 Ill. Reg. 17310 – 11/8/13
  - Expiration of Second Notice: 3/6/14

89-125-13-17310 EMS

17. Children's Health Insurance Program (89 Ill. Adm. Code 125)
  - First Notice Published: 37 Ill. Reg. 17293 – 11/8/13

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

-Expiration of Second Notice: 3/6/14

89-140-13-12637 EMS

18. Medical Payment (89 Ill. Adm. Code 140)  
-First Notice Published: 37 Ill. Reg. 12637 – 8/9/13  
-Expiration of Second Notice: 3/8/14

89-160-13-18022 EMS

19. Child Support Services (89 Ill. Adm. Code 160)  
-First Notice Published: 37 Ill. Reg. 18022 – 11/15/13  
-Expiration of Second Notice: 3/9/14

Human Services

59-51-13-17331 AC

20. Office of Inspector General Adults with Disabilities Abuse Project (Repealer) (35 Ill. Adm. Code 51)  
-First Notice Published: 37 Ill. Reg. 17331 – 11/8/13  
-Expiration of Second Notice: 3/14/14

Pollution Control Board

35-106-13-11843 DC

21. Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)  
-First Notice Published: 37 Ill. Reg. 11843 – 7/26/13  
-Expiration of Second Notice: 3/13/14

35-304-13-11861 DC

22. Effluent Standards (35 Ill. Adm. Code 304)  
-First Notice Published: 37 Ill. Reg. 11861 – 7/26/13  
-Expiration of Second Notice: 3/13/14

Racing Board

11-502-13-19523 LB

23. Licensing (11 Ill. Adm. Code 502)  
-First Notice Published: 37 Ill. Reg. 19523 – 12/6/13

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

-Expiration of Second Notice: 3/9/14

Revenue

86-100-13-19082 ES

24. Income Tax (86 Ill. Adm. Code 100)  
-First Notice Published: 37 Ill. Reg. 19082 – 12/2/13  
-Expiration of Second Notice: 3/7/14

86-900-13-18832 ES

25. Live Adult Entertainment Facility Surcharge Act (86 Ill. Adm. Code 900)  
-First Notice Published: 37 Ill. Reg. 18832 – 11/22/13  
-Expiration of Second Notice: 3/9/14

Secretary of State

92-1070-13-17344

26. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)  
-First Notice Published: 37 Ill. Reg. 17344 – 11/18/13  
-Expiration of Second Notice: 2/20/14

State Fire Marshal

41-109-13-18236 BT

27. Fire Sprinkler Contractor Licensing Rules (41 Ill. Adm. Code 109)  
-First Notice Published: 37 Ill. Reg. 18236 – 11/15/13  
-Expiration of Second Notice: 3/13/14

41-280-13-18240 BT

28. Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280)  
-First Notice Published: 37 Ill. Reg. 18240 – 11/15/13  
-Expiration of Second Notice: 3/13/14

Veterans' Affairs

95-101-13-16332 BT

29. Rules Governing Educational Opportunities of Children of Deceased Veterans (95 Ill. Adm. Code 101)  
-First Notice Published: 37 Ill. Reg. 16332 – 10//13  
-Expiration of Second Notice: 3/16/14

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

95-104-13-16350 BT

30. Viet Nam Veterans Compensation (95 Ill. Adm. Code 104)  
-First Notice Published: 37 Ill. Reg. 16350 – 10/18/13  
-Expiration of Second Notice: 3/16/14

95-125-13-16359 BT

31. Veterans Scratch-Off Lottery Grant Program (95 Ill. Adm. Code 125)  
-First Notice Published: 37 Ill. Reg. 16359 – 10/18/13  
-Expiration of Second Notice: 3/16/14

**EMERGENCY RULEMAKINGS**

Aging

89-270-14-02357E BT

32. Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)  
-Notice Published: 38 Ill. Reg. 2357 – 1/17/14

Children and Family Services

89-300-14-01100E JE

33. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)  
-Notice Published: 38 Ill. Reg. 1100 – 1/10/14

Healthcare and Family Services

89-120-14-01139E EMS

34. Medical Assistance Programs (89 Ill. Adm. Code 120)  
-Notice Published: 38 Ill. Reg. 1139 – 1/10/14

89-120-14-02925E EMS

35. Medical Assistance Programs (89 Ill. Adm. Code 120)  
-Notice Published: 38 Ill. Reg. 2925 – 1/24/14

89-125-14-01153E EMS

36. Children's Health Insurance Program (89 Ill. Adm. Code 125)  
-Notice Published: 38 Ill. Reg. 1153 – 1/10/14

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

89-125-14-02943E EMS

37. Children's Health Insurance Program (89 Ill. Adm. Code 125)  
-Notice Published: 38 Ill. Reg. 2943 – 1/24/14

89-140-14-01174E EMS

38. Medical Payment (89 Ill. Adm. Code 120)  
-Notice Published: 38 Ill. Reg. 1174 – 1/10/14

Human Services

59-150-14-02413E AC

39. Mental Health Reporting for Firearm Owner's Identification Card (59 Ill. Adm. Code 150)  
-Notice Published: 38 Ill. Reg. 2413 – 1/17/14

Independent Tax Tribunal

86-5000-14-02956E ES

40. Organization, Information, Rulemaking and Hearings (86 Ill. Adm. Code 5000)  
-Notice Published: 38 Ill. Reg. 2956 – 1/24/14

State Toll Highway Authority

92-2520-14-02433E LB

41. State Toll Highway Rules (92 Ill. Adm. Code 2520)  
-Notice Published: 38 Ill. Reg. 2433 – 1/17/14

**PEREMPTORY RULEMAKING**

Central Management Services

80-310-14-02974P EMS

42. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 38 Ill. Reg. 2974 – 1/24/14

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
FEBRUARY AGENDA

**EXEMPT RULEMAKINGS**Pollution Control Board

35-611-13-18417X DC

43. Primary Drinking Water Standards (35 Ill. Adm. Code 611)  
-Notice Published: 37 Ill. Reg. 18417 – 11/22/13

**AGENCY RESPONSES**Gaming Board

11-1800-13-19882E LB

44. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-Notice Published: 37 Ill. Reg. 19882 – 12/13/13  
-Response Action: Agreement

Secretary of State

2-560-13-20784E MR

45. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-Notice Published: 37 Ill. Reg. 20784 – 1/7/14  
-Response Action: Agreement

Veterans' Affairs

95-120-13-04226 BT

46. Survivors' Compensation Act Program (95 Ill. Adm. Code 120)  
-Notice Published: 37 Ill. Reg. 04226 – 4/5/13  
-Response Action: Agreement

## EXECUTIVE ORDER

2014-2

**CREATION OF THE SMALL BUSINESS ADVOCATE IN THE OFFICE OF THE GOVERNOR**

**WHEREAS**, Illinois is home to approximately 397,000 small businesses and three out of four employers in Illinois are small businesses;

**WHEREAS**, a healthy environment for small businesses significantly strengthens the economy of Illinois;

**WHEREAS**, further steps should be taken to make it easier for small businesses to thrive and to ensure they have a stronger voice in state government and the regulatory process;

**WHEREAS**, policies, laws, and regulations impacting small businesses can have an impact on innovation, job creation, modernization, expansion, and economic growth;

**WHEREAS**, examining policies, laws, and regulations with an eye toward the impact on small businesses could increase the vitality of the small business community; and

**WHEREAS**, as Governor of the State of Illinois, I am committed to creating a business climate that maximizes small businesses' ability to start and grow;

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

**I. CREATION**

There is hereby created within the Office of the Governor a senior level position to be known as the Small Business Advocate.

**II. PURPOSE**

The Small Business Advocate will serve as a voice and resource for the small business community at the highest levels of state government. The Small Business Advocate will work with, and provide guidance to all agencies regarding how to minimize adverse impacts on small businesses resulting from legislation or rulemaking processes.

**III. TERM**

The Small Business Advocate shall be hired by the Governor. The Small Business Advocate serves at the pleasure of the Governor.

**IV. POWERS AND DUTIES**

## EXECUTIVE ORDER

The Small Business Advocate, by and through the Office of the Governor, shall:

- i. serve as a voice for small businesses' interests across state government;
- ii. advise the Governor regarding all issues that impact small businesses;
- iii. promote innovation, expansion, modernization and job creation in the small business sector;
- iv. provide direct assistance to the small business community on issues ranging from regulation to procurement;
- v. regularly convene and consult with small businesses to share information, gather input and address the community's concerns;
- vi. simplify and streamline information available to small businesses regarding regulations, grants and incentives, and other valuable resources that can be used to help businesses start and grow;
- vii. work with all agencies to reduce red tape and streamline regulations impacting small businesses;
- viii. provide guidance to state agencies regarding how to minimize adverse impacts on small businesses resulting from the legislative or rulemaking process;
- ix. provide independent testimony on small business impacts of rules or legislation;
- x. coordinate with the Department of Commerce and Economic Opportunity's Small Business Office to ensure agencies' compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the Business Assistance and Regulatory Reform Act (20 ILCS 608/1 *et seq.*); and
- xi. perform any other duties assigned to the Small Business Advocate by the Governor.

**V. FISCAL RESPONSIBILITY**

The Office of the Governor shall implement the provisions of this Executive Order in the most optimal, cost-effective fashion.

**VI. TRANSPARENCY**

In addition to whatever policies or procedures the Governor may impose, to the extent applicable, all activity of the Small Business Advocate shall comply with the provisions of the Freedom of Information Act (5 ILCS 430/1 *et seq.*) and the Open Meetings Act (5 ILCS 120/1 *et seq.*). This section shall not be construed as precluding other statutes from applying to the Small Business Advocate and its activities.

**VII. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

**VIII. SEVERABILITY**

## EXECUTIVE ORDER

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**IX. EFFECTIVE DATE**

This Executive Order shall become effective upon filing with the Secretary of State.

Issued by Governor: January 29, 2014

Filed with Secretary of State: January 29, 2014

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 38, Issue 7 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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## ORDER FORM

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