

TABLE OF CONTENTS

April 10, 2015 Volume 39, Issue 15

PROPOSED RULES

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET	
Grant Accountability And Transparency Act	
44 Ill. Adm. Code 7000.....	5278
NATURAL RESOURCES, DEPARTMENT OF	
Recreational Trails Program	
17 Ill. Adm. Code 3090.....	5325
PUBLIC HEALTH, DEPARTMENT OF	
Assisted Living and Shared Housing Establishment Code	
77 Ill. Adm. Code 295.....	5339
RACING BOARD, ILLINOIS	
Entries and Declarations	
11 Ill. Adm. Code 1312.....	5347

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Weights and Measures Act	
8 Ill. Adm. Code 600.....	5349
Compassionate Use of Medical Cannabis Pilot Program	
8 Ill. Adm. Code 1000.....	5363
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Background Checks	
89 Ill. Adm. Code 385.....	5384
GAMING BOARD, ILLINOIS	
Video Gaming (General)	
11 Ill. Adm. Code 1800.....	5401
POLLUTION CONTROL BOARD	
Definitions and General Provisions	
35 Ill. Adm. Code 211.....	5410
Air Quality Standards	
35 Ill. Adm. Code 243.....	5434
PUBLIC HEALTH, DEPARTMENT OF	
Hospital Licensing Requirements	
77 Ill. Adm. Code 250.....	5443
Skilled Nursing and Intermediate Care Facilities Code	
77 Ill. Adm. Code 300.....	5456
Sheltered Care Facilities Code	
77 Ill. Adm. Code 330.....	5470
Illinois Veterans' Homes Code	
77 Ill. Adm. Code 340.....	5482
Intermediate Care for the Developmentally Disabled Facilities Code	
77 Ill. Adm. Code 350.....	5490

Long-Term Care for Under Age 22 Facilities Code 77 Ill. Adm. Code 390.....	5503
EMERGENCY RULES	
RACING BOARD, ILLINOIS	
Entries and Declarations	
11 Ill. Adm. Code 1312.....	5514
NOTICE OF EXPEDITED CORRECTION	
PUBLIC HEALTH, DEPARTMENT OF	
Ambulatory Surgical Treatment Center Licensing Requirements	
77 Ill. Adm. Code 205.....	5519
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
April Agenda.....	5528
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
ENVIRONMENTAL PROTECTION AGENCY	
Notice of Public Information.....	5533
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	5535

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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015

22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Grant Accountability And Transparency Act
- 2) Code Citation: 44 Ill. Adm. Code 7000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
7000.10	New Section
7000.20	New Section
7000.30	New Section
7000.40	New Section
7000.50	New Section
7000.60	New Section
7000.70	New Section
7000.80	New Section
7000.100	New Section
7000.110	New Section
7000.120	New Section
- 4) Statutory Authority: Implementation of rules is authorized by the Grant Accountability and Transparency Act [30 ILCS 708]
- 5) A Complete Description of the Subjects and Issues Involved: The Part 700 rules govern the implementation of the federal and federal pass-through rules for the Grant Accountability and Transparency Act (Act). The Act is intended to comply with the General Assembly's directives to: a) develop a coordinated, non-redundant process for the provision of effective and efficient oversight of the selection and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste and abuse; and b) define the purpose, scope, applicability and responsibilities in the life cycle of a grant.

The Act is also intended to increase the accountability and transparency in the use of grant funds from whatever source and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to those grant funds; specifically, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal Awards (Uniform Requirements).

The Act is consistent with the State's focus on improving performance and outcomes while ensuring transparency and the financial integrity of taxpayer dollars through such initiatives as the Management Improvement Initiative created by Section 1-37a of the Department of Human Services Act [20 ILCS 1305], the State's prioritized goals created

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

under Section 50-25 of the State Budget Law [15 ILCS 20] (also known as "Budgeting for Results"), and the Grant Information Collection Act [30 ILCS 707].

Section 80 of GATA [30 ILCS 708] states that on and after July 1, 2015, in the event of a conflict with the Grant Funds Recovery Act, the provisions of GATA shall control.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Uniform Requirements, 2 CFR Part 200.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? Yes; July 16, 2019.
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The Act establishes uniform administrative requirements, cost principles, and audit requirements for federal and federal pass-through awards to non-federal entities. It leverages the federal model, focusing on program outcomes and establishing a uniform process throughout the entire grant life cycle.

The Act and this Part provide the basis for a systematic and periodic collection and uniform submission to the Governor's Office of Management and Budget of information of all State and federal financial assistance programs by State grant-making agencies. The Act and this Part also establish policies related to the delivery of this information to the public, including through the use of electronic media.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of the Notice to:

Governor's Office of Management and Budget
Grant Accountability and Transparency Unit
Attn: Mary-Lisa Sullivan
100 West Randolph Street, Suite 15-100
Chicago IL 60601

Comments may also be submitted electronically to:

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

OMB.GATA@Illinois.Gov

There will be a public hearing:

Date and Time: April 17, 2015, 10:00 a.m. - Noon

Place: 401 South Spring Street
349C Stratton Building – CDB Conference Room
Springfield IL 62706

Manner: In person.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Non-federal entities receiving federal financial assistance, including State agencies, institutions of higher education, local governments, not-for-profit organizations and for-profit organizations.
- B) Reporting, bookkeeping or other procedures required for compliance: The incorporated compliance requirements are included in the Uniform Requirements, 2 CFR Part 200.
- C) Types of professional skills necessary for compliance: Grant administration skills including, but not limited to, one of the following areas: fiscal, program and administration.

14) Regulatory Agenda on which this rulemaking was summarized: This is the initial submission.

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

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENTAL CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE F: GRANTMAKING

CHAPTER I: GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

PART 7000

GRANT ACCOUNTABILITY AND TRANSPARENCY ACT

SUBPART A: GENERAL

Section

7000.10	Purpose and Applicability
7000.20	Definitions
7000.30	Incorporations and Referenced Materials
7000.40	Governor's Office of Management and Budget Responsibilities
7000.50	Grant Accountability and Transparency Unit Responsibilities
7000.60	Catalog of State Financial Assistance
7000.70	Auditing Standards
7000.80	Annual Report and 5-Year Review

SUBPART B: STATE AGENCY RESPONSIBILITIES AND IMPLEMENTATION

7000.100	State Grant-making Agency Responsibilities
7000.110	State Grant-making Agency Implementation
7000.120	Institution of Higher Education Responsibilities and Implementation

AUTHORITY: Implementing and authorized by the Grant Accountability and Transparency Act [30 ILCS 708].

SOURCE: Adopted at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 7000.10 Purpose and Applicability

- a) The Act and This Part
 - 1) The Grant Accountability and Transparency Act (Act) *is intended to comply with the General Assembly's directives to:*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- A) *develop a coordinated, nonredundant process for the provision of effective and efficient oversight of the selection and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste and abuse; and*
 - B) *define the purpose, scope, applicability and responsibilities in the life cycle of a grant. [30 ILCS 708/5(a)]*
- 2) *The Act is also intended to increase the accountability and transparency in the use of grant funds from whatever source and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to those grant funds; specifically, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements, 2 CFR 200). [30 ILCS 708/5(b)]*
 - 3) *The Act is consistent with the State's focus on improving performance and outcomes while ensuring transparency and the financial integrity of taxpayer dollars through such initiatives as the Management Improvement Initiative Committee created by Section 1-37a of the Department of Human Services Act [20 ILCS 1305], the State prioritized goals created under Section 50-25 of the State Budget Law [15 ILCS 20] (also known as "Budgeting for Results"), and the Grant Information Collection Act [30 ILCS 707]. [30 ILCS 708/5(c)]*
 - 4) **Supersession of GATA; Subjection to Auditing Statutes**
Supersession. Section 80 of GATA states that, on and after July 1, 2015, in the event of a conflict with the Grant Funds Recovery Act, the provisions of GATA shall control.
- b) **Purpose**
- 1) *The purpose of the Act is to establish uniform administrative requirements, cost principles, and audit requirements for federal and federal pass-through awards to non-federal entities. State awarding agencies shall not impose additional or inconsistent requirements, except as provided in section 200.102 of the Uniform Requirements, unless*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

specifically required by State or federal statute. The Act and this Part do not apply to private awards.

- 2) *The Act and this Part provide the basis for a systematic and periodic collection and uniform submission to the Governor's Office of Management and Budget of information of all State and federal financial assistance programs by State grant-making agencies. The Act and this Part also establish policies related to the delivery of this information to the public, including through the use of electronic media. [30 ILCS 708/10]*

c) Applicability

- 1) *The requirements established under the Act apply to State grant-making agencies that make State and federal pass-through awards to non-federal entities. These requirements apply to all costs related to federal and federal pass-through awards. The requirements established under the Act do not apply to private awards. [30 ILCS 708/45(a)]*
- 2) *Nothing in the Act shall prohibit the use of State funds for purposes of federal match or maintenance of effort. [30 ILCS 708/45(a-5)]*
- 3) *The terms and conditions of federal and pass-through awards apply to subawards and subrecipients unless a particular Section of the Act or the terms and conditions of the federal or federal pass-through award specifically indicate otherwise. Non-federal entities shall comply with requirements of the Act regardless of whether the non-federal entity is a recipient or subrecipient of a federal or federal pass-through award. Pass-through entities shall comply with the requirements set forth under this Part, but not to any requirements in the Act directed towards State or federal awarding agencies, unless the requirements of the federal awards indicate otherwise. [30 ILCS 708/45(b)]*
- 4) *When a non-federal entity is awarded a cost-reimbursement contract, only UR sections 200.330 through 200.332 are incorporated by reference into the contract. However, when the Cost Accounting Standards are applicable to the contract, they take precedence over the requirements of the Act unless they are in conflict with UR subpart F. In addition, costs that are made unallowable under 10 USC 2324(e) and 41 USC 4304(a),*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

as described in the Federal Acquisition Regulations (48 CFR 1), subparts 31.2 and 31.603, are always unallowable. For requirements other than those covered in UR subpart D, the terms of the contract and FAR apply. [30 ILCS 708/45(b)]

- 5) *With the exception of UR subpart F, which is required by the federal Single Audit Act, in any circumstances in which the provisions of federal statutes or regulations differ from the provisions of the Act, the federal statutes or regulations govern. [30 ILCS 708/45(b)]*
- 6) *State grant-making agencies may apply UR subparts A through E to for-profit entities, foreign public entities, or foreign organizations, except when the awarding agency determines that the application of these subparts would be inconsistent with the international obligations of the United States or the statutes or regulations of a foreign government. [30 ILCS 708/45(c)]*
- 7) *Except for UR sections 200.202 and 200.330 through 200.332, the requirements of UR subparts C, D and E do not apply to the programs listed in UR section 200.101 and Section 45(d) of the Act. [30 ILCS 708/45(d)]*

Section 7000.20 Definitions

The following definitions shall apply to this Part:

"Acquisition cost" means the cost of the asset, including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Acquisition costs for software includes those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protective in transit insurance, freight and installation may be included in or excluded from the acquisition cost in accordance with the awardee's regular accounting practices.

"Act" or "GATA" means the Grant Accountability and Transparency Act.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Administrative rules" means the administrative rules codified in the Illinois Administrative Code.

"Advance payment" means a payment that a federal awarding agency or pass-through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the awardee disburses the funds for program purposes.

"A/E" means architectural and engineering services.

"AICPA" means the American Institute of Certified Public Accountants.

"Allocation" means the process of assigning a cost, or a group of costs, to one or more cost objectives, in reasonable proportion to the benefit provided or other equitable relationship. The process may entail assigning a cost directly to a final cost objective or through one or more intermediate cost objectives.

"Allowable cost" means a cost allowable to a project (i.e., that can be paid for using grant funds). Costs will be considered to be allowable if they:

are reasonable and necessary for the performance of the award;

are allocable to the specific project;

are treated consistently in like circumstances to federally-financed, State-financed, and other activities of the awardee;

conform to any limitations of the cost principles or the sponsored agreement;

are accorded consistent treatment (a cost may not be assigned to a State or federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the award as an indirect cost);

are determined to be in accordance with generally accepted accounting principles;

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

are not included as a cost or used to meet federal cost-sharing or matching requirements of any other program in either the current or prior period;

are not used to meet the match requirements of another State or federal grant; and

are adequately documented.

"Audit finding" means deficiencies the auditor is required, by UR section 200.516(a), to report in the schedule of findings and questioned costs.

"Auditee" means any awardee that expends federal or federal pass-through awards that must be audited as provided in UR Subpart R (Audit Requirements).

"Auditor" means an auditor who is an Illinois licensed public accountant or a federal, state, or local government audit organization that meets the general standards specified for external auditors in generally-accepted government auditing standards. "Auditor" does not include internal auditors of nonprofit organizations.

"Auditor General" means the Auditor General of the State of Illinois.

"Award" means financial assistance that provides support or stimulation to accomplish a public purpose. "Awards" include grants and other agreements in the form of money, or property in lieu of money, by the federal government to an eligible recipient. "Award" does not include: technical assistance that provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies or insurance; direct payments of any kind to individuals; or contracts that must be entered into and administered under State or federal procurement laws and regulations.

"Awardee" means a State, local government, institution of higher education, or organization, whether nonprofit or for-profit, that carries out a federal or federal pass-through award as a recipient or subrecipient.

"Billing rate" means a temporary indirect cost rate applicable to a specified period that is used for funding, interim reimbursement, and reporting indirect costs on

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

federal or federal pass-through awards pending the establishment of a final rate for the period. (See also the definition of provisional rate.)

"Budget" means the financial plan for the project or program that the federal awarding agency or pass-through entity approves during the award process or in subsequent amendments to the award. It may include the federal and non-federal share or only the federal share, as determined by the awarding agency or pass-through entity.

"Call to action" means a communication that includes any one or more of the following:

The communication states that the recipient should contact a member or employee of a legislative body, or any other government official or employee who may participate in the formulation of legislation, when the principal purpose of the contact is lobbying.

The communication states the address, telephone number or similar information of a legislator or an employee of a legislative body.

The communication provides a petition, a tear-off postcard or similar material for the recipient to communicate with any such individual.

The communication specifically identifies one or more legislators who will vote on the legislation, indicating that the legislator will:

oppose the organization's view with respect to the legislation;

be undecided with respect to the legislation;

be the recipient's representative in the legislature; or

be a member of the legislative committee or subcommittee that will consider the legislation.

"Capital assets" means tangible or intangible assets used in operations having a useful life of more than one year that are capitalized in accordance with GAAP. Capital assets include:

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

Land; buildings (facilities); equipment and intellectual property (including software); and whether acquired by purchase, construction, manufacture, lease-purchase or exchange, or through capital leases; and

Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

"Capital expenditures" means expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life.

"CAS" means the Cost Accounting Standards established by the Federal Cost Accounting Standards Board.

"Catalog of Federal Domestic Assistance" or "CFDA" means a database that helps the federal government track all programs it has domestically funded.

"Catalog of Federal Domestic Assistance Number" or "CFDA Number" means the number assigned to a federal program in the CFDA.

"Catalog of State Financial Assistance" or "CSFA" means the single, authoritative, Statewide, comprehensive source document of State financial assistance program information maintained by the Governor's Office of Management and Budget.

"Catalog of State Financial Assistance Number" or "CSFA Number" means the number assigned to a State program in the CSFA. The first 3 digits represent the State agency number and the last 4 digits represent the program.

"Central service cost allocation plan" means the documentation identifying, accumulating and allocating or developing billing rates based on the allowable costs of services provided by the State or local government on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users.

"CFDA program title" means the title of the program under which the federal award was funded in the CFDA.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Claim" means, depending on the context, either:

A written demand or written assertion by one of the parties to a federal or federal pass-through award seeking as a matter of right:

The payment of money in a sum certain;

The adjustment or interpretation of the terms and conditions of the federal or federal pass-through award; or

Other relief arising under or relating to a federal or federal pass-through award; or

A request for payment that is not in dispute when submitted.

"Class of federal awards" means a group of federal awards either awarded under a specific program or group of programs or to a specific type of awardee or group of non-federal entities (awardees) to which specific provisions or exceptions may apply.

"Closeout" means the process by which the federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the federal award have been completed and takes actions as described in UR section 200.343.

"Cluster of programs" means a grouping of closely related programs that share common compliance requirements. The types of clusters of programs are research and development, student financial aid, and other clusters. A "cluster of programs" shall be considered as one program for determining major programs and, with the exception of research and development, whether a program-specific audit may be elected.

"CMIA" means the federal Cash Management Improvement Act and the Department of the Treasury's Rules and Procedures for Efficient Federal-State Funds Transfers.

"CMS" means the Illinois Department of Central Management Services.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"COFAR" means the Council on Financial Assistance Reform.

"Cognizant agency for audit" means the State (if the awardee does not receive funding directly from the federal government) or *federal agency designated to carry out the responsibilities described in UR section 200.513 (Responsibilities)*. The cognizant agency for audit is not necessarily the same as the cognizant agency for indirect costs. A list of cognizant agencies for audit may be found at the Federal Audit Clearinghouse (FAC) web site (<https://harvester.census.gov/fac/dissem/asp/Reports.asp>).

"Cognizant agency for indirect costs" means the State (if the awardee does not receive funding directly from the federal government) or federal agency responsible for reviewing, negotiating and approving cost allocation plans or indirect cost proposals developed on behalf of all State or federal agencies, as applicable. The cognizant agency for indirect cost is not necessarily the same as the cognizant agency for audit. For assignments of cognizant agencies see the following:

For IHEs: UR appendix III (Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)), paragraph C.11.

For nonprofit organizations: UR appendix IV (Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations)), paragraph C.2.

For State and local governments: UR appendix V (State/Local Governmentwide Central Service Cost Allocation Plans)), paragraph F.1.

"Compliance Supplement" means UR appendix XI (Compliance Supplement (previously known as the OMB Circular A-133 Compliance Supplement)).

"Comprehensive Annual Financial Report" or "CAFR" means a set of government financial statements comprising the financial report of a state, municipal or other governmental entity that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board.

"Computing devices" means machines used to acquire, store, analyze, process and publish data and other information electronically, including accessories (or

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

peripherals) for printing, transmitting and receiving, or storing electronic information.

"Conflict of interest" means a situation that arises when a person in a position of authority over an organization, such as an officer, director or manager, may benefit financially from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated.

"Conflict of interest policy" means a policy that defines conflict of interest, identifies the classes of individuals within an organization covered by the policy, facilitates disclosure of information that may help identify conflicts of interest, and specifies procedures to be followed in managing conflicts of interest.

"Contract" means a legal instrument by which an awardee purchases property or services needed to carry out the project or program under an award. "Contract" does not include a legal instrument, even if the awardee considers it a contract, when the substance of the transaction meets the definition of an award or subaward.

"Contractor" means a person or entity that receives a contract funded through grant funds awarded by a State grant-making agency or IHE.

"Cooperative agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and an awardee that:

is used to enter into a relationship with the principal purpose of transferring anything of value from the awarding agency or pass-through entity to the awardee to carry out a public purpose authorized by law, but is not used to acquire property or services for the awarding agency's or pass-through entity's direct benefit or use; and

is distinguished from a grant in that it provides for substantial involvement between the awarding agency or pass-through entity and the awardee in carrying out the activity contemplated by the award.

"Cooperative agreement" does not include a cooperative research and development agreement, or an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee or insurance.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Cooperative audit resolution" means the use of audit follow-up techniques that promote prompt corrective action by improving communication, fostering collaboration, promoting trust, and developing an understanding between the State or federal agency and the awardee. This approach is based upon:

a strong commitment, by federal and federal pass-through agency and awardee leadership, to program integrity;

federal and federal pass-through agencies strengthening partnerships and working cooperatively with non-federal awardee entities and their auditors, and non-federal awardee entities and their auditors working cooperatively with federal and federal pass-through agencies;

a focus on current conditions and corrective action going forward;

federal and federal pass-through agencies offering appropriate relief for past noncompliance when audits show prompt corrective action has occurred; and

federal and federal pass-through agency leadership sending a clear message that continued failure to correct conditions identified by audits that are likely to cause improper payments, fraud, waste or abuse is unacceptable and will result in sanctions.

"Corrective action" means action taken by the auditee that:

corrects identified deficiencies;

produces recommended improvements; or

demonstrates that audit findings are either invalid or do not warrant auditee action.

"COSO" means the Committee of Sponsoring Organizations of the Treadway Commission, a joint initiative of the Institute of Management Accountants (IMA), the American Accounting Association (AAA), the American Institute of Certified Public Accountants, (AICPA), the Institute of Internal Auditors (IIA) and

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

Financial Executives International (FEI). COSO has established an internal control model that companies and organizations use to assess their control systems.

"Cost allocation plan" means central service cost allocation plan or public assistance cost allocation plan.

"Cost objective" means a program, function, activity, award, organizational subdivision, contract or work unit for which cost data is desired and for which provision is made to accumulate and measure the cost of processes, products, jobs and capital projects. A "cost objective" may be a major function of the awardee, a particular service or project, an award, or an indirect cost activity.

"Cost sharing" means third-party in-kind contributions and the portion of project costs not paid by federal or federal pass-through funds, unless otherwise authorized by statute. (See also the definition matching.)

"Data Universal Numbering System number" or "DUNS number" means the 9-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify entities and, under federal law, is required for non-federal entities to apply for, receive, and report on a federal award as a unique identifier.

"Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems or methods, including design and development of prototypes and processes.

"Direct costs" means costs that can be identified specifically with a particular final cost objective, such as a federal or federal pass-through award or a particular sponsored project, an instructional activity, or any other institutional activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

"Direct lobbying" means any attempt to influence legislation or executive action through communications, with respect to a measure that is the subject of a ballot initiative, referendum or similar process, with:

any member or staff of a legislative or executive body;

any governmental official or employee (other than a member or employee of a legislative or executive body) who may participate in formulating

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

legislation, but only if the principal purpose of the communication is to influence legislation or executive action; or

the general public.

The communications must refer to specific legislation or executive action and must reflect a view on the legislation or executive action.

"Disallowed costs" means those charges to a federal or federal pass-through award that the federal pass-through awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable State or federal statutes, regulations or the terms and conditions of the federal or federal pass-through award.

"Discretionary grant" means a grant or award for which the federal or federal pass-through awarding agency may exercise judgment (discretion) in determining the recipient and/or the amount of the award and may be issued under a competitive application process.

"Eligible applicant" means any organization that meets the eligibility requirements listed in the Notice of Funding Opportunity.

"Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the awardee for financial statement purposes or \$5,000.

"Executive" means, with respect to an organization, the officers, managing partners, or any other employees in management positions. "Executive" means, with respect to the federal government, the executive branch.

"Executive branch" means that branch of State or federal government that is under the jurisdiction of the Governor or the President, respectively.

"Expenditures" means charges made by an awardee to a project or program for which a federal or federal pass-through award was received.

The charges may be reported on a cash or accrual basis, as long as the methodology is disclosed and is consistently applied.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

For reports prepared on a cash basis, expenditures are the sum of:

Cash disbursements for direct charges for property and services;

The amount of indirect expense charged;

The value of third-party in-kind contributions applied; and

The amount of cash advance payments and payments made to subrecipients.

For reports prepared on an accrual basis, expenditures are the sum of:

Cash disbursements for direct charges for property and services;

The amount of indirect expense incurred;

The value of third-party in-kind contributions applied; and

The net increase or decrease in the amounts owed by the awardee for:

Goods and other property received;

Services performed by employees, contractors, subrecipients and other payees; and

Programs for which no current services or performance are required, such as annuities, insurance claims or other benefit payments.

"FAIN" means the unique federal award identification number assigned to each federal award.

"FAR" means the Federal Acquisition Regulation (48 CFR 1).

"F&A costs" means facilities and administrative costs (see also the definition of indirect costs).

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Federal agency" has the meaning provided for "agency" under 5 USC 551(1), together with the meaning provided for "agency" by 5 USC 552(f).

"Federal award" means:

the federal financial assistance that an awardee receives directly from a federal awarding agency or indirectly from a pass-through entity;

the cost-reimbursement contract under the Federal Acquisition Regulations that an awardee receives directly from a federal awarding agency or indirectly from a pass-through entity; or

the instrument setting forth the terms and conditions when the instrument is the grant agreement, cooperative agreement, other agreement for assistance, or cost-reimbursement contract awarded under FAR.

"Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal government owned, contractor-operated facilities. (See also definitions of financial assistance, grant agreement and cooperative agreement.)

"Federal awarding agency" means the federal agency that provides a federal award directly to an awardee.

"Federal award date" means the date when the federal award is signed by the authorized official of the federal awarding agency.

"Federal Debarred and Suspended List" means the list of those persons and entities who are identified as excluded on the System for Award Management (<https://www.sam.gov>), as described in UR appendix II, paragraph (i).

"Federal Financial Assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the federal government provides or otherwise makes available assistance in the form of funds, services or federal personnel or real or personal property.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Federal Fiscal Year" means the period beginning on October 1 and ending on September 30.

"Federal interest" means, when used in connection with the acquisition or improvement of real property, equipment or supplies under a federal or federal pass-through award, the dollar amount that is the product of the federal share of total project costs and current fair market value of the property, improvements, or both to the extent the costs of acquiring or improving the property were included as project costs.

"Federal program" means all federal awards which are assigned a single number in the CFDA. When no CFDA number is assigned, all federal awards to non-federal entities from the same agency made for the same purpose should be combined and considered one program. "Federal program" can also mean a cluster of programs. The types of clusters of programs are:

research and development;

student financial aid; and

"other clusters", as described in the definition of cluster of programs.

"Federal share" means the portion of the total project costs that are paid by federal funds.

"Fee-for-service" means payments for Medicaid services that are made on the basis of a rate, unit cost or allowable cost incurred and is based on a statement or bill as required by the administering State or federal agency.

"FFATA" means the Federal Funding Accountability and Transparency Act (31 USC 6101; P.L. 110-252).

"Final cost objective" means a cost objective that has allocated to it both direct and indirect costs and, in the awardee's accumulation system, is one of the final accumulation points, such as a particular award, internal project or other direct activity of an awardee.

"Final rate" means an indirect cost rate applicable to a specified past period that is based on the actual costs of the period. A final rate is not subject to adjustment.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Financial assistance" means the following:

For grants and cooperative agreements, "financial assistance" means assistance that non-federal entities receive or administer in the form of:

grants;

cooperative agreements;

non-cash contributions or donations of property, including donated surplus property;

direct appropriations;

food commodities; and

other financial assistance, except cooperative agreements.

"Financial assistance" includes assistance that non-federal entities receive or administer in the form of loans, loan guarantees, interest subsidies and insurance.

"Financial assistance" does not include amounts received as reimbursement for services rendered to individuals.

(See also the definition of federal financial assistance).

"Fixed-amount award" means a type of grant agreement under which the awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the award. "Fixed amount awards" reduce some of the administrative burden and recordkeeping requirements for both the awardee and awarding agency or pass-through entity. Accountability is based primarily on performance and results.

"Fixed rate" means an indirect cost rate that has the same characteristics as a predetermined rate, except that the difference between the estimated costs and the actual costs of the period covered by the rate is carried forward as an adjustment to the rate computation of a subsequent period.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Fixed-rate grant" means a type of grant agreement for non-Medicaid services in which reimbursement is made on the basis of a rate, unit cost or allowable cost incurred and is supported by a bill or statement.

"FOIA" means the Illinois Freedom of Information Act [5 ILCS 140] or the federal Freedom of Information Act (5 USC 552), as applicable.

"Foreign public entity" means:

a foreign government or foreign governmental entity;

a public international organization that is entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 USC 288 through 288f);

an entity owned, in whole or in part, or controlled by a foreign government; or

any other entity consisting wholly or partially of one or more foreign governments or foreign governmental entities.

"Foreign organization" means an entity that is:

a public or private organization, located in a country other than the United States and its territories, that is subject to the laws of the country in which it is located, irrespective of the citizenship of project staff or place of performance;

a private nongovernmental organization, located in a country other than the United States, that solicits and receives cash contributions from the general public;

a charitable organization, located in a country other than the United States, that is nonprofit and tax exempt under the laws of its country of domicile and operation, but is not a university, college, accredited degree-granting institution of education, private foundation, hospital, organization engaged exclusively in research or scientific activities,

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

church, synagogue, mosque, or other similar entity organized primarily for religious purposes; or

an organization, located in a country other than the United States, not recognized as a foreign public entity.

"Formula-based grant" means a grant or award that is determined by a formula established in federal or State statute or rule.

"FR" means the Federal Register.

"GASB" means Governmental Accounting Standards Board.

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

"General purpose equipment" means equipment that is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. (See also the definitions of equipment and special purpose equipment.)

"Generally Accepted Accounting Principles" or "GAAP" has the meaning provided in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board.

"Generally Accepted Government Auditing Standards" or "GAGAS", also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States that are applicable to financial audits.

"GFRA" means the Grant Funds Recovery Act.

"GOCO" means a State or federal government-owned, contractor-operated facility.

"GOMB" means the Illinois Governor's Office of Management and Budget.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Grant agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and an awardee that:

is used to enter into a relationship, the principal purpose of which is to transfer anything of value from the federal awarding agency or pass-through entity to the awardee to carry out a public purpose authorized by law and not to acquire property or services for the awarding agency's or pass-through entity's direct benefit or use; and

is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the federal awarding agency or pass-through entity and the awardee in carrying out the activity contemplated by the award.

"Grant agreement" does not include an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee or insurance.

"Grant application" means a specified form that is completed by an entity in connection with a request for a specific funding opportunity or a request for financial support of a project or activity.

"Grassroots lobbying" means a call to action that attempts to influence legislation or executive action by influencing public opinion. To be considered grassroots lobbying, the communication must:

refer to specific legislation or specific executive action;

reflect a view on the legislation or executive action; and

encourage the recipient to take action with respect to that legislation or executive action.

"HFS Suspended List" means the list, maintained by the Illinois Department of Healthcare and Family Services, of persons and entities who are debarred, suspended or otherwise excluded from the receipt of federally financed Medicaid. The list may be viewed on the HFS website at <http://www.state.il.us/agency/oig/sanctionlist.asp>.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"IHE" means an Institution of Higher Education as defined at 20 USC 1001(a).

"Illinois Debarred and Suspended List" means the list maintained by the Governor's Office of Management and Budget that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, from receiving an award of grant funds, regardless of source, from the State.

"ILSAC" means the Illinois Single Audit Commission.

"Improper payment" means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements. "Improper payment" includes any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except when these payments are authorized by federal statute), any payment that does not account for credit for applicable discounts, and any payment in which insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

"Indirect (facilities & administrative (F&A)) costs" or "indirect facilities and administrative costs" means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs. Indirect cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived. (See also the definition of F&A costs.)

"Indirect cost rate proposal" means the documentation prepared by an awardee to substantiate its request for the establishment of an indirect cost rate for the reimbursement of indirect costs. This proposal provides the basis for the review and negotiation leading to the establishment of an organization's indirect cost rate.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Information technology systems" means computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. (See also UR sections 200.20 (computing devices) and 200.33 (equipment).)

"Inspector General" means the Office of Executive Inspector General for Illinois.

"Intangible property" means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

"Intermediate cost objective" means a cost objective that is used to accumulate indirect costs or service center costs that are subsequently allocated to one or more indirect cost pools or final cost objectives. (Also see the definitions of cost objective and final cost objective.)

"Internal controls" means a process, implemented by an awardee, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

Effectiveness and efficiency of operations;

Reliability of reporting for internal and external use; and

Compliance with UR sections 200.62 and 200.303 and the Illinois Fiscal Control and Internal Auditing Act.

"Internal control over compliance requirements for federal or federal pass-through awards" means a process implemented by an awardee designed to provide reasonable assurance regarding the achievement of the following objectives for federal or federal pass-through awards:

Transactions are properly recorded and accounted for, in order to:

Permit the preparation of reliable financial statements and federal and federal pass-through reports;

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

Maintain accountability over assets; and

Demonstrate compliance with State and federal statutes, regulations, and the terms and conditions of the federal or federal pass-through award;

Transactions are executed in compliance with:

State and federal statutes, regulations, and terms and conditions of the federal or federal pass-through award that could have a direct and material effect on a federal or federal pass-through program; and

Any other State or federal statutes and regulations that are identified in the Compliance Supplement; and

Funds, property and other assets are safeguarded against loss from unauthorized use or disposition.

"IRC" means the Internal Revenue Code.

"Lobbying" means communication that is intended to influence legislation or executive action. (See the definitions of direct lobbying and grassroots lobbying.)

"Local government" means any entity defined as a unit of local government by Article VII, Section 1 of the Illinois Constitution and includes school districts.

"Maintenance of effort" means a requirement contained in a program's authorizing legislation or program regulations stating that, in order to receive federal grant funds, a recipient must agree to maintain a specified level of financial effort for the grant from its own resources and other non-federal sources.

"Major program" means a federal program determined by the auditor to be a major program in accordance with UR section 200.518 (Major program determination) or a program identified as a major program by a federal awarding agency or pass-through entity in accordance with UR section 200.503 (Relation to other audit requirements), paragraph (e).

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Management decision" means the evaluation by the federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision to the auditee as to what corrective action is necessary.

"Mandatory formula-based grant" or "mandatory grant" means noncompetitive grant funding that is allocated to recipients based upon a set of pre-existing criteria, such as population and/or other census criteria; all applicants who meet the minimum requirements of the application process are entitled to receive money.

"Matching" means third-party in-kind contributions and the portion of project costs not paid by federal funds, unless otherwise authorized by statute. (See the definition of cost sharing.)

"Micro-purchase" means a purchase of supplies or services using simplified acquisition procedures (see Section 7000.30), the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of an awardee's small purchase procedures. The awardee uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1, but this threshold is periodically adjusted for inflation.

"Modified Total Direct Cost" or "MTDC" means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

"Negotiated rate" means the indirect (F&A) cost rate negotiated with and accepted by the federal or State awarding agency. Per the rate agreement, negotiated rates include final, fixed and predetermined rates and exclude provisional rates.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Non-federal entity" means a state, local government, institution of higher education, or organization, whether nonprofit or for-profit, that carries out a federal or federal pass-through award as a recipient or subrecipient. (See also the definition of awardee.)

"Nonprofit organization" means any corporation, trust, association, cooperative or other organization, not including institutions of higher education, that:

is operated primarily for scientific, educational, service, charitable or similar purposes in the public interest;

is not organized primarily for profit; and

uses net proceeds to maintain, improve or expand the operations of the organization.

"Notice of award" means the published announcement by a federal or State agency as a pass-through entity that a specific grant will be awarded to an awardee.

"Notice of funding opportunity" means an agency's formally issued announcement of the availability of federal or federal pass-through funding through one of its financial assistance programs. The announcement provides eligibility and evaluation criteria, funding preferences/priorities, the submission deadline, and information on how to obtain application kits.

"Obligations", when used in connection with an awardee's utilization of funds under an award, means:

orders placed for property and services;

contracts and subawards; and

similar transactions,

during a given period that require payment by the awardee during the same or future period.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Office of Management and Budget" or "OMB" means the federal Office of Management and Budget of the Executive Office of the President.

"Oversight agency for audit" means the federal awarding agency that provides the predominant amount of funding directly to an awardee not assigned a cognizant agency for audit. When there is no direct funding, the awarding agency that is the predominant source of pass-through funding must assume the oversight responsibilities. The duties of the oversight agency for audit and the process for any reassignments are described in UR section 200.513 (Responsibilities), paragraph (b).

"Participant support costs" means direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences or training projects.

"Pass-through entity" or "PTE" means an awardee that provides a subaward to a subrecipient to carry out part of a program.

"Performance goal" means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value or rate. In some instances (e.g., discretionary research awards), this may be limited to the requirement to submit technical performance reports (to be evaluated in accordance with State or federal agency policy).

"Period of performance" means the time during which the awardee may incur new obligations to carry out the work authorized under the federal or federal pass-through award. The federal awarding agency or federal pass-through entity must include start and end dates of the period of performance in the award (see section 200.210 (Information contained in a federal award), paragraph (a)(5) and section 200.331 (Requirements for pass-through entities), paragraph (a)(1)(D).

"Personal property" means property other than real property. It may be tangible, having physical existence, or intangible.

"Personally Identifiable Information" or "PII" means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites and university listings. This type of information is considered to be public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source that, when combined with other available information, could be used to identify an individual.

"Predetermined rate" means an indirect cost rate, applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.

"Prior approval" or "Prior written approval" means an authorization by one party, provided in writing to another party, to proceed in a specified manner.

"Private award" means an award from a person or entity other than a state or federal entity. Private awards are not subject to GATA.

"Program income" means gross income received by the non-federal awardee directly generated by a supported activity, or earned only as a result of the federal award during the period of performance, except as provided in UR section 200.307, paragraph (f) (also see the definition of period of performance). Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal or federal pass-through award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal or federal pass-through award funds. Interest earned on advances of federal or federal award funds is not program income. Except as otherwise provided in State or federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts and interest earned on any of them.

"Project cost" means total allowable costs incurred under an award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Property" means real property or personal property.

"Protected Personally Identifiable Information" or "Protected PII" means an individual's first name or first initial and last name in combination with any one or more types of information, including, but not limited to, social security number, passport number, credit card numbers, security clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, and educational transcripts. This does not include PII that is required by law to be disclosed. (See also the definition of Personally Identifiable Information.)

"Provisional rate" means a temporary indirect cost rate applicable to a specified period that is used for funding, interim reimbursement, and reporting indirect costs on federal or federal pass-through awards pending the establishment of a final rate for the period.

"Public institutions of higher education" has the meaning provided in Section 1 of the Board of Higher Education Act [110 ILCS 205].

"Questioned cost" means a cost that is questioned by the auditor because of an audit finding:

That resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a State or federal award, including for funds used to match State or federal funds;

When the costs, at the time of the audit, are not supported by adequate documentation; or

When the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

"Real property" means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

"Recipient" means an awardee that receives an award directly from a federal awarding agency to carry out an activity under a program. "Recipient" does not include subrecipients. (See the definition of non-federal entity.)

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Research and Development" or "R&D" means all research activities, both basic and applied, and all development activities that are performed by non-federal entities. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. "Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems or methods, including design and development of prototypes and processes.

"SAM" means the federal System for Award Management (<https://www.sam.gov>).

"Simplified acquisition threshold" means the dollar amount below which an awardee may purchase property or services using small purchase methods. Non-federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 USC 1908. The current simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation. (See the definition of micro-purchase.)

"Single Audit Act" means the federal Single Audit Act Amendments of 1996 (31 USC 7501 through 7507).

"Special purpose equipment" means equipment that is used only for research, medical, scientific or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments and spectrometers.

"State agency" means an executive branch agency. For purposes of GATA, "State agency" does not include public institutions of higher education.

"State fiscal year" means the period beginning on July 1 and ending on June 30.

"State grant-making agency" means a State agency that provides an award to an awardee. "State grant-making agency" has the same meaning as "State awarding agency".

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"State interest" means the acquisition or improvement of real property, equipment or supplies under a State award, the dollar amount that is the product of the State share of the total project costs and current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

"Student Financial Aid" or "SFA" means federal awards under those programs of general student assistance, such as those authorized by Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 through 1099d), that are administered by the United States Department of Education and similar programs provided by other federal agencies. "Student Financial Aid" does not include federal awards under programs that provide fellowships or similar federal awards to students on a competitive basis or for specified studies or research. Individual direct recipients are not subject to the controls required by this Part.

"Subaward" means a federal award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. "Subaward" does not include payments to a contractor or payments to an individual who is a beneficiary of a federal program. A "subaward" may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

"Subrecipient" means an awardee that receives a federal subaward from a pass-through entity to carry out part of a federal program. "Subrecipient" does not include an individual who is a beneficiary of the program. A "subrecipient" may also be a recipient of other federal awards directly from a federal awarding agency.

"Supplies" means all tangible personal property other than those described in the definition of equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the awardee for financial statement purposes or \$5,000, regardless of the length of its useful life. (See the definitions of computing devices and equipment.)

"Suspension" means a post-award action by the federal agency or pass-through entity that temporarily withdraws the federal agency's or pass-through entity's financial assistance sponsorship under an award, pending corrective action by the recipient or subrecipient or pending a decision to terminate the award.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Termination" means the ending of a federal or federal pass-through award, in whole or in part, at any time prior to the planned end of the period of performance.

"Third-party in-kind contributions" means the value of non-cash contributions (i.e., property or services) that benefit a State- or federally-assisted project or program and are contributed by non-federal third parties, without charge, to an awardee under a State or federal award.

"Total compensation" means the cash and noncash dollar value earned by the executive during the grantee's or subrecipient's preceding fiscal year and includes the following: salary and bonus; awards of stock, stock options and stock appreciation rights; earnings for services under non-equity incentive plans; and change in pension value.

"Unallowable cost" means a cost specified by law or regulation, federal cost principles, or the terms and conditions of an award that may not be reimbursed under a grant or cooperative agreement.

"Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards" or "Uniform Requirements" or "UR" means those rules applicable to grants contained in 2 CFR 200.

"Unliquidated obligations" means, for financial reports prepared on a cash basis, obligations incurred by the awardee that have not been paid (liquidated). For reports prepared on an accrual expenditure basis, these are obligations incurred by the awardee for which an expenditure has not been recorded.

"Unobligated balance" means the amount of funds under a State or federal award that the awardee has not obligated. The amount is computed by subtracting the cumulative amount of the awardee's unliquidated obligations and expenditures of funds under the State or federal award from the cumulative amount of the funds that the State awarding agency or pass-through entity authorized the awardee to obligate.

"USC" means the United States Code.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

"Voluntary committed cost sharing" means cost sharing specifically pledged on a voluntary basis in the proposal's budget or the award on the part of the awardee and that becomes a binding requirement of the award. [30 ILCS 708/15]

Section 7000.30 Incorporations and Referenced Materials

- a) References to Federal and State Statutes
 - 1) Federal Statutes
 - A) Cash Management Improvement Act (31 USC 1)
 - B) Federal Funding Accountability and Transparency Act (31 USC 6101)
 - C) Freedom of Information Act (5 USC 552)
 - D) Improper Payments Elimination and Recovery Act of 2012 (31 USC 3321 note)
 - E) Internal Revenue Code (26 USC)
 - F) Simplified Acquisition Procedures: Inflation adjustment of acquisition-related dollar thresholds (41 USC 1908)
 - G) Single Audit Act of 1984 as amended by the Single Audit Act Amendments of 1996 (31 USC 7501)
 - 2) Illinois Statutes
 - A) Grant Accountability and Transparency Act [30 ILCS 708]
 - B) Fiscal Control and Internal Auditing Act [30 ILCS 10]
 - C) Freedom of Information Act [5 ILCS 140]
 - D) Illinois Grant Funds Recovery Act [30 ILCS 705]; Section 15.1 creates the Illinois Single Audit Commission

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- E) Illinois State Auditing Act [30 ILCS 5]
 - F) Board of Higher Education Act [110 ILCS 205]
- b) Incorporations By Reference
- 1) Federal Regulations
 - A) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200 (December 2014)):
 - i) Subpart B – General Provisions
 - ii) Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
 - iii) Subpart D – Post Federal Award Requirements
 - iv) Subpart E – Cost Principles
 - v) Subpart F – Audit Requirements
 - vi) Appendix I – Full Text of Notice of Funding Opportunity
 - vii) Appendix II – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
 - viii) Appendix III – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
 - ix) Appendix IV – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations
 - x) Appendix V – State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans
 - xi) Appendix VI – Public Assistance Cost Allocation Plans

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- xii) Appendix VII – States and Local Government and Indian Tribe Indirect Cost Proposals
 - xiii) Appendix VIII – Nonprofit Organizations Exempted From Subpart E – Cost Principles
 - xiv) Appendix IX – Hospital Cost Principles
 - xv) Appendix X – Data Collection Form (Form SF-SAC)
 - xvi) Appendix XI – Compliance Supplement
- B) Cost Accounting Standards (48 CFR 9904 (2014))
 - C) Federal Acquisition Regulations System (48 CFR Ch. 1 (2014))
 - D) Rules and Procedures for Efficient Federal-State Funds Transfers (31 CFR 205)
- 2) Government Auditing Standards (Yellow Book), U.S. Government Accountability Office by the Comptroller General of the United States (2011 Revision) (<http://www.gao.gov/yellowbook>)
 - 3) No later editions of the regulations and standards listed in subsection (b) are incorporated in this Part.

Section 7000.40 Governor's Office of Management and Budget Responsibilities

- a) Grant Accountability and Transparency Unit. *GOMB shall, on or before July 1, 2014, establish a centralized unit known as GATU. The unit shall be funded with a portion of the administrative funds provided under existing and future federal pass-through grants. The amounts charged will be allocated based on the actual cost of the services provided to State grant-making agencies and public institutions of higher education in accordance with the applicable federal cost principles contained in 2 CFR 200. The Act does not cause a reduction in the amount of any State or federal grant awards that have been or will be directed towards State agencies or public institutions of higher education. [30 ILCS 708/55]*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- b) GOMB Responsibilities. *GOMB shall:*
- 1) *provide technical assistance and interpretations of policy requirements in order to ensure effective and efficient implementation of the Act by State grant-making agencies [30 ILCS 708/55];*
 - 2) *have authority to approve any exceptions to the requirements of the Act, and shall adopt rules governing the criteria to be considered when an exception is requested. Exceptions shall only be made in particular cases in which adequate justification is presented [30 ILCS 708/55];*
 - 3) *adopt rules regarding conflict of interest policies for awards. A non-federal entity must disclose in writing any potential conflict of interest to the pass-through entity in accordance with applicable awarding agency policy [30 ILCS 708/35];*
 - 4) *with the advice and technical assistance of ILSAC, adopt rules requiring that the applicant for an award disclose, in a timely manner and in writing, to the pass-through entity all violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award. Failure to make the required disclosures may result in any of the following remedial actions:*
 - A) *The temporary withholding of cash payments pending correction of the deficiency by the awarding agency or non-federal entity or more severe enforcement action by the pass-through entity;*
 - B) *Disallowance of (that is, denial of both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;*
 - C) *Whole or partial suspension or termination of the award;*
 - D) *Initiation of suspension or debarment proceedings authorized under this Part and awarding agency rules (or, in the case of a pass-through entity, recommendation that such a proceeding be initiated by the awarding agency);*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- E) *Withholding further awards for the project or program;*
- F) *Taking any other remedial action that may be available. [30 ILCS 708/40]*

Section 7000.50 Grant Accountability and Transparency Unit Responsibilities

- a) *GATU shall be responsible for:*
 - 1) *The development of minimum requirements applicable to the staff of grant applicants to manage and execute grant awards for programmatic and administrative purposes, including grant management specialists with:*
 - A) *general and technical competencies;*
 - B) *programmatic expertise;*
 - C) *fiscal expertise and systems necessary to adequately account for the source and application of grant funds for each program; and*
 - D) *knowledge of compliance requirements;*
 - 2) *The development of minimum training requirements, including annual training requirements;*
 - 3) *Accurate, current, and complete disclosure of the financial results of each funded award, as set forth in UR sections 200.327 through 200.329;*
 - 4) *Development of criteria for requiring the retention of a fiscal agent and for becoming a fiscal agent;*
 - 5) *Development of disclosure requirements in the grant application pertaining to:*
 - A) *related-party status between grantees and grant-making agencies;*
 - B) *past employment of applicant officers and grant managers;*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- C) *disclosure of current or past employment of members of immediate family; and*
 - D) *disclosure of senior management of grantee organization and their relationships with contracted vendors;*
 - 6) *Implementation of rules prohibiting a grantee from charging any cost allocable to a particular award or cost objective to other State or federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the federal awards, or for other reasons;*
 - 7) *Implementation of rules prohibiting a non-federal entity from earning or keeping any profit resulting from State or federal financial assistance, unless prior approval has been obtained from GOMB and is expressly authorized by the terms and conditions of the award;*
 - 8) *Maintenance of an Illinois Debarred and Suspended List that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, to receive an award of grant funds from the State;*
 - 9) *Ensuring the adoption of standardized rules for the implementation of the Act by State grant-making agencies. GATU shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with the Act;*
 - 10) *Coordination of financial and single audit reviews;*
 - 11) *Coordination of on-site reviews of grantees and subrecipients; and*
 - 12) *Maintenance of the Catalog of State Financial Assistance (see Section 7000.60), which is available to the public at http://_____.*
- b) *GATU shall have no power or authority regarding the approval, disapproval, management, or oversight of grants entered into or awarded by a State agency or by a public institution of higher education. The power or authority existing under law to grant or award grants by a State agency or by a public IHE shall remain with that State agency or public IHE. GATU shall be responsible for reviewing and approving amendments to the Administrative Code proposed by State grant*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

agencies in connection with the implementation of the Act and shall be responsible for establishing standardized policies and procedures for State grant-making agencies in order to ensure compliance with the Uniform Requirements, all of which must be adhered to by the State grant-making agencies throughout the life cycle of the grant.

- c) *The powers and functions of grant-making by State agencies or public IHE may not be transferred to, nor may prior grant approval be transferred to, any other person, office or entity within the executive branch of State government. [30 ILCS 708/60]*

Section 7000.60 Catalog of State Financial Assistance

The Catalog of State Financial Assistance is a single, authoritative, statewide, comprehensive source document of State financial assistance program information maintained by GATU. The Catalog shall contain, at a minimum, the following information:

- a) *An introductory section that contains Catalog highlights, an explanation of how to use the Catalog, an explanation of the Catalog and its contents, and suggested grant proposal writing methods and grant application procedures;*
- b) *A comprehensive indexing system that categorizes programs by issuing agency, eligible applicant, application deadlines, function, popular name, and subject area;*
- c) *Comprehensive appendices showing State assistance programs that require coordination through the Act and regulatory, legislative, and Executive Order authority for each program, commonly used abbreviations and acronyms, agency regional and local office addresses, and sources of additional information;*
- d) *A list of programs that have been added to or deleted from the Catalog and the various program numbers and title changes;*
- e) *Program number, title, and popular name, if applicable;*
- f) *The name of the State department or agency or independent agency and primary organization sub-unit administering the program;*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- g) *The enabling legislation, including popular name of the Act, titles and Sections, Public Act number, and citation to the Illinois Compiled Statutes;*
- h) *The type or types of financial and nonfinancial assistance offered by the program;*
- i) *Uses and restrictions placed upon the program;*
- j) *Eligibility requirements, including applicant eligibility criteria, beneficiary eligibility criteria, and required credentials and documentation;*
- k) *Objectives and goals of the program;*
- l) *Information regarding application and award processing; application deadlines; range of approval or disapproval time; appeal procedure; and availability of a renewal or extension of assistance;*
- m) *Assistance considerations, including an explanation of the award formula, matching requirements, and the length and time phasing of the assistance;*
- n) *Post-assistance requirements, including any reports, audits, and records that may be required;*
- o) *Program accomplishments (where available) describing quantitative measures of program performance;*
- p) *Regulations, guidelines, and literature containing citations to the Illinois Administrative Code, the Code of Federal Regulations, and other pertinent informational materials; and*
- q) *The names, telephone numbers, and e-mail addresses of persons to be contacted for detailed program information at the headquarters, regional, and local levels.*
[30 ILCS 708/30]

Section 7000.70 Auditing Standards

- a) **Effective Date for Standards**
The standards set forth in UR Subpart F, and any other standards that apply directly to State or federal agencies, shall apply to audits of fiscal years beginning on or after December 26, 2014.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- b) **Availability of Records**
Awardees must make their books and records *available for review or audit by appropriate officials of the pass-through entity or awarding agency, the Auditor General, the Executive Inspector General, appropriate officials of the federal awarding agency, and the federal Government Accountability Office.* [30 ILCS 708/65(b)]
- c) **Exemptions**
- 1) **Auditor General.** *This Act does not affect the provisions of the Illinois State Auditing Act and does not address the external audit function of the Auditor General.* [30 ILCS 708/65(d)]
- 2) **For-Profit Subrecipients**
- A) *The requirements of UR subpart F do not apply to for-profit subrecipients because for-profit subrecipients are not subject to the requirements of OMB Circular A-133, Audits of States, Local and Non-Profit Organizations. Audits of for-profit subrecipients must be conducted pursuant to a Program Audit Guide issued by the Federal awarding agency. If a Program Audit Guide is not available, the State awarding agency must prepare a Program Audit Guide in accordance with the OMB Circular A-133 Compliance Supplement. For-profit entities are subject to all other general administrative requirements and cost principles applicable to grants.* [30 ILCS 708/20(a)]
- B) *State grant-making agencies shall, with the advice and technical assistance of GOMB, establish requirements, as necessary, to ensure compliance by for-profit subrecipients. Agreements with for-profit subrecipients shall describe the applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for State and federal pass-through awards made to for-profit subrecipients shall include pre-award audits, monitoring during the agreement, and post-award audits.* [30 ILCS 708/20(d)]

Section 7000.80 Annual Report and 5-Year Review

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- a) **Annual Report**
Effective January 1, 2016 and each January 1 thereafter, GOMB, in conjunction with ILSAC, shall submit to the Governor and the General Assembly a report that demonstrates the efficiencies, cost savings and reductions in fraud, waste and abuse as a result of the implementation of the Act and this Part. The report shall include, but not be limited to:
- 1) *the number of entities placed on the Illinois Debarred and Suspended List;*
 - 2) *any savings realized as a result of the implementation of the Act;*
 - 3) *any reduction in the number of duplicative audits;*
 - 4) *the number of persons trained to assist grantees and subrecipients; and*
 - 5) *the number of grantees and subrecipients to whom a fiscal agent was assigned. [30 ILCS 708/95]*
- b) **5-Year Review**
GOMB shall review the Act and this Part at least once every 5 years after December 26, 2014 (in conjunction with the federal review of the UR as required by 2 CFR 200.109) to determine whether any existing rules need to be revised or new rules adopted. [30 ILCS 708/70]

SUBPART B: STATE AGENCY RESPONSIBILITIES AND IMPLEMENTATION

Section 7000.100 State Grant-making Agency Responsibilities

- a) *The specific requirements and responsibilities of State grant-making agencies and non-federal entities are set forth in the Act. State agencies making State awards to non-federal entities must adopt by rule UR subparts C through F by July 1, 2016 unless different provisions are required by law.*
- b) *Each State grant-making agency shall appoint a Chief Accountability Officer who shall serve as a liaison to GATU and who shall be responsible for the State agency's implementation of and compliance with the Uniform Requirements and this Part.*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

- c) *In order to effectively measure the performance of its recipients and subrecipients, each State grant-making agency shall:*
- 1) *require its recipients and subrecipients to relate financial data to performance accomplishments of the award and, when applicable, must require recipients and subrecipients to provide cost information to demonstrate cost-effective practices. The recipient's and subrecipient's performance should be measured in a way that will help the State agency to improve program outcomes, share lessons learned, and spread the adoption of promising practices; and*
 - 2) *provide recipients and subrecipients with clear performance goals, indicators, and milestones and must establish performance reporting frequency and content to not only allow the State agency to understand the recipient's progress, but also to facilitate identification of promising practices among recipients and subrecipients and build the evidence upon which the State agency's program and performance decisions are made.*
- d) *Each grant-making agency shall enhance its processes to monitor and address noncompliance with reporting requirements and with program performance standards. When applicable, the process may include a corrective action plan. The monitoring process shall include a plan for tracking and documenting performance-based contracting decisions. [30 ILCS 708/45(g)]*
- e) *GOMB shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with the Act. [30 ILCS 708/50]*

Section 7000.110 State Grant-making Agency Implementation

- a) *State grant-making agencies shall implement the policies and procedures applicable to federal and federal pass-through awards by adopting, on or before July 1, 2015, rules for non-federal entities that shall take effect for fiscal years on and after December 26, 2014, unless different provisions are required by State or federal statute or federal rule.*
- b) *The standards set forth in the Act, which affect administration of federal and federal pass-through awards issued by State grant-making agencies, become*

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

NOTICE OF PROPOSED RULES

effective once adopted as rules by the State grant-making agencies. [30 ILCS 708/90]

Section 7000.120 Institution of Higher Education Responsibilities and Implementation

- a) *For public institutions of higher education, this Part applies only to awards funded by State appropriations and federal pass-through awards from a State agency to public institutions of higher education. Federal pass-through awards from a State agency to public institutions of higher education are governed by and must comply with federal guidelines under the UR.* [30 ILCS 708/20(c)]
- b) *The standards set forth in the Act, which affect administration of federal pass-through awards issued by State grant-making agencies to IHEs, become effective once adopted as rules by BHE or ISAC, as applicable.* [30 ILCS 708/90]
- c) Specific requirements and responsibilities of IHE are set forth in the Act and the UR.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Recreational Trails Program
- 2) Code Citation: 17 Ill. Adm. Code 3090
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3090.10	New Section
3090.20	New Section
3090.30	New Section
3090.40	New Section
3090.50	New Section
3090.60	New Section
3090.70	New Section
3090.80	New Section
3090.90	New Section
- 4) Statutory Authority: Implementing and authorized by the federal "Recreational Trails Program" (RTP), created through the National Recreational Trails Fund Act and enacted as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and re-authorized by MAP-21, Moving Ahead for Progress in the 21st Century (P.L. 112-141) and 23 USC 206
- 5) A Complete Description of the Subjects and Issues Involved: This new Part is being proposed to establish guidelines in awarding and administering grants through the Recreational Trails Program.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

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

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-6899

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This grant program provides for grants to be disbursed by the Department of Natural Resources to eligible governmental agencies and not-for-profit entities for the purpose of acquiring, developing and/or rehabilitating lands and trails to be used by the public for either non-motorized or motorized trail use.
 - B) Reporting, bookkeeping or other procedures required for compliance: When seeking grant reimbursement, the project sponsor must submit a certified project billing request listing all funds expended on the project for which grant reimbursement is sought and must comply with operation and maintenance provisions (i.e., operate the trail/facility continuously, allow the Department access for inspection); maintain financial records, and post a Recreational Trail Program (RTP) grant acknowledgment sign at the project site.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3090
RECREATIONAL TRAILS PROGRAM

Section

3090.10	Program Objective
3090.20	Program Eligibility Requirements
3090.30	Funding Assistance Formula
3090.40	General Procedures for Grant Applications and Awards
3090.50	Eligible Project Costs
3090.60	Project Evaluation Priorities
3090.70	Program Compliance Requirements
3090.80	Sale or Transfer of Grant-Funded Property
3090.90	Program Information/Contact

AUTHORITY: Implementing and authorized by the federal Recreational Trails Program, created through the National Recreational Trails Fund Act enacted as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and reauthorized by MAP-21, Moving Ahead for Progress in the 21st Century (P.L. 112-141) and 23 USC 206.

SOURCE: Adopted at 39 Ill. Reg. _____, effective _____.

Section 3090.10 Program Objective

The Recreational Trails Program (RTP) is a federal-aid assistance program to help states provide and maintain recreational trails for both motorized and nonmotorized trail use. Funding assistance provided through the program is for the development of motorized and nonmotorized trails that are open to the public and for the acquisition of land to be used for motorized and nonmotorized trails that are open to the public.

Section 3090.20 Program Eligibility Requirements

Eligible grant applicants include federal, State and local government agencies, not-for-profit organizations and private operators of recreational facilities open to the public.

Section 3090.30 Funding Assistance Formula

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

The RTP provides 80% reimbursement funding assistance on approved projects. There is a \$200,000 maximum grant award per application for nonmotorized development projects. There is no set maximum grant award amount for acquisition projects and for motorized projects. Additionally, funds from other Department trails grant programs may be awarded (at the Department's discretion) to provide more than 80% funding assistance for some trail projects (e.g., motorized trails).

Section 3090.40 General Procedures for Grant Applications and Awards

- a) Grant applications for assistance under this program must be submitted in accordance with a schedule publicly announced by the Department. Failure to submit a completed application to the Department by the specified application deadline date will result in project rejection for that grant cycle.
- b) Necessary application material and instructions are available through the Department. Awarding of grants is made under the authority and direction of the Director of the Department of Natural Resources.
- c) Project grant applications consist of the following basic components at a minimum:
 - 1) Completed application forms;
 - 2) A project location map;
 - 3) A site plat map or boundary map;
 - 4) A proposed site/trail development plan;
 - 5) A project narrative statement describing the project concept and location, need for and objectives of the project, anticipated benefits, proposed trail usages, and method of financing or accomplishing the project;
 - 6) A Comprehensive Environmental Review Process (CERP) evaluation;
 - 7) Proof of land ownership or usage rights for proposed development (construction) projects or commitment of title insurance for property planned for acquisition;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 8) A signed document by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project;
- 9) A schedule of proposed expenditures/reimbursements from anticipated start through project completion;
- 10) If not a governmental agency, a copy of the Articles of Incorporation documents; and
- 11) If not a governmental agency, proof of liability insurance for motorized trail projects.

Section 3090.50 Eligible Project Costs

- a) Grant assistance may be obtained for, but not limited to, the following items:
 - 1) Land acquisition costs (fee simple title, permanent easement, or long-term lease) from willing sellers for public trails and for public trail areas, including associated appraisal costs, site survey costs, title insurance and closing costs;
 - 2) Trail development costs, including, but not limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, potable water supply, lighting and other related amenities deemed necessary. Architectural/engineering services deemed necessary for the proper design and construction of project trails and trail sites are also considered eligible development costs; and
 - 3) Restoration of areas adjacent to trails damaged by unauthorized trail uses.
- b) No grant awards shall be awarded to projects that, either in whole or in part, will not be open for the general public to use the proposed trail or proposed trail site for the specified use during reasonable hours and reasonable days throughout the year.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- c) Grant assistance from this program cannot be used for the following purposes:
 - 1) Land acquisition through eminent domain; and
 - 2) Construction of motorized trails and areas on U.S. Forest Service lands designated as wilderness or currently not authorized for such use by an approved management plan.

Section 3090.60 Project Evaluation Priorities

The following criteria have been established by the Department for evaluating and ranking project applications for funding assistance:

- a) Projects of high need, taking the following factors into account:
 - 1) Trail significance – the estimated users that will be attracted to the trail or trail site; will it potentially be of interstate, State, regional or local importance;
 - 2) Geographic distribution – will the proposed project, considering the trail type and proposed users of the trail or site, be the first in the county, area or region; and
 - 3) Population served.
- b) Project concept and quality, taking the following factors into account:
 - 1) Project type. The following priorities will be used:
 - A) acquisition of land for new trails/trail sites;
 - B) initial development of trails/trail sites;
 - C) additional development of existing trails/trail sites; and
 - D) renovation of existing trails/trail facilities;
 - 2) Trail length;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 3) Proposed project cost per mile;
 - 4) Diversity of trail use;
 - 5) Scenic quality of the trail corridor or the trail site;
 - 6) Availability of necessary amenities/support facilities, such as drinking water, restrooms and parking; and
 - 7) Project sponsor maintenance capabilities and projects having the most long-term, stable management potential.
- c) Environmental suitability of the proposed trail/trail site.
 - d) Local support for the proposed project.
 - e) Local financial contribution.
 - f) Overall program suitability.

Section 3090.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the RTP grant program must be open to the general public during reasonable hours and reasonable days for recreational use as proposed in the grant application without regard to race or color, creed, national origin, sex or disability.
- b) Land acquired with funding assistance from the RTP grant program shall be operated and maintained in perpetuity for the trail purposes specified in the grant application.
- c) For projects receiving development grant assistance only, terms of this Part shall no longer apply after the following time period relating to the total amount of grant funds expended on the project:

<u>Total Grant Award</u>	<u>Time Period After Final Project Billing</u>
\$1 - \$50,000	5 years

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

For every \$10,000
Increment over \$50,000 add 1 year

- d) Any portion of the property acquired or developed with RTP grant funds may not be converted to a use other than the public recreation use as specified in the grant application without prior Department approval. Approval for property conversion will be granted only if the project sponsor:
- 1) substitutes replacement property of at least equal fair market value and comparable in outdoor recreation usefulness, quality and location; or
 - 2) repays the funds to the Department equal to the original grant amount disbursed to the project sponsor or the property's fair market value at the time of noncompliance, whichever is deemed most appropriate by the Department.
- e) For projects receiving acquisition assistance, an appraisal must be provided by the project sponsor and submitted to the Department for review and certification to establish the fair market value of the property. The appraisal must be completed to Department specifications.
- f) For projects receiving development assistance, the project sponsor must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the property being improved for a period of 25 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the unit of local government prohibit those arrangements. The sponsor must also adhere to applicable local bidding and procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating the dates when the advertisement/prospectus will be released, must also be presented, upon request, to the Department for review prior to publication.
- g) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance of RTP grant assisted facilities, the project sponsor shall be responsible for and obtain any and all necessary permits, licenses or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

forms of consent, as the case may be, from, but not limited to, the following agencies:

- 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;
 - 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act [210 ILCS 95]);
 - 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- h) Prior to any trail construction or trail development on sites that have received or have been approved for RTP grant assistance, the project sponsor must comply with the consultation requirements of Section 11(b) of the Illinois Endangered Species Act [520 ILCS 10] and Section 4 of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- i) The project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- j) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed, copy of title insurance policy (Judgment Order in case of condemnation) showing ownership transferred to the project sponsor, and copies of canceled checks showing proof of payment to seller.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 2) Development Projects: Copy of construction as-built drawings (no larger than 11" x 17") and verification of actual project costs.
- k) All financial records on approved projects must be maintained and retained in accordance with State laws by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
- l) The project sponsor must permanently post an RTP grant acknowledgment sign at the project site. The required wording for the RTP sign will be provided by the Department.
- m) Projects assisted with RTP grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- n) The project sponsor must observe and comply with the provisions of Section 4 of the Prevailing Wage Act [820 ILCS 130], which apply to the wages of laborers, mechanics and other workers employed in any public works, and with the prevailing wage requirements of Section 25-60 of the Illinois Procurement Code [30 ILCS 500].
- o) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project may be made by a representative or agent of the Department prior to final payment of grant reimbursement to the project sponsor.
- p) The project sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of RTP grant assisted facilities.
- q) In connection with and prior to the construction and the subsequent operation and maintenance of RTP grant assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permits may jeopardize approved grant funding.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- r) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All lands and facilities assisted with RTP grant funds shall be continuously operated and maintained by the project sponsor in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to the public.
 - 2) The Department shall have access to RTP grant assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
 - 3) The project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities for dispensing food to the public and/or any other services as may be desired by the public and the project sponsor for enjoyable and convenient use of the RTP grant assisted site.
 - 4) The possession, sale or consumption of alcoholic beverages on RTP grant assisted sites is expressly prohibited.
 - 5) The charging of user fees for general public use of RTP grant assisted trails or facilities must be approved by the Department.
- s) Conflict of Interest
- 1) If the project sponsor is a unit of local government, no official or employee of the local political subdivision who is authorized in his or her official capacity to negotiate, make, accept, approve, or take part in decisions regarding a contract or subcontract in connection with an approved RTP grant project shall have any financial or other personal interest in that contract or subcontract.
 - 2) If the project sponsor is a unit of local government, no person performing services for the local political subdivision in connection with an approved RTP grant project shall have a financial or other personal interest other than his or her employment or retention by the local political subdivision in any contract or subcontract in connection with an approved RTP grant

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

project. No officer or employee of a person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved RTP grant project unless that interest is openly disclosed on the public records of the local political subdivision and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local political subdivision.

- t) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].
- u) Pursuant to Section 105(A)(4) of the Human Rights Act [775 ILCS 5], the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:
 - 1) the illegality of sexual harassment;
 - 2) the definition of sexual harassment under State law;
 - 3) a description of sexual harassment utilizing examples;
 - 4) the contractor's internal complaint process, including penalties;
 - 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
 - 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5]. A copy of the policy shall be provided to the Department of Human Rights upon request.
- v) Program Violations and Project Termination
 - 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the project sponsor. A project shall be deemed to be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

commenced when the project sponsor makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the project sponsor to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgment of the Department, the failure was due to no fault of the project sponsor (e.g., statutory changes, acts of God).

Section 3090.80 Sale or Transfer of Grant-Funded Property

- a) Real Property
 - 1) If land purchased by grant funds is sold or transferred by operation of law, other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the RTP grant fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the RTP grant fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the RTP grant fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the RTP grant fund; and
 - E) in the 15th year or thereafter, no reimbursement to the grant fund is required.
 - 2) In cases of catastrophic illness or injury to the grantee or principals of the grantee (e.g., spouses, children and parents) the Director may modify the repayment provisions of subsection (a)(1).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- b) Personal Property
 - 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which shall not be unreasonably withheld. Disposing of personal property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.
 - 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

Section 3090.90 Program Information/Contact

For information on the RTP, contact:

Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-7481
FAX: 217/782-9599

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3) Section Number: 295.500 Proposed Action:
Amendment
- 4) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]
- 5) A Complete Description of the Subjects and Issues Involved: The Assisted Living and Shared Housing Establishment Code regulates all aspects of licensure for assisted living and shared housing establishments, including the licensure fees.

As of December 2014, there were 348 licensed establishments in the State, with 25 pending license applications for new establishments. The Department's Division of Assisted Living averages four new license applications per month. The Department's regulatory responsibility over these facilities includes annual on-site surveys and investigating complaint allegations.

Assisted Living establishments continue to outgrow skilled nursing facilities by a two-to-one margin, and the continued rapid growth of the assisted living industry, the Division's current staff of one division chief, six health facilities surveillance nurses, and three clerical staff is not enough to meet demand. Doubling the license fees to \$2,000, plus \$20 per unit for assisted living establishments, and to \$1,000 for shared housing establishments, will allow the Department to create two additional survey positions and two clerical positions for the Division, enhancing its ability to protect the health and safety of the State's vulnerable populations.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 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 Objectives: This rulemaking does not create 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 rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Assisted living and shared housing establishments.
- B) Reporting, bookkeeping or other procedures required for compliance: Establishments must be able to pay the increased license fees.
- C) Types of professional skills necessary for compliance: Bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: Jan.2015

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 295
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	
295.100	Purpose of the Act and this Part (Repealed)
295.200	Definitions
295.300	Incorporated and Referenced Materials
295.400	License Requirement
295.500	Application for License
295.600	Issuance of an Initial Regular License
295.700	Issuance of a Renewal License
295.800	Probationary License
295.900	Denial of a License
295.1000	Revocation, Suspension, or Refusal to Renew a License
295.1010	Transfer of Ownership
295.1020	Information to Be Made Available to the Resident by the Licensee
295.1030	Information to Be Made Available to the Public by the Department
295.1040	Technical Infractions
295.1050	Violations
295.1060	Remedies and Sanctions
295.1070	Annual On-Site Review and Complaint Investigation Procedures
295.1080	Waivers
295.1090	Complaints
295.1100	Alzheimer's Disease and Related Dementias Special Care Disclosure
295.1110	Floating Licenses

SUBPART B: POLICIES

Section	
295.2000	Residency Requirements
295.2010	Termination of Residency
295.2020	Notice of Closure
295.2030	Establishment Contracts

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 295.2040 Disaster Preparedness
- 295.2050 Incident and Accident Reporting
- 295.2060 Quality Improvement Program
- 295.2070 Negotiated Risk Agreement

SUBPART C: PERSONNEL

Section

- 295.3000 Personnel Requirements, Qualifications and Training
- 295.3010 Manager's Qualifications
- 295.3020 Employee Orientation and Ongoing Training
- 295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
- 295.3040 Health Care Worker Background Check

SUBPART D: RESIDENT CARE AND SERVICES

Section

- 295.4000 Physician's Assessment
- 295.4010 Service Plan
- 295.4020 Mandatory Services
- 295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
- 295.4040 Communicable Disease Policies
- 295.4050 Tuberculin Skin Test Procedures
- 295.4060 Alzheimer's and Dementia Programs

SUBPART E: MEDICATIONS

Section

- 295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

SUBPART F: RESIDENT RIGHTS

Section

- 295.6000 Resident Rights
- 295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
- 295.6030 Resident's Representative

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section

295.7000 Resident Records
295.7010 Establishment Records

SUBPART H: FOOD SERVICE

Section

295.8000 Food Service

SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

Section

295.9000 Physical Plant
295.9005 Units
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments
295.9030 Furnishings
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. 7968, effective May 12, 2008; amended at 36 Ill. Reg. 13632, effective August 16, 2012; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 295.500 Application for License

- a) *An applicant shall provide the following information, on forms provided by the*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Department, to be considered for licensure:

- 1) *The business name, street address, mailing address, and telephone number of the establishment;*
- 2) *The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;*
- 3) *Financial information establishing that the project is financially feasible, in one of the following forms:*
 - A) *A surety bond in an amount equal to at least three months operating expenses;*
 - B) *An independent certified public accountant's report expressing an opinion on the financial status of the establishment;*
 - C) *An audited financial report certifying the financial status of the applicant;*
 - D) *The entity's most recent bond rating (less than two years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;*
 - E) *Evidence of operation for at least two years of a facility licensed under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act; or*
 - F) *If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial status.*
- 4) *The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

agreement, if different from the owner or owners, and the name of the full-time manager;

- 5) *Verification that the establishment has entered or will enter into a service delivery contract as provided in Section 295.2030, as required under the Act, with each resident or resident's representative;*
- 6) *The name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in the Act and this Part, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection (a)(6) shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;*
- 7) *The signature of the authorized representative of the owner or owners;*
- 8) *Proof of an ongoing quality improvement program in accordance with Section 295.2060 of this Part;*
- 9) *Information about the number and types of units and the maximum census;*
- 10) *Information about the mandatory and optional services to be provided at the establishment;*
- 11) *Proof of compliance with applicable State and local residential standards, as evidenced by completion of the Department's Code Certification of Compliance form;*
- 12) *A copy of the standard contract offered to residents;*
- 13) *Documentation of adequate liability insurance; (Section 30 of the Act)*
- 14) *A completed Alzheimer's Disease and Related Dementias Special Care Disclosure form; and*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 15) A schematic drawing of the establishment.
- b) The application shall indicate a request for either standard licensure or floating licensure. An application for a floating license shall comply with Section 32 of the Act and Section 295.1110.
- c) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part.
- d) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment shall maintain a bond or restricted account that guarantees the return of the resident's entrance fees or the unused portion of his or her deposit if the establishment ceases to operate.
- e) To support regulatory activities necessary to implement the Act, applications shall be accompanied by a nonrefundable fee of:
- 1) ~~\$2,000~~~~\$1,000~~ for an assisted living establishment and ~~\$20~~~~\$10~~ per licensed unit; or
 - 2) ~~\$1,000~~~~\$500~~ for a shared housing establishment.
- f) If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. The written notification will become a part of the licensee's file.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Entries and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1312
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1312.260	Repealed
1312.265	Amendment
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will permit racetracks that conduct harness racing to uncouple same owner entries in any harness race. However, entries may be coupled with permission of the stewards. The result would be larger field sizes, increased betting, and greater revenue to the Board.
- 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? Yes
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-5017
Mickey.ezzo@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: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because the Board did not anticipate the need for this rulemaking at the time the agendas were published.

The full text of the Proposed Amendments are the same as the text that appears in the Emergency Amendments published in this issue of the Illinois Register on page 5514.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
600.300	Amendment
600.330	Amendment
- 4) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- 5) Effective Date of Rule: March 26, 2015
- 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) Date Notice of Proposal published in *Illinois Register*: April 18, 2014; 38 Ill. Reg. 8057
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: See the following Section changes:

In Section 600.300(a)(4): add " Beginning May 1, 2015" after the word Scales; Also, add "Scales shall be equipped with manufacturer approved rub rails."

In Section 600.300 (d)(2): change language to "when necessary, any other information required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc)."

In Section 600.300 (d)(3) change "30" to "20"; and add "If, however, the applicant also submits a Variance Request Application, the Department shall have 20 business days from accepting or denying the variance request."

In Section 600.300 (d)(4) strike paragraph and replace with "Notwithstanding any other penalties that may be imposed for violation of the this Part, if an entity begins construction, installation or relocation of a vehicle scale without the Director's prior

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

written permission, the Director shall order that all construction be halted until such time that a completed application is approved."

In Section 600.300(e)(2) add documentation supporting justification "(e.g., photos, maps, reports, studies, etc.). Also, add "other information or documentation required. When necessary, (e.g., blueprints/maps from water, electric, phone, gas, or petroleum companies; subsurface water table data; PERK test information; etc.)."

In Section 600.300 (e)(3) changed "30" to "20".

In Section 600.300 (e)(4) strike sentence and replace with "Notwithstanding any other penalties that may be imposed for a violation of the Act or this Part, if an entity needs a variance from a construction requirement of this Section, that entity shall not proceed with the affected part of the construction, installation or relocation until a variance request is submitted to the Department and the Department grants the variance."

In Section 600.300 (g) Vehicle Scale Condemnation, replace "Department" with "Director" throughout this section.

In Section 600.300 (g) (1) delete "All expenses related to the seizure and destruction shall be paid for by the owner/operator or facility manager." Add "Weights and measures rejected under the authority of the Director or a sealer remain subject to control of the rejecting authority until such time as suitable repair or disposition thereof has been made under this Section. The owners of the rejected weights and measures shall cause them to be rectified within 10 days or such longer period as may be authorized by the rejecting authority or may dispose of them but only in a manner specifically authorized by the rejecting authority."

In Section 600.300 (g) (2) replace "have 30 days to repair the scale" with "repair the scale as expeditiously as possible."; In paragraph 4 insert "due to specifications or tolerances"; Also, after "tolerances" strike "or if the repairs are not made within the allowed time."

In Section 600.330 restore the stricken text a) and add "however, section 3.31 shall be deemed adopted starting April 1, 2016.

In addition, other non-substantive changes were made at 1st and 2nd Notice.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to add the "shallow-type pit scale" to vehicle scale installations and establish criteria for their installation. The rulemaking will also set up procedures for the condemnation of scales found to be incorrect by the Bureau. The rulemaking will also establish an application requirement prior to the installation of a vehicle scale, and allow a variance from the rules' requirements if there are circumstances beyond the owner's control.
- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Baatz
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

- Section
- 600.1 National Institute of Standards and Technology Handbook 130
- 600.10 Definitions (Repealed)
- 600.20 Application (Repealed)
- 600.30 Identity (Repealed)
- 600.40 Declaration of Identity: Nonconsumer Package (Repealed)
- 600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
- 600.60 Declaration of Quantity: Consumer Packages (Repealed)
- 600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
- 600.80 Prominence and Placement: Consumer Packages (Repealed)
- 600.90 Prominence and Placement: Nonconsumer Package (Repealed)
- 600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
- 600.110 Exemptions (Repealed)
- 600.120 Variations to be Allowed (Repealed)
- 600.130 Standards of Fill (Repealed)
- 600.140 Wholesale and Retail Exemption
- 600.150 Revocation of Conflicting Regulations (Repealed)
- 600.160 Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

- Section
- 600.250 Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 600.300 Vehicle Scales Regulation
- 600.310 Fees
- 600.320 Scales Used for the Enforcement of Highway Weight Laws
- 600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

Section

- 600.350 General (Repealed)
- 600.360 Testing and Inspection (Repealed)
- 600.370 Rejected Moisture Testing Devices (Repealed)
- 600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section

- 600.450 Policy (Repealed)
- 600.460 Definitions (Repealed)
- 600.470 Certificate of Registration (Repealed)
- 600.480 Types of Certificates (Repealed)
- 600.490 Examinations (Repealed)
- 600.500 Exemptions (Repealed)
- 600.510 Registration Fee (Repealed)
- 600.520 Reports (Repealed)
- 600.530 Bonds (Repealed)
- 600.540 Standards and Testing Equipment (Repealed)
- 600.550 Revocation of Certificate of Registration (Repealed)
- 600.560 Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section

- 600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
- 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
- 600.670 System Used to Sell Petroleum Product
- 600.680 Unit Price Per Gallon Displayed (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

600.690	Price of Gasoline (Repealed)
600.700	Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)
600.710	Decals or Stickers Affixed to the Pump Face (Repealed)
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
600.760	Stop Use Order; Hearing
600.770	Maintenance of Equipment

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS

Section

600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18546, effective November 25, 2003; amended at 28 Ill. Reg. 15456, effective November 22, 2004; emergency amendment at 32 Ill. Reg. 10963, effective July 3, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 17674, effective November 1, 2008; amended at 33 Ill. Reg. 12564, effective September 1, 2009; amended at 39 Ill. Reg. 5349, effective March 26, 2015.

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS – SCALES – FEES

Section 600.300 Vehicle Scales Regulation

- a) Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Institute of Standards and Technology Handbook 44, which is adopted in Section 8 of the Weights and Measures Act [225 ILCS 470/8] and shall, in addition, meet either 1, 2, ~~or~~ 3 or 4 of the following requirements:
- 1) Pit Vehicle Scales – All pit vehicle scales shall be installed to comply with the following requirements:
 - A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.
 - B) Floor of the pit is to be constructed of concrete with drainage.
 - 2) Low Profile Pitless Vehicle Scales – All low profile pitless vehicle scales shall be installed to comply with the following requirements:
 - A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.
 - B) The scale shall be installed to ~~ensure~~insure that surface water will drain away from the scale area.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.
 - D) Clearance of at least three feet shall be provided around the sides of the scale to ~~ensure~~insure for proper cleaning and servicing.
- 3) Portable Pitless Vehicle Scales
- A) Temporary Use of Scale – the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.
 - B) Limited Use of Scale – the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.
 - C) State Test Required – a state scale test (Sections 10 and 30 of the Weights and Measures Act) is required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.
- 4) Shallow Pit Vehicle Scales – Beginning May 1, 2015, all shallow pit vehicle scales shall be installed to comply with the following requirements:
- A) A concrete floor shall be poured the entire length and width of the pit.
 - B) The scale pit shall be installed to ensure that water will drain at all times away from the entire scale pit area.
 - C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad on the underneath side of the scale.
 - D) Concrete walls with a clearance of a minimum of three feet shall be provided around the sides of the scale.
 - E) The top of the scale and concrete walls shall be level and at or above grade.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- F) Grating or plating able to be removed for cleanout and inspections and solid enough to withstand normal foot traffic shall be placed over the three-foot space between the scale and outside concrete walls.
 - G) Scales shall be equipped with manufacturer approved rub rails.
 - H) All scales must be fully electronic.
- b) Livestock Scales. Livestock scales shall comply with the requirements of National Institute of Standards and Technology Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.
- c) National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington ~~DC, D.C.~~ 20402.
- d) Vehicle Scales: Department Approval Prior to Construction or Relocation
- 1) Department approval is required prior to construction or relocation. A Vehicle Scale Construction/Relocation Approval Application, provided by the Department, must be submitted by the owner/operator or facility manager and approved by the Department in writing before construction or relocation begins.
 - 2) The application shall include, at a minimum, the following:
 - A) A construction or relocation plan for the vehicle scale.
 - B) Documentation verifying that the vehicle scale will comply with Section 600.300.
 - C) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information and documentation included in the application is complete and accurate.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- D) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).
- 3) The Department shall approve or deny an application in writing within 20 business days after the Department receives a complete application.
- 4) Notwithstanding any other penalties that may be imposed for violation of the Act or this Part, if an entity begins construction, installation or relocation of a vehicle scale without the Director's prior written permission, the Director shall order that all construction be halted until such time that a completed application is approved.
- 5) A Vehicle Scale Construction/Relocation Approval Application may be obtained at:
<http://www.agr.state.il.us/programs/consumer/w&m/index/html>, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.
- e) Vehicle Scales: Variances
- 1) An applicant for the construction or relocation of a vehicle scale may request a variance from a construction requirement under this Section by submitting a Variance Request Application provided by the Department.
- 2) The variance application shall include, at a minimum, the following:
- A) A detailed written justification for the variance from the owner/operator or facility manager. The justification shall demonstrate that the proposed variance is necessary due to special or unusual circumstances.
- B) Any documentation supporting the justification (e.g., photos, maps, reports, studies, etc.).
- C) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric,

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).

- D) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information in the application and any documentation included is accurate and correct.
- 3) The Department shall approve or deny a variance application in writing within 20 business days after the date the Department receives a complete application.
- 4) Notwithstanding any other penalties that may be imposed for a violation of the Act or this Part, if an entity needs a variance from a construction requirement of this Section, that entity shall not proceed with the affected part of the construction, installation or relocation until a variance request is submitted to the Department and the Department grants the variance.
- 5) A variance application may be obtained at: <http://www.agr.state.il.us/programs/consumer/w&m/index/html>, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.
- f) All scales and associated equipment must have a Certificate of Conformance issued by the National Conference on Weights and Measures, National Type Evaluation Program, unless the devices were certified by the Department or the city sealer on or before July 1, 2012. This applies to all such devices, whether repaired or removed from service and installed at a different location in this State.
- g) Vehicle Scale Condemnation
- 1) The Director shall condemn and may seize and have destroyed any vehicle scale and associated equipment found upon inspection not to be in compliance with the specifications, tolerances and regulations required by this Subpart C and not susceptible of satisfactory repair. Weights and measures rejected under the authority of the Director or a sealer remain subject to control of the rejecting authority until such time as suitable repair or disposition thereof has been made under this Section. The

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

owners of the rejected weights and measures shall cause them to be rectified within 10 days or such longer period as may be authorized by the rejecting authority or may dispose of them but only in a manner specifically authorized by the rejecting authority.

- 2) The Director's decision to condemn a vehicle scale shall proceed as follows:
- A) If a vehicle scale fails three successive inspections within the calendar year, the Director shall take the vehicle scale out of service and provide the owner/operator or facility manager of the vehicle scale notice of the Director's decision to seek condemnation. Notice of the Director's decision to seek condemnation shall be made by personal delivery or certified mail, return receipt requested.
 - B) Upon receipt of the Director's decision to seek condemnation, the owner/operator or facility manager may request in writing, to be received by the Director within 30 business days after receipt of the notice, that the Director schedule an inspection. Upon receipt of a request, the Director shall schedule an inspection, to be conducted within 30 business days after receipt of the request, by a qualified, unbiased person with sufficient knowledge, education and experience of the scale in question and approved by the Director and the scale owner/operator or facility manager. The qualified, unbiased person shall inspect the scale and provide a report explaining whether the scale does or does not meet the requirements of this Subpart C and, if applicable, if it is susceptible of satisfactory repair. All expenses for the requested inspection shall be paid for by the owner/operator or facility manager.
 - C) If the report from the qualified, unbiased person states that the scale is not in compliance yet is susceptible of satisfactory repair, the report must also explain what repairs must be performed. The owner/operator or facility manager shall repair the scale as expeditiously as possible. Upon completion of the repairs and notification in writing by the the owner/operator or facility manager to the Director, the Director shall have the scale inspected within 30 business days and, if it meets all of the requirements of

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

this Subpart C, placed back into service. The Director's decision to seek condemnation shall terminate if the scale is placed back into service by the Director.

- D) In the event that the scale fails the inspection after the required repairs are made due to specifications or tolerances, the scale shall be condemned and the owner/operator or facility manager notified in writing.
- E) If the report states that the scale is not susceptible of satisfactory repair, the report must explain the reasons why the repairs cannot be performed. In that case, the scale shall be condemned and the owner/operator or facility manager notified in writing.
- F) If no request is received by the Director to schedule an inspection by a qualified and unbiased person within 30 business days after receipt of the notice of condemnation, the scale shall be condemned and the owner/operator or facility manager notified in writing.
- G) The Director's decision to condemn a vehicle scale shall be a final administrative decision of the Director subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].
- H) Copies of all reports generated under subsection (g) shall be provided to both the Director and the owner/operator or facility manager.

(Source: Amended at 39 Ill. Reg. 5349, effective March 26, 2015)

Section 600.330 National Institute of Standards and Technology Handbook 44

Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44 shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director (Section 8 of the Weights and Measures Act [225 ILCS 470/8]). National Institute of Standards and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington ~~DC, D.C.~~ 20402. The following sections of the National Institute of Standards and Technology's Handbook 44 shall not be adopted unless a different implementation date is specified:

- a) UR.2.2. Ticket Printer; Customer Ticket in Sec. 3.31 Vehicle-Tank Meters User Requirements; however, section 3.31 shall be deemed adopted starting April 1, 2016.
- b) Sec. 5.56.(a) Grain Moisture Meters. Sec. 5.56.(a) shall be effective January 1, 2000. The applicability date for Section 5.56.(b) Grain Moisture Meters is extended until the implementation of Sec. 5.56.(a).

(Source: Amended at 39 Ill. Reg. 5349, effective March 26, 2015)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Compassionate Use of Medical Cannabis Pilot Program
- 2) Code Citation: 8 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1000.100	Amendment
1000.110	Amendment
- 4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- 5) Effective Date of Rule: March 25, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. See Section 1000.20 of the adopted rulemaking.
- 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) Date Notice of Proposal published in the *Illinois Register*: December 5, 2014; 38 Ill. Reg. 22275
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking in part amends the Permit Application Section to allow an applicant for a cultivation center permit, who has applied for zoning authorization to the appropriate zoning authority and the matter is pending before the zoning authority, to submit an application and later submit verification of

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

zoning compliance once the authority has acted on the applicant's zoning request. This rulemaking also amends the Permits - Selection Criteria Section by adding the scoring points the Department will use when scoring cultivation center applications for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act. Applications will be scored based on six required categories. The required categories and the bonus category will be scored based on point totals. The rule also amends the Permits - Selection Criteria Section to make it clear that minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].

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

Susan Baatz
Illinois Department of Agriculture
P.O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: ILLINOIS DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONSPART 1000
COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

1000.10	Definitions and Incorporations
1000.20	Referenced Materials
1000.30	Scope and Application
1000.40	Operation of a Cultivation Center
1000.50	Permits – General Provisions
1000.60	Evidence of Financial Responsibility – Terms
1000.70	Variances

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

1000.100	Permit Application
1000.110	Permits – Selection Criteria
1000.120	Permit Issuance; Transferability
1000.130	Permit Renewal
1000.140	Fees
1000.150	Modifications and Alterations
1000.160	Denial of Cultivation Center Application/Suspension or Revocation of Permit

SUBPART C: CULTIVATION CENTER REQUIREMENTS

1000.200	Financial Disclosure
1000.210	Fingerprint-Based Criminal History Records Check
1000.220	Cultivation Center Facility Plans and Specifications
1000.230	Measuring Distances
1000.240	Failure to Open or Operate
1000.250	Cultivation Center Records
1000.260	Automated Data Processing (ADP) and/or Point-of-Sale (POS) Systems
1000.270	Mandatory Signage

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: CULTIVATION CENTER AGENTS/AGENTS-IN-CHARGE

- 1000.300 Cultivation Center Agents Application; Issuance; Surrender
- 1000.310 Suspension or Revocation of Agent Identification Card
- 1000.320 Cultivation Center Agent-in-Charge
- 1000.330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

SUBPART E: CULTIVATION CENTER OPERATIONS

- 1000.400 Production Areas – Plants
- 1000.405 Production Areas – Infused or Processed Products
- 1000.410 Cultivation Center Management and Operations
- 1000.415 Containment Management and Operations
- 1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused Products
- 1000.425 Advertising
- 1000.430 Transportation of Cannabis and Cannabis-Infused Products
- 1000.435 Inventory
- 1000.440 Cultivation Center Storage
- 1000.445 Electronic Security System
- 1000.450 Alarm System
- 1000.455 Hours of Operation
- 1000.460 Waste Disposal
- 1000.465 Connections to the Potable Water Supply
- 1000.470 Pesticide Usage

SUBPART F: LABORATORY TESTING

- 1000.500 Laboratory Approval
- 1000.510 Laboratory Testing

SUBPART G: CULTIVATION CENTER CLOSURE

- 1000.600 Closure of a Cultivation Center

SUBPART H: ENFORCEMENT

- 1000.700 Investigations; Administrative Hearings and Penalties
- 1000.APPENDIX A Authorized Pesticides

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. 16731, effective July 25, 2014; emergency amendment at 38 Ill. Reg. 17772, effective August 8, 2014, for a maximum of 150 days; emergency expired January 4, 2015; amended at 39 Ill. Reg. 5363, effective March 25, 2015.

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

Section 1000.100 Permit Application

- a) A cultivation center permit shall be obtained for each facility prior to commencement of any production activities. The permit shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.
- b) The Department shall accept applications for cultivation center permits for 14 calendar days after the date indicated on the Department's website as the commencement date for accepting applications.
 - 1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered or, if sent electronically, on the date received by the Department if received on or before 5 p.m. Central Time. If received electronically after 5 p.m. Central Time, they will be considered received on the next day.
 - 2) Submissions received after the 14 day period or any way other than required in this subsection (b) shall be returned to the applicant.
 - 3) Notification of the availability of applications will be posted on the Department's website at www.agr.state.il.us/. Application forms will be made available online at that website and may be completed online and submitted electronically to that website, at the discretion of the Department, or sent via U.S. mail to the address set forth in the application.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- c) The permit application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the permit request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1000.110. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If all materials, documentations, fees and information required by the application form are not submitted, the application shall be returned to the applicant. The applicant shall then have seven calendar days to resubmit the application in its entirety. Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed:
- 1) Except as~~s~~ provided in Section 1000.110(g) and (h); and-
 - 2) Unless the applicant has applied for zoning approval from the local zoning authority and the matter is pending before the authority. The applicant may submit verification of compliance with the local zoning rules once a ruling is issued by the local zoning authority. In no event, however, may the verification be submitted more than 60 days after the date of submission of the application to the Department.
- d) An applicant applying for a cultivation center permit shall submit, in duplicate, the following:
- 1) *The proposed legal name of the cultivation center;*
 - 2) *The proposed physical address of the cultivation center and description of the enclosed, locked facility as it applies to cultivation centers where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization;*

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 3) *The name, address, and date of birth of each principal officer and board member of the cultivation center, provided that all those individuals shall be at least 21 years of age;*
- 4) *Any instance in which a business that any of the prospective board members of the cultivation center had managed or served on the board of the business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding;*
- 5) *Cultivation, inventory, and packaging plans;*
- 6) *Proposed operating by-laws (Operation and Management Practices Plan) that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, medical cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed by the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under the Act. A physical inventory shall be performed of all plants and medical cannabis containers on a weekly basis. ISP may utilize the services of a private security contractor licensed by DFPR to assist with performing a security plan review;*
- 7) *Experience with agricultural cultivation techniques and industry standards, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;*
- 8) *Any academic degrees, certifications, or relevant experience with related businesses;*
- 9) *The identity of every person, association, trust, producer backer, partnership, other entity or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; (Section 85 of the Act)*
- 10) *If a sole proprietorship, the name, residence and date of birth of the owner;*

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 11) *If a partnership, the names and addresses of all partners, both general and limited* (Section 85 of the Act) and any partnership or joint venture documents.
 - A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.
 - B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
- 12) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents.
 - A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.
 - B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;
- 13) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally,

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

applicants shall include *the names and addresses of all stockholders and directors of the corporation* (Section 85 of the Act);

- 14) If a limited liability company:
 - A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information.
 - B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;
- 15) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (d);
- 16) *Verification from the Illinois State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense* (Section 85 of the Act).
- 17) *A copy of the current local zoning ordinance to the Department and verification from the local zoning authority that the proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140 of the Act* (Section 85 of the Act).
 - A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a cultivation center on the premises at least through December 31, 2017; and, if applicable, verification of notification by the property

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.

- B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a cultivation center until at least December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.
- C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders;
- 18) A non-refundable application fee as set forth in Section 1000.140 for each application. Each application for a particular District shall be a separate application requiring a separate fee;
- 19) A location area map of the area surrounding the proposed cultivation center. The map must clearly demonstrate that the proposed cultivation center is *not located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use* (Section 105 of the Act);
- 20) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation center building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;

- 21) Documentation acceptable to the Department that the individual or entity filing the application has at least \$500,000 in liquid assets. Documentation acceptable to the Department includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;
 - 22) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required in Section 1000.50(b)(4)(B);
 - 23) All relevant financial information as set forth in Section 1000.200;
 - 24) The name of any agent-in-charge for each work shift;
 - 25) If currently or previously licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:
 - A) A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;
 - B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and
 - C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.
- e) The applicant shall sign a notarized statement certifying that:

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) No prospective principal officer or board member has been convicted of an excluded offense in any state or country;
- 2) The cultivation center will register with the Illinois Department of Revenue should the applicant be granted a permit;
- 3) The application is complete and accurate; and
- 4) The applicant has actual notice that, notwithstanding any state law:
 - A) Cannabis is a prohibited Schedule I controlled substance under federal law;
 - B) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;
 - C) Any activity not sanctioned by the Act or this Part may be a violation of State law;
 - D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
 - E) Use of medical cannabis may affect an individual's ability to receive federal or State licensure in other areas;
 - F) Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;
 - G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and
 - H) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 5) The Department has authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.
- 6) All of applicant's principal officers and producer backers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.

(Source: Amended at 39 Ill. Reg. 5363, effective March 25, 2015)

Section 1000.110 Permits – Selection Criteria

- a) Each application shall address all criteria and measures as set forth in this Part. The failure by an applicant to address all of the required criteria and measures will result in the application being denied.
- b) The required criteria and measures shall include the following with each criteria accounting for up to the indicated maximum number of the total points available for each criteria:
 - 1) Suitability of the Proposed Facility (150 points):
 - A) Measure 1: The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of medical cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of medical cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of medical cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight.
 - B) Measure 2: The applicant demonstrates the ability to continue to meet qualifying patient demand by expanding the cultivation facility in a quick and efficient manner with minimal impact on the environment and the surrounding community.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- C) Measure 3: The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.
- 2) Proposed Staffing Plan and Knowledge of Illinois Law and Rules Relating to Medical Cannabis (100 points):
- A) Measure 1: The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention; and
 - B) Measure 2: The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.
- 3) Security Plan (200 points):
- A) Measure 1: The applicant's security plan demonstrates its ability to prevent the theft or diversion of medical cannabis and how the plan will assist with ISP, Department, and local law enforcement. Specifically, it shall evidence compliance with all items in Sections 1000.440, 1000.445 and 1000.450.
 - B) Measure 2: The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with and dispose of unused or surplus medical cannabis through ISP and the Department.
 - C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that medical cannabis is not visible to the public.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- D) Measure 4: The applicant describes its transportation plan regarding procedures for safely and securely delivering medical cannabis to registered dispensaries.
- 4) Cultivation Plan [\(300 points\)](#):
- A) Measure 1: The applicant shall describe its plan to provide a steady, uninterrupted supply of medical cannabis to registered dispensaries.
- B) Measure 2: The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its experience, if applicable, with growing those strains or comparable agricultural products.
- C) Measure 3: The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the medical cannabis to be provided to dispensaries.
- 5) Product Safety and Labeling Plan [\(150 points\)](#):
- A) Measure 1: The applicant shall describe its plan for providing safe and accurate packaging and labeling of medical cannabis.
- B) Measure 2: The applicant shall describe its plan for testing medical cannabis and ensuring that all medical cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent. If applicable, the applicant shall provide quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.
- C) Measure 3: The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.

- 6) Applicant's Business Plan and Services to be Offered (100 points):
 - A) Measure 1: The applicant shall provide a business plan that describes how the cultivation center plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed cultivation center that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs, and the financial capability to undertake the project.
 - B) Measure 2: The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having medical industry, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility.
 - C) Measure 3: The business plan demonstrates a start-up timetable that provides an estimated time from permit approval of the cultivation center to full operation, and the assumptions used for the basis of those estimates.
- c) The Department shall award bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or exceed minimum requirements, with each initiative accounting for up to a maximum of 20 points each, for a maximum total of 160 bonus ~~in the following categories~~:
 - 1) Labor and Employment Practices: The applicant may describe any plans it has to:
 - A) Provide a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards,

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

codes of conduct, healthcare benefits, educational benefits, retirement benefits, and wage standards.

- B) Recruit and/or hire minorities, women, veterans, disabled persons and Illinois residents.
- 2) Research Plan: The applicant may provide the Department with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. To the extent it has been determined, the applicant may include in its proposal, a detailed description of:
- A) The methodology of the study;
 - B) The issues to be studied;
 - C) The methods that will be used to identify and select study participants;
 - D) The identity of all persons or organizations that will be worked with in connection with the study, including the role of each;
 - E) The duration of the study; and
 - F) The intended use of the study results.
- 3) Community Benefits Plan: The applicant may provide the Department with a detailed description of any plans the applicant has to give back to the local community if awarded a cultivation center permit.
- 4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will undertake, if awarded a cultivation center permit, to combat substance abuse in Illinois, including the extent to which the applicant will partner, or otherwise work with existing substance abuse programs.
- 5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support regarding the potential impact of the proposed location to the local community and neighborhood. This may include the local community's concerns or support regarding the proposed

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

location's proximity to substance abuse treatment centers, day care centers, schools and halfway houses.

- 6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of medical cannabis. The applicant may describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.
 - 7) Verification of Minority Owned, Female Owned, Veteran Owned, or Disabled Person Owned Business: The Minority, Female, Veteran, or Disabled Person applicant must own at least 51 percent of the entity applying for registration. The percentage totals may include any combination of these types of businesses. The Minority, Female, Veteran, or Disabled Person applicant must also share in control of management and day-to-day operations of the permitted facility. Documentation must be submitted at the time of application that demonstrates the respective status of the applicant, including, but not limited to, certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] for minority, female or disabled person applicants, or a DD214 for veteran applicants. [For purposes of this subsection \(c\)\(7\), minority, female, and disabled shall have the meanings ascribed in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act \[30 ILCS 575/2\].](#)
 - 8) Verification that the applicant's principal place of business is headquartered in Illinois. The names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.
- d) Should the applicant be awarded a permit, the information and plan that an applicant provided in its application becomes a mandatory condition of the permit. If a permittee fails to comply with standard and special conditions of the permit, the Department may assess a penalty or seek suspension or revocation of the permit pursuant to Section 1000.700.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- e) The Department may issue a cultivation center permit with conditions addressing weaker areas of the cultivation center's application that shall be addressed and corrected in the manner and timeframe set forth in the permit.
- f) There shall not be more than one permit issued per each of the 22 ISP District boundaries as specified on January 1, 2013.
 - 1) A permit shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants within the applicable district.
 - 2) ISP District Chicago (District C) incorporates ISP Districts 3 and 4. Therefore, the Department shall issue two separate permits for ISP District C.
- g) In the event that two or more qualified applicants for a cultivation center permit receive the same total score, the Department shall select the applicant that received the highest score in the cultivation plan category. In the event that the same two applicants received the same score in the cultivation plan category, the Department shall select the applicant that received the highest score in the security plan category.
 - 1) If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the Department.
 - 2) The panel will judge the overall applications and suitability, sustainability and likelihood of success of the applicants and award the permit accordingly.
- h) In the event that there are no qualified applicants in a particular District, the applicant with the highest total score will meet with an unbiased panel selected by the Department to determine whether the applicant may be able to cure any deficiencies in the application to become qualified. If the applicant is unable to cure the deficiencies, the panel will meet with the applicant with the next highest score to determine whether it may be able to cure any deficiencies in its application to become qualified. If that applicant is unable to cure the deficiencies, and there are no qualified applicants in that particular District, the application process will be reopened. All applicants will be required to submit a new fee and application for that District.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- i) If no qualified applicants are found during the process described in subsections (g) and (h), or if an applicant that is issued a conditional permit fails to fulfill the conditions of the conditional permit, or if no permit is issued or active in a particular District for any other reason, the Department shall announce another period to submit an application for that District. The application period shall be for 30 calendar days from the date specified in the announcement.
- j) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a cultivation center. Notwithstanding an applicant satisfying the foregoing selection criteria, the Department may, in its discretion, refuse to issue a permit if it is not satisfied that an applicant, or any one required to be identified in the application by Section 1000.100, is a person of good character, honesty and integrity, and is not:
 - 1) A person whose background, including criminal charges, reputation and association, is injurious to the health, safety, morals, good order and general welfare of the People of the State of Illinois;
 - 2) A person whose background, criminal record, reputation, habits, social or business associations adversely affect public confidence and trust in the medical cannabis industry or poses a threat to the public interests of the State or to the security and integrity of the medical cannabis industry;
 - 3) A person who creates or enhances the dangers of unlawful practices, methods and activities in the medical cannabis industry, including, but limited to, product diversion;
 - 4) A person who presents questionable business practices and financial arrangements incidental to the medical cannabis industry;
 - 5) A person who associates with, either socially or in business affairs, or employs persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; or
 - 6) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in any other jurisdiction.

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 39 Ill. Reg. 5363, effective March 25, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
385.20	Amendment
385.30	Amendment
385.40	Amendment
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2], the Children's Product Safety Act [430 ILCS 125], the Lead Poisoning Prevention Act [410 ILCS 45/7.1] and the Missing Children Records Act [325 ILCS 50/5]
- 5) Effective Date of Rule: March 25, 2015
- 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 is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 13570; July 7, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Editing and formatting changes recommended by the Joint Committee on Administrative Rules were made. In addition, changes to 385.Appendix A were removed after discussions with the Joint Committee for further review.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The Department is amending this Part with the following provisions:

As a result of amendments to the Juvenile Court Act [PA 98-61], reverted to treatment of individuals as juveniles up to their 18th birthday;

Updated the list of convictions to reflect the revised list in the Child Care Act (CCA);

Added the authority to fingerprint and share results with non-licensed service providers as amended in the CCA in August 2013. This authorization includes a person who provides child care in their home on a regular basis to a foster child and care for no more than 3 children under the age of 12;

Added the provision that authorizes background check requirement of direct child welfare service employees as required in 89 IAC 412 (Licensure of Direct Child Welfare Services Employees and Supervisors);

Expanded the definition of "member of the household" to include stepchildren or children related to the foster parent or child care provider who frequent the home as part of regular visitations; and

Added the definition of "Prospective member of the household" to require background checks of persons planning to move into a licensed foster family home.

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

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385

BACKGROUND CHECKS

Section

385.10	Purpose
385.20	Definitions
385.30	Applicability of This Part
385.40	Authorization for Background Checks
385.50	Child Abuse or Child Neglect
385.60	Criminal Convictions and Pending Criminal Charges
385.70	Disposition of Background Checks
385.80	Appeal of Decision to Deny License or Permit Based on Background Check Information
385.90	Records to be Maintained by the Child Care Facility
385.100	Confidentiality of Background Check Information
385.110	Severability of This Part
385.APPENDIX A	Criminal Convictions Preventing Licensure, Employment, Residence in a Family Home in Which a Child Care Facility Operates, or Placement with Relatives
385.APPENDIX B	Matrix of Persons Subject to Background Checks Under Part 385

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]; Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505/5(a)(3)(A) and (F) and (v)]; and Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)] Adam Walsh Child Protection and Safety Act (P.L. 109-248).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3930, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee on Administrative Rules objection at 20 Ill. Reg. 5712; emergency expired July 28, 1996; amended at 21 Ill. Reg. 4444, effective April 1, 1997; emergency amendment at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 13432, effective September 30, 2004; amended at 33 Ill. Reg. 4117, effective February 27, 2009;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

amended at 36 Ill. Reg. 2136, effective January 30, 2012; amended at 37 Ill. Reg. 12827, effective July 30, 2013; amended at 39 Ill. Reg. 5384, effective March 25, 2015.

Section 385.20 Definitions

"Access to children" means a child care facility employee's duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual and auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Assistant" or "child care assistant" means a person who assists a licensed home caregiver in the operation of the day care home, group day care home, or foster family home.

"Authorization for background check" means a complete, signed form prescribed by the Department which authorizes a background check as defined in this Part and submission of fingerprints, if required. An authorization for a background check may be used for the initial and all subsequent background checks required to determine compliance with the requirements of this Part.

"Background check" means:

a criminal history check via fingerprints of persons age ~~18~~ and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records or the National Crime Information Database (NCID) when applicable for prospective foster and adoptive parents; and

a check of the Child Abuse and Neglect Tracking System (CANTS/SACWIS) and other state child protection systems, or the National Registry, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry and the National Sex

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Offenders Registry, as appropriate.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services within. ~~This system is being replaced by~~ the Statewide Automated Child Welfare Information System (SACWIS).

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. "Child care facility" includes a relative who is licensed or who applies for a license as a foster family home under Section 4 of the Child Care Act of 1969. (Section 2.05 of the Child Care Act of 1969) A child care facility also means those described in the Child Care Act, including but not limited to any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, partially exempt secure child care facility or youth emergency shelter.

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children and who has commenced such duties while awaiting the results of the background check required by this Part.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Date of notice" means the date of the written notice to a license holder that all persons subject to background checks, as defined in this Section, must authorize such checks and submit to fingerprinting, if required.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Denial of application for license" means the refusal to grant a license or permit to a person, group of persons, agency, association or organization that applied for a license to operate a child care facility.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Director" means the Director of the Illinois Department of Children and Family Services.

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interests of the child.

"Governing body" means the board of directors of a corporation; otherwise, the term means the owners or other persons, agency, association or organization legally responsible for the operation of the child care facility.

"Illinois Sex Offender Registry" means the registry of any person convicted of a felony sex crime or an attempt to commit a felony sex crime operated and maintained by the Illinois State Police.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means, for purposes of background checks, the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensing entity" means the Department or a supervising agency recommending the license or processing the employment application.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors, including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address. In addition, a member of the household includes stepchildren and/or children relative to the foster parent or child care provider who frequent the home as part of regular visitation but do not reside in the home full-time.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])

"Multi-function agency" means an agency, association, or other organization that operates a child care facility, child welfare agency, or day care agency in addition to other services not subject to licensure under the Child Care Act of 1969. A child care facility, child welfare agency, or day care agency may consist of distinct units, divisions, or departments of a multi-function agency. In a multi-function agency, only the persons with direct authority for the operations of the child care facility and those who have access to children, as defined in this Section, are subject to the background check requirements of this Part.

"National Crime Information Database" or "NCID" means the National Crime Information Center and its incorporated criminal history databases.

"National Registry" means an electronic national registry of substantiated cases of child abuse and neglect supplied by the states, created by the Secretary of Health and Human Services in consultation with the Attorney General.

"National Sex Offender Registry" means an electronic national registry, operated and maintained by the United States Department of Justice, of any person convicted of a felony sex crime or an attempt to commit a felony sex crime in any state.

"Non-Licensed Service Provider" means an individual or entity that contracts with the Department to provide child welfare services that enable the Department

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

to perform its duties under the Abused and Neglected Child Reporting Act [325 ILCS 5], the Child Care Act of 1969 [225 ILCS 10], and the Children and Family Services Act [20 ILCS 505]. [225 ILCS 10/2.28] It also includes a person who provides child care in his or her home to a child for whom the Department is legally responsible on a regular basis, such as weekly or several times per week, and cares for no more than 3 children under the age of 12 or receives only children from a single household for less than 24 hours per day. The three children include the family's own children or adopted children and any other persons under the age of 12, whether related or unrelated to the service provider. (See 89 Ill. Adm. Code 377.3(d).)

"Operator" means any person responsible for the day-to-day management of the child facility.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Persons subject to background checks" means:

the operators of the child care facility;

all current and conditional employees of the child care facility;

all direct child welfare agency employees (see 89 Ill. Adm. Code 412);

any person who is used to replace or supplement staff;

any person who has access to children, as defined in this Section; and

any person, including non-licensed service providers, who provides services that allow unsupervised access to children if the requirement for background checks is a condition of a contract or agreement or is required otherwise under 89 Ill. Adm. Code 357 (Purchase of Service).

If the child care facility operates in a family home, the license applicants and all members and prospective members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

facility is in operation.

Non-licensed service providers who, on a regular basis, provide care in the provider's home to a child for whom the Department is legally responsible and all members of the household age 13 or over are subject to background checks.

For a final placement decision in a relative home, the relative and all members of the household age 1817 and over are subject to criminal background checks (see 20 ILCS 505/5(v-1)).

"Prospective member of the household" means a person age 13 or older who plans to move into a licensed foster family home.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services, replacing the CANTS system.

"Seasonal child care program" means a child care facility that operates a seasonal program, such as summer-only or migrant Head Start program, that is subject to licensing by the Department.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 40].

"Substitute" means a permanent or temporary employee who is used to replace or supplement regular staff.

"Supervising agency" means a licensed child welfare agency, a licensed day care agency, a license exempt agency, or the Department.

(Source: Amended at 39 Ill. Reg. 5384, effective March 25, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 385.30 Applicability of This Part

- a) **Applicability**
All licensed child care facilities shall submit completed, signed authorizations for background checks for all persons subject to background checks as defined in Section 385.20.
- b) **License Renewals**
A child care facility license shall not be renewed until the results of the background check (CANTS/SACWIS, Illinois Sex Offender Registry, and criminal history) have been received for the operator of the child care facility. However, if complete, signed authorizations have been submitted and fingerprints obtained for all persons subject to background checks, as defined in Section 385.20, and a check of the CANTS/SACWIS and Illinois Sex Offender Registry is completed, renewal of the license shall not be delayed pending receipt of the results of the criminal background check for other persons subject to background checks.
- c) **Scope of Background Checks**
 - 1) All persons subject to background checks pursuant to this Part shall be processed through the CANTS/SACWIS, the Illinois Sex Offender Registry and LEADS. Fingerprints of all persons age ~~18~~17 and over shall be submitted to the Illinois State Police via the fingerprint vendor stipulated by the Department for a criminal history check.
 - 2) In addition, foreign nationals who have not resided in Illinois for all of the preceding 3 years shall submit to their prospective employer (if seeking employment) or licensing representative (if seeking a license to operate a child care facility) a copy of their valid passport and current visa. A copy of the valid passport and current visa shall be attached to the authorization for background check submitted to:

Department of Children and Family Services
Central Office of Licensing
406 E. Monroe Street, Station #60
Springfield, Illinois 62701

All facsimile transmissions shall be sent to the Employment FAX Line at

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(217)785-6368.

- 3) In addition, each owner of a for-profit corporation, as a condition of license renewal, must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* [5 ILCS 100/10-65(c)]
 - 4) Fingerprints for the following persons age ~~18~~17 and over shall be submitted to the Federal Bureau of Investigation (FBI) for a search of its records for evidence of prior criminal activity:
 - A) all applicants for foster family home licensure and members of the household;
 - B) all relative caregivers and members of the household prior to a final placement decision in a relative home [20 ILCS 505/5(v-1)];
 - C) persons who have a record of criminal activity that may impact their suitability for licensure/employment by their own acknowledgment or according to the records of the Illinois State Police; ~~and~~
 - D) persons who have resided outside the State of Illinois for any part of the preceding three years; ~~and~~;
 - E) a non-licensed service provider who has access to children as defined in Section 385.20 and all members of the provider's household age 13 and over;
 - 5) For *prospective foster or adoptive parents or other adult living in the home who resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry and the National Sex Offender Registry.* [20 ILCS 505/5(v-2)]
- d) A Condition of Employment

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) As a condition of employment in a licensed child care facility in a position that allows access to children, all persons subject to background checks, as defined in Section 385.20, shall complete and sign authorizations for background checks and submit to fingerprinting, if required. This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any individual used as replacement or supplemental staff in the direct care and supervision of children.
- 2) Complete, signed authorizations for background checks must be submitted to:

Department of Children and Family Services
Central Office of Licensing
406 E. Monroe Street, Station #60
Springfield, Illinois 62701

All such authorizations must be postmarked within two business days after the person's employment or use in a role as replacement or supplemental staff. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.

- e) **Child Care Facilities that Operate Within a Family Home**
If the child care facility operates in a family home, adult members of the household age ~~18~~ and older shall be fingerprinted to be screened for prior criminal convictions and current pending criminal charges in accordance with the requirements of this Part. All household members age 13 and over shall be screened for a history of child abuse or neglect and for inclusion in the Illinois Sex Offender Registry. These background checks are required even if members of the household usually are not present in the home during the hours the child care facility is in operation.
- f) **Programs Operated Under the Auspices of Child Welfare or Day Care Agencies**
The background check requirements of this Part apply to:
 - 1) employees of a child welfare agency who are involved in the placement in, licensure of, or supervision of foster family or adoptive homes, relative homes, group homes, child care institutions, youth emergency shelters, or independent living arrangements; ~~and~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) employees of a child welfare agency or day care agency who are involved in the licensure or supervision of licensed day care homes; and
 - 3) persons used as replacement or supplemental staff identified in subsection (f)(1) or (2).
- g) **Service Providers**
As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357 (Purchase of Service), the Department may require a person who provides services that allow unsupervised access to children, including non-licensed service providers, to authorize a background check under this Part.
- h) **Issuance of Permits**
A permit may be issued when:
- 1) the facility operator has cleared a complete background check (criminal history, CANTS/SACWIS, and Illinois Sex Offender Registry); ~~and~~
 - 2) if a for-profit corporation or other for-profit legal entity, the owner has certified that he or she is current or not more than 30 days delinquent in complying with a child support order; ~~and~~
 - 3) all other persons subject to background checks have been fingerprinted (if required), as verified by a fingerprint receipt, and have obtained their CANTS/SACWIS, and Illinois Sex Offender Registry clearances; and
 - 4) the facility is in compliance with all other applicable licensing requirements for issuance of a permit.
- i) **Work Study Students**
No criminal history check is required unless work study students are used as replacement or supplemental staff, as defined in Section 385.20. However, CANTS/SACWIS and Illinois Sex Offender Registry checks must be completed for all work study students.
- j) **Volunteers**
No background check (CANTS/SACWIS, Illinois Sex Offender Registry, criminal history) is required unless volunteers are used as replacement or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

supplemental staff, as defined in Section 385.20.

- k) **Parental Involvement**
Parental involvement in a child care facility program does not require a background check unless the parent is used as replacement or supplemental staff, as defined in Section 385.20. ~~{225 ILCS 10/4.2(b)}~~ Nothing in this Part is intended to prohibit a parent from being left alone unsupervised with only his or her own children.
- l) **Responsibility for Cooperation**
Child care facilities shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:
- 1) death in the family of the person; ~~or~~
 - 2) serious illness of the person or illness in the person's immediate family; or
 - 3) weather or transportation emergencies.
- m) **Limitations on Criminal Offenders**
Persons age ~~18~~¹⁷ and over who have been convicted of committing or attempting to commit the offenses in Section 385.60(a) or (b) (when applicable) and when the Department becomes aware of persons age 13 and over who have been tried as an adult and convicted for the crimes identified in Section 385.60(a) or (b) shall not:
- 1) receive a license from the Department to operate a child care facility or have such a license renewed; ~~or~~
 - 2) be employed by a child care facility licensed by the Department in a position which allows access to children; ~~or~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) be a member of the household in a family home in which a child care facility operates; or
 - 4) obtain a contract or agreement from the Department to provide services which allow access to children if the requirement for such background checks is a condition of the contract or agreement.
- n) **Limitations on Perpetrators of Child Abuse/Neglect**
Persons who have been indicated as the perpetrator of any of the child abuse/neglect allegations identified in Section 385.50(a) are presumed to be unfit for service that allows access to children. These indicated perpetrators are limited in the same manner as the criminal offenders in subsection (m) unless the Director or designee has waived in writing the presumption of unsuitability. Such waivers may be requested in writing in accordance with Section 385.50(b).
- o) **No Charge for Background Checks**
There is no charge to license applicants or licensed child care facilities for the background checks which are required by this Part.

(Source: Amended at 39 Ill. Reg. 5384, effective March 25, 2015)

Section 385.40 Authorization for Background Checks

- a) **Persons Required to Authorize Background Checks**
 - 1) All persons [\(including non-licensed service providers\)](#) required to authorize background checks (as defined in Section 385.20) must authorize such checks as a condition of employment and continuing employment, initial license or the renewal of an existing license, continued licensing, or when required for a contract with the Department.
 - 2) Each owner of a child care facility must certify, under penalty of perjury on forms prescribed by the Department, *that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- b) **Contents of Authorization**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The authorization required by this Section shall be on forms prescribed by the Department and shall include:

- 1) identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;
 - 2) a certification under penalty of perjury identifying any prior criminal convictions other than a minor traffic violation, as defined by this Part, and of any pending criminal charges; and
 - 3) authorization for the Department to release the results of the background check to the governing body or employer or, in the case of a group home or a child care facility operating in a family home, to the supervising agency for the child care facility.
- c) **Employees Absent from Active Duty**
For purposes of this Part only, employees who have been separated from a child care facility licensed by the Department for six months or longer (for reasons other than vacation, sabbatical leave, sick leave or maternity leave) shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background check pursuant to this Part.
- d) **Transfers Between Licensed Facilities**
A facility that hires an employee who has cleared a complete background check consisting of a criminal history check and a CANTS/SACWIS check and a check of the Illinois Sex Offender Registry at a facility licensed by the Department shall submit a new signed authorization of background check for the employee. Such an employee who has cleared a background check as described in this subsection does not need to be fingerprinted again unless the Department specifically requests new prints (e.g., when fingerprints cannot be found).
- e) **Operation of Seasonal Programs**
Child care facilities that operate seasonal programs, such as migrant Head Start or other summer-only programs, hire staff on a seasonal basis for work in the program and then discharge or lay off the staff until the beginning of the next season. When the time period between the end of one seasonal program and the beginning of the next program is more than six months, a check of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

CANTS/SACWIS and the Illinois Sex Offender Registry must be completed (if the individual has access to children) before the individual begins his or her duties for the next season.

- f) **Commingling Not Permitted**
If a child care facility operates within the same building as other agencies or organizations or is part of a multi-function agency that offers services which are not subject to Department licensing, the child care facility shall develop a plan to limit access to children receiving care in the licensed facility by individuals who are not subject to the background check requirements of this Part. The plan shall be approved in writing by the governing body and the supervising licensing agency, before a license is recommended.
- g) **Conditional Employment**
Individuals hired to begin employment who have authorized the background check required by this Part may be employed by a child care facility on a conditional basis pending the outcome of the required background check. The form authorizing such a background check shall be submitted to Department of Children and Family Services as indicated in Section 385.30(d)(2).
- h) **Limitations on the Use of Conditional Employees**
Conditional employees shall not be left alone with children outside the visual and auditory supervision of staff until they have cleared a check of CANTS/SACWIS and the Illinois Sex Offender Registry.

(Source: Amended at 39 Ill. Reg. 5384, effective March 25, 2015)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1800.220	Amendment
1800.320	Amendment
- 4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78 (a)(3) of that Act [230 ILCS 40/78 (a)(3)]
- 5) Effective Date of Rule: March 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 18828; September 19, 2014
- 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 agreement letter issued by JCAR? No agreement letter has been issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u><i>Illinois Register</i> Citation:</u>
1800.1610	New Section	38 Ill. Reg. 19901; October 17, 2014
- 15) Summary and Purpose of Rulemaking: The rulemaking makes the following changes to the Video Gaming (General) rules [11 Ill. Admin. Code 1800]:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

New continuous reporting requirements: The rulemaking changes the title of Section 1800.220 from "Continuing Duty to Report Violations" to "Continuing Duty to Report Information." New language in the rulemaking requires all licensees, applicants for licensure, and persons with significant influence or control ("PSICs") to promptly report to the Board, on a continuing basis, any changes or additions to all material information provided in an application. This material information is declared to include, but not be limited to, the following:

Use agreements;

Persons who have acted or will act as a sales agent, broker or otherwise engage in the solicitation of business from current or potential licensed video gaming locations; and

Agreements with any individual or business entity related to the sharing of or allotting any sums of money derived from the operation of video gaming.

A terminal operator whose license is denied or non-renewed cannot enforce use agreements: The rulemaking amends subsection e) of Section 1800.320 ("Minimum Standards for Use Agreements") by adding new situations under which a video gaming location is released from any continuing contractual obligation under a use agreement. The new language releases locations from such contractual obligations if a terminal has its license application denied or is denied renewal of its license. Currently, subsection 320 (e)) releases a video gaming location from contractual obligations under a use agreement only when the terminal operator has its license revoked or surrenders its license.

16) Information and questions regarding this adopted rule may be addressed to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

312/814-7137
fax: 312/814-7253

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: LICENSING PROCEDURES

Section

1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates
1800.590	Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section	
1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section	
1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section
1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
1800.1250 Fees for Fingerprinting
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6,

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015.

SUBPART B: DUTIES OF LICENSEES

Section 1800.220 Continuing Duty to Report InformationViolations

Licensees and applicants for licensure under the Act and persons with significant influence and control have a continuing duty to~~must~~ promptly report all of the following to the Administrator or his or her designee:

- a) A violation of the Act, this Part or any illegal conduct, including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
- b) Any fact, event, occurrence, matter or action that may affect the conduct of video gaming or the business and financial arrangements incidental to the conduct of video gaming, or the ability to conduct the activities for which the licensee is licensed, including, but not limited to, any change or addition in persons identified as having significant influence or control;
- c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations; ~~and~~
- d) Any adverse action taken or nonrenewal relative to a liquor license; and-

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) Any changes or additions to all material information provided in an application for a video gaming license, including but not limited to:
- 1) Use Agreements;
 - 2) Persons who have acted or will act as a sales agent or broker or otherwise engage in the solicitation of business from current or potential licensed video gaming locations; and
 - 3) Agreements with any individual or business entity related to the sharing of, or allotting, any sums of money derived from the operation of video gaming.

(Source: Amended at 39 Ill. Reg. 5401, effective March 27, 2015)

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.320 Minimum Standards for Use Agreements

In addition to the requirements set forth in the Act, a Use Agreement must satisfy the following:

- a) Only be between:
 - 1) a licensed terminal operator that, beginning July 15, 2014, is licensed by the Board at the time the Use Agreement is signed; and
 - 2) a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;
- b) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;
- c) Contain an indemnity and hold harmless provision on behalf of the State, the Board, and its agents relative to any cause of action arising from a use agreement;

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator;
- e) Contain a provision that releases the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or denied, has its renewal denied, or surrenders its license.

(Source: Amended at 39 Ill. Reg. 5401, effective March 27, 2015)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Adopted Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1(e) and 27
- 5) Effective Date of Rule: March 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of Availability: The adopted rule, a copy of the Board's opinion and order adopted March 5, 2015 in docket R15-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: December 12, 2014, 38 Ill. Reg. 23264
- 10) Has JCAR issued a Statement of Objection to this rule? No. Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposed and the Final Version: A table that appears in the Board's opinion and order of March 5, 2015 in docket R15-5 summarizes the differences between the amendment adopted in that order and those proposed by the Board in an opinion and order dated November 5, 2014, in docket R15-5. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendment.

The differences are limited to minor, non-substantive corrections and revisions to format as suggested by JCAR. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendment appeared in the December 12, 2014 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 5, 2015 in docket R15-5, as indicated in item 11 above. See the March 5, 2015 opinion and order in docket R15-5 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 5, 2015, adopting amendments in docket R15-5, which opinion and order is available from the address below.

The R15-5 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. This amendment updates the definition of to correspond with amendments to the corresponding definition of VOC in the federal regulations at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2014 through June 30, 2014. During this period, USEPA amended its definition of VOC as follows:

March 27, 2014
(79 Fed. Reg. 17037)

USEPA exempted 2-amino-2-mehtyl-1-propanol
(also called AMP) (CAS 124-68-5) from the
definition of VOM.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

A table appears in the Board's opinion and order of March 5, 2015 in docket R15-5 that lists the deviation from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 5, 2015 opinion and order in docket R15-5.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this adopted rule shall be directed to: Please reference consolidated docket R15-5 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of March 5, 2015 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R14-16 at 39 Ill. Reg. 5410, effective March 24, 2015.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. USEPA has excluded the listed negligibly-reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (e) of this Section.

Acetone (2-propanone or dimethylketone)

[2-Amino-2-methyl-1-propanol](#)

Bis(difluoromethoxy)(difluoro)methane ($\text{CHF}_2\text{OCF}_2\text{OCHF}_2$ or HFE-236cal2)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane
($\text{CHF}_2\text{OCF}_2\text{CF}_2\text{OCHF}_2$ or HFE-338pcc13)

tertiary-Butyl acetate

1-Chloro-1,1-difluoroethane (HCFC-142b)

Chlorodifluoromethane (CFC-22)

1-Chloro-1-fluoroethane (HCFC-151a)

Chlorofluoromethane (HCFC-31)

Chloropentafluoroethane (CFC-115)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

trans-1-chloro-3,3,3-trifluoroprop-1-ene

1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethyl-pentane
(HFE-7300, L-14787, or $\text{C}_2\text{F}_5\text{CF}(\text{OCH}_3)\text{CF}(\text{CF}_3)_2$)

1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee)

Dichlorodifluoromethane (CFC-12)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1,1-Dichloro-1-fluoroethane (HCFC-141b)
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-Difluoroethane (HFC-152a)
Difluoromethane (HFC-32)
(Difluoromethoxy)(difluoro)methane ($\text{CHF}_2\text{OCHF}_2$ or HFE-134)
1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane ($\text{CHF}_2\text{OCF}_2\text{OCF}_2\text{CF}_2\text{OCHF}_2$ or HFE-43-10pccc)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(\text{CF}_3)_2\text{CFCF}_2\text{OCH}_3$)
Dimethyl carbonate
Ethane
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(\text{CF}_3)_2\text{CFCF}_2\text{OC}_2\text{H}_5$)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane
(HFE-7500)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$ or HFE-7200)
Ethylfluoride (HFC-161)
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane ($n\text{-C}_3\text{F}_7\text{OCH}_3$ or HFE-7000)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
Methane
Methyl acetate
Methylene chloride (dichloromethane)
Methyl formate (CHOOCH_3)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane ($\text{C}_4\text{F}_9\text{OCH}_3$ or HFE-7100)
Parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc)
Pentafluoroethane (HFC-125)
1,1,2,2,3-Pentafluoropropane (HFC-245ca)
1,1,2,3,3-Pentafluoropropane (HFC-245ea)
1,1,1,2,3-Pentafluoropropane (HFC-245eb)
1,1,1,3,3-Pentafluoropropane (HFC-245fa)
Perchloroethylene (tetrachloroethylene)
Perfluorocarbon compounds that fall into the following classes:
Cyclic, branched, or linear, completely fluorinated alkanes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

Propylene carbonate (4-methyl-1,3-dioxolan-2-one)

Siloxanes: cyclic, branched, or linear completely-methylated

1,1,2,2-Tetrafluoroethane (HFC-134)

1,1,1,2-Tetrafluoroethane (HFC-134a)

trans-1,3,3,3-Tetrafluoropropene (HFO-1234ze)

2,3,3,3-Tetrafluoropropene (HFO-1234yf)

1,1,1-Trichloroethane (methyl chloroform)

Trichlorofluoromethane (CFC-11)

1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113)

1,1,1-Trifluoro-2,2-dichloroethane (HCFC-123)

1,1,1-Trifluoroethane (HFC-143a)

Trifluoromethane (HFC-23)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

determination is not reflected in any of the test methods in subsection (b) [of this Section](#)~~above~~.

- e) The following compound is VOM for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOM, and it must be uniquely identified in emission reports, but it is not VOM for the purposes of VOM emissions limitations or VOM content requirements: t-butyl acetate.

(Source: Amended at 39 Ill. Reg. 5410, effective March 24, 2015)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) Section Number: 243.108 Adopted Action:
Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) Effective Date of Rule: March 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of Availability: The adopted rule, a copy of the Board's opinion and order adopted March 5, 2015 in docket R15-4, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: December 12, 2014, 38 Ill. Reg. 23289
- 10) Has JCAR issued a statement of objection to this rulemaking? No. Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: A table that appears in the Board's opinion and order of March 5, 2015 in docket R15-4 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated November 20, 2014, in docket R15-4. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to updating the version of a document incorporated by reference to a later version that was not available at the time of the proposal for public comment. The changes are intended to have no substantive effect. The intent is to add

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the December 12, 2014 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 5, 2015 in docket R15-4, as indicated in item 11 above. See the March 5, 2015 opinion and order in docket R15-4 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 5, 2015, adopting amendments in docket R15-4, which opinion and order is available from the address below.

The R15-4 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. These amendments update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period January 1, 2014 through June 30, 2014. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended its NAAQSs as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

June 18, 2014
(79 Fed. Reg. 34734)

USEPA designated one new equivalent method for Nitrogen oxides (NOX), two new equivalent methods for ozone (O3), and one new equivalent method for lead (Pb) in ambient air.

USEPA subsequently designated two new reference methods (FRMs) and two new FEMs on November 4, 2014. The Board has included the November 4, 2014 designations in this docket for the sake of administrative economy.

November 4, 2014
(79 Fed. Reg. 65392)

USEPA designated one new reference method for fine particulates (PM2.5), one new reference method for coarse particulates (PM10-2.5), one new equivalent method for ozone (O3), and one new equivalent method for carbon monoxide (CO) in ambient air.

On December 18, 2014, USEPA issued an updated version of its List of Designated Reference and Equivalent Methods that included the two new FRMs and two new FEMs designated on November 4, 2014 together with all the methods that appeared in the June 18, 2014 version of the List.

The Board is updating the List of Designated Reference and Equivalent Methods to the December 18, 2014 version, which would add the November USEPA action to this rulemaking for the purpose of administrative economy.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this adopted rule shall be directed to: Please reference consolidated docket R15-4 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of March 5, 2015 at 312/814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead
243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule of Exceptional Event Flagging and Documentation Submission for New or Revised NAAQS

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov).
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2013) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2013) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Appendix D to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2013) (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2013), as amended at 78 Fed. Reg. 40000 (July 3, 2013) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2013) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2013) (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2013) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2013) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2013), as amended at 78 Fed. Reg. 47191 (August 5, 2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Appendix O to 40 CFR 50 (2013) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2013) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2013) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2013) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2013) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Clean Air Act, 42 USC 7401 et seq. (2011) (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

"List of Designated Reference and Equivalent Methods" ([December 18, 2014](#))~~(December 17, 2013)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

This incorporation by reference does not include USEPA methods approvals that occurred after December ~~17, 2013~~, [18, 2014](#).

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 39 Ill. Reg. 5434, effective March 24, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.330 Adopted Action:
Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the *Illinois Register*: 38 Ill. Reg. 19431; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment implements the statutory requirements of PA 98-271, which inserted language in the Hospital Licensing Act requiring that hospital procedures for administering pneumococcal vaccines be “in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination,” instead of just for patients aged 65 or older.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
250.100	Definitions
250.105	Incorporated and Referenced Materials
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions (Renumbered)
250.160	Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

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

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

SUBPART D: PERSONNEL SERVICE

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

SUBPART E: LABORATORY

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

SUBPART F: RADIOLOGICAL SERVICES

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

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

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

SUBPART I: NURSING SERVICE AND ADMINISTRATION

- Section
- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs
- 250.1020 Licensure
- 250.1030 Policies and Procedures
- 250.1035 Domestic Violence Standards
- 250.1040 Patient Care Units
- 250.1050 Equipment for Bedside Care
- 250.1060 Drug Services on Patient Unit
- 250.1070 Care of Patients
- 250.1075 Use of Restraints
- 250.1080 Admission Procedures Affecting Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units

SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records
250.1520	Reports

SUBPART M: FOOD SERVICE

Section	
250.1610	Dietary Department Administration
250.1620	Facilities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section

250.1810	Applicability of Other Provisions of this Part
250.1820	Obstetric and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Obstetric Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1845	Caesarean Birth
250.1850	Single Room Postpartum Care of Mother and Infant
250.1860	Special Programs (Repealed)
250.1870	Labor, Delivery, Recovery and Postpartum Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section	
250.2010	Definition
250.2020	Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section	
250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section	
250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of Subpart U
250.2620	Codes and Standards
250.2630	Existing General Hospital Requirements
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

250.2880 Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

250.EXHIBIT A Codes (Repealed)

250.EXHIBIT B Standards (Repealed)

250.EXHIBIT C Addresses of Sources (Repealed)

250.ILLUSTRATION A Seismic Zone Map

250.TABLE A Measurements Essential for Level I, II, III Hospitals

250.TABLE B Sound Transmission Limitations in General Hospitals

250.TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

250.TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

250.TABLE G Insulation/Building Perimeter

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015.

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff, a house staff member under the supervision of a member of the medical staff, or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy that includes an assessment for contraindications.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) The staff-approved *influenza and pneumococcal immunization policy shall include, but not be limited to, the following:*
 - A) *Procedures for identifying patients age 65 or older and, at the discretion of the hospital, other patients at risk;*
 - B) *Procedures for offering immunization against influenza virus when available between September 1 and April 1, and against pneumococcal disease upon admission or discharge, to patients in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination~~age 65 or older~~, unless contraindicated; and*
 - C) *Procedures for ensuring that patients offered immunization, or their guardians, receive information regarding the risks and benefits of vaccination.*
 - 2) *The hospital shall provide a copy of its influenza and pneumococcal immunization policy to the Department upon request. (Section 6.26 of the Act)*
- b) Verbal orders shall be signed before the member of the medical staff, the house staff member or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board leaves the area. Telephone orders shall be used sparingly and countersigned by the ordering practitioner or another practitioner who is responsible for the care of the patient as soon as practicable pursuant to a hospital policy approved by the medical staff, but no later than 72 hours after the order was given.
 - c) Members of the medical staff, house staff members or allied health personnel with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
 - d) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

the request of other than members of the medical staff in accordance with policies approved by the medical staff and governing board.

- e) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and governing board.

(Source: Amended at 39 Ill. Reg. 5443, effective March 25, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.1060 Adopted Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the *Illinois Register*: 38 Ill. Reg. 19444; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following change was made in response to comments and suggestions of JCAR:

In Section 330.1060(a), "*or arrange for*" was inserted in line one after "administer".

In addition, various non-substantive typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This proposed amendment implements the statutory requirements of PA 98-271, which removed language from the Nursing Home Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 300.680 Restraints
- 300.682 Nonemergency Use of Physical Restraints
- 300.684 Emergency Use of Physical Restraints
- 300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 300.690 Incidents and Accidents
- 300.695 Contacting Local Law Enforcement
- 300.696 Infection Control

SUBPART D: PERSONNEL

- Section
- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- Section
- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Care and Treatment of Sexual Assault Survivors
- 300.1050 Dental Standards
- 300.1060 Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

- Section
- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Direct Care Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- Section
- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- Section
- 300.2810 Applicability of these Standards
- 300.2820 Codes and Standards
- 300.2830 Preparation of Drawings and Specifications
- 300.2840 Site
- 300.2850 Administration and Public Areas
- 300.2860 Nursing Unit
- 300.2870 Dining, Living, Activities Rooms
- 300.2880 Therapy and Personal Care
- 300.2890 Service Departments
- 300.2900 General Building Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

300.4000	Applicability of Subpart S
300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
HEALTHCARE AND FAMILY SERVICES'
DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T (Repealed)
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

- 300.7000 Applicability
- 300.7010 Admission Criteria
- 300.7020 Assessment and Care Planning
- 300.7030 Ability-Centered Care
- 300.7040 Activities
- 300.7050 Staffing
- 300.7060 Environment
- 300.7070 Quality Assessment and Improvement
- 300.7080 Variances to Enhance Residents' Quality of Life
- 300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
- 300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
- 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
- 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
- 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
- 300.APPENDIX F Guidelines for the Use of Various Drugs
- 300.APPENDIX G Facility Report
- 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
- 300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
- 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
- 300.TABLE D Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015.

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section 300.1060 Vaccinations

- a) *A facility shall annually administer or arrange for a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. (Section 2-213 of the Act)

- b) *A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated. (Section 2-213 of the Act)*
- c) *A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident ~~who is age 65 or over~~, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. (Section 2-213 of the Act)*
- d) *A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated. (Section 2-213 of the Act)*

(Source: Amended at 39 Ill. Reg. 5456, effective March 25, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.1160 Adopted Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the *Illinois Register*: 38 Ill. Reg. 19458; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following change was made in response to comments and suggestions of JCAR:

In Section 330.1160(a), "*or arrange for*" was inserted in the first line after "administer".

In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This proposed amendment implements the statutory requirements of PA 98-271, which removed language from the Nursing Home Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

330.286	Notice of Penalty Assessment; Response by Facility
330.287	Consideration of Factors for Assessing Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.715	Request for Resident Criminal History Record Information
330.720	Admission and Discharge Policies
330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
330.725	Identified Offenders
330.726	Discharge Planning for Identified Offenders
330.727	Transfer of an Identified Offender
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.761	Whistleblower Protection
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control
330.795	Language Assistance Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PERSONNEL

Section

330.910	Personnel
330.911	Health Care Worker Background Check
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns (Repealed)
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

330.1110	Medical Care Policies
330.1120	Personal Care
330.1125	Life Sustaining Treatments
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Care and Treatment of Sexual Assault Survivors
330.1145	Restraints
330.1150	Emergency Use of Physical Restraints
330.1155	Unnecessary, Psychotropic, and Antipsychotic Drugs
330.1160	Vaccinations

SUBPART F: RESTORATIVE SERVICES

Section

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services
330.1340	Volunteer Program

SUBPART G: MEDICATIONS

Section

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 330.1710 Resident Record Requirements
- 330.1720 Content of Medical Records
- 330.1730 Records Pertaining to Residents' Property
- 330.1740 Retention and Transfer of Resident Records
- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
- 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Meal Planning
- 330.1960 Therapeutic Diets (Repealed)
- 330.1970 Scheduling of Meals
- 330.1980 Menus and Food Records
- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating and Cooling

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements
330.3360 Exit Facilities and Subdivision of Floor Areas
330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
330.3390 Exit Lights and Directional Signs
330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

330.3610 Site
330.3620 General Building Requirements
330.3630 Administration
330.3640 Corridors
330.3650 Bath and Toilet Rooms
330.3660 Living, Dining, and Activity Rooms
330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

EXISTING SHELTERED CARE FACILITIES

Section

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

330.4210	General
330.4220	Medical Care
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

	(Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities
330.APPENDIX D	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
330.APPENDIX E	Guidelines for the Use of Various Drugs
330.TABLE A	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. 19199, effective November 23, 2010; amended at 35 Ill. Reg. 3415, effective February 14, 2011; amended at 35 Ill. Reg. 11513, effective June 29, 2011; amended at 37 Ill. Reg. 2315, effective February 4, 2013; amended at 37 Ill. Reg. 4970, effective March 29, 2013; amended at 39 Ill. Reg. 5470, effective March 25, 2015.

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section 330.1160 Vaccinations

- a) *A facility shall annually administer or arrange for a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

contraindicated or the resident has refused the vaccine. (Section 2-213 of the Act)

- b) *A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated.* (Section 2-213 of the Act)
- c) *A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident ~~who is age 65 or over,~~ in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated.* (Section 2-213 of the Act)
- d) *A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated.* (Section 2-213 of the Act)

(Source: Amended at 39 Ill. Reg. 5470, effective March 25, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1640 Adopted Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the *Illinois Register*: 38 Ill. Reg. 19470; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemakings? No
- 11) Differences between Proposal and Final Version: The following changes were made in response to comments and suggestions of JCAR:

In Section 340.1640(a), "or arrange for" was inserted in the first line after "administer".

In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This proposed amendment implements the statutory requirements of PA 98-271, which removed language from the Nursing Home Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1225	Administrative Warning
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties (Repealed)
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

340.1314	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1351	Whistleblower Protection
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section

340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

SUBPART D: HEALTH SERVICES

Section

340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1575	Care and Treatment of Sexual Assault Survivors
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

SUBPART E: MEDICATIONS

Section	
340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section	
340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

SUBPART G: RESIDENT RECORDS

Section	
340.1800	Resident Record Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records
340.1840	Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

340.1900	Food Service Staff
340.1910	Diet Orders
340.1920	Meal Planning
340.1930	Therapeutic Diets (Repealed)
340.1940	Menus and Food Records
340.1950	Food Preparation and Service
340.1960	Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section

340.2000	Maintenance
340.2010	Water Supply, Sewage Disposal and Plumbing
340.2020	Housekeeping
340.2030	Laundry Services
340.2040	Furnishings
340.2050	Equipment and Supplies

340.TABLE A	Heat Index Table/Apparent Temperature
340.TABLE B	Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010; amended at 35 Ill. Reg. 3442, effective February 14, 2011; amended at 35 Ill. Reg. 11596, effective June 29, 2011; amended at 37 Ill. Reg. 2330, effective February 4, 2013; amended at 37 Ill. Reg. 4983, effective March 29, 2013; amended at 39 Ill. Reg. 5482, effective March 25, 2015.

SUBPART D: HEALTH SERVICES

Section 340.1640 Vaccinations

- a) *A facility shall annually administer a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. (Section 2-213 of the Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- b) *A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated. (Section 2-213 of the Act)*
- c) *A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident ~~who is age 65 or over,~~ in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. (Section 2-213 of the Act)*
- d) *A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated. (Section 2-213 of the Act)*

(Source: Amended at 39 Ill. Reg. 5482, effective March 25, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.1260 Adopted Action:
Amendment
- 4) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the Illinois Register: 38 Ill. Reg. 19478; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made in response to comments and suggestions of JCAR:

In Section 350.1260(a), "*or arrange for*" was inserted in the first line after "administer".

In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This proposed amendment implements the statutory requirements of PA 98-271, which removed language from the ID/DD Community Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
350.1260 Vaccinations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
----------	---------------------------------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015.

SUBPART F: HEALTH SERVICES

Section 350.1260 Vaccinations

- a) *A facility shall annually administer or arrange for a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. Influenza vaccinations for all residents age 65 and over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. (Section 2-213 of the Act)*
- b) *A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated. (Section 2-213 of the Act)*
- c) *A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident ~~who is age 65 or over~~, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. (Section 2-213 of the Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- d) *A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated.* (Section 2-213 of the Act)

(Source: Amended at 39 Ill. Reg. 5490, effective March 25, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.1140 Adopted Action:
Amendment
- 4) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rule: March 25, 2015
- 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 Proposed published in the *Illinois Register*: 38 Ill. Reg. 19491; October 3, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 390.1140(a), "or arrange for" was inserted in the first line after "administer" and "Influenza vaccinations for all residents age 65 or over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1" was stricken.

In Section 390.1140(a) the last sentence was made into a new subsection (b) and the rest of the Section was re-lettered.

In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment implements the statutory requirements of PA 98-271, which removed language from the ID/DD Community Care Act that limited the administration of pneumococcal vaccination to residents aged 65 or older.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Assistant General Counsel
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services
390.1130	Communicable Disease Policies
390.1140	Vaccinations
390.1150	Language Assistance Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section	
390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 390.1410 Medication Policies and Procedures
- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

390.3210	General
390.3220	Medical Care
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
390.3330	Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

390.3510	Day Care in Long-Term Care Facilities
----------	---------------------------------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. 19239, effective November 23, 2010; amended at 35 Ill. Reg. 3495, effective February 14, 2011; amended at 39 Ill. Reg. 5503, effective March 25, 2015.

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section 390.1140 Vaccinations

- a) *A facility shall annually administer or arrange for a vaccination against influenza to each resident, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the resident has refused the vaccine. ~~Influenza~~*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

~~vaccinations for all residents age 65 or over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1.~~

- b) Residents admitted after November 30, during the flu season, and until February 1 shall, as medically appropriate, receive an influenza vaccination prior to or upon admission or as soon as practicable if vaccine supplies are not available at the time of the admission, unless the vaccine is medically contraindicated or the resident has refused the vaccine. ~~(Section 2-213 of the Act)~~
- c)~~b)~~ A facility shall document in the resident's medical record that an annual vaccination against influenza was administered, refused or medically contraindicated. ~~(Section 2-213 of the Act)~~
- d)~~e)~~ A facility shall provide or arrange for administration of a pneumococcal vaccination to each resident ~~who is age 65 and over~~, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, who has not received this immunization prior to or upon admission to the facility unless the resident refuses the offer for vaccination or the vaccination is medically contraindicated. ~~(Section 2-213 of the Act)~~
- e)~~d)~~ A facility shall document in each resident's medical record that a vaccination against pneumococcal pneumonia was offered and administered, refused, or medically contraindicated. (Section 2-213 of the Act)

(Source: Amended at 39 Ill. Reg. 5503, effective March 25, 2015)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Entries and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1312
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1312.260	Repealed
1312.265	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Rule: April 1, 2015
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: March 30, 2015
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: Currently, racetracks in Illinois that conduct harness racing are required to couple entries (two or more horses) in a race that are owned by the same person or persons. Due to the anticipated shortage of racehorses, Balmoral Park and Maywood Park requested a rule change that would permit same owner entries to be uncoupled in any harness race. However, entries may be coupled with permission of the stewards. The result would be larger field sizes, increased betting, and greater revenue to the Board. On March 17, 2015, the Board unanimously approved Balmoral Park and Maywood Park's request. Emergency rulemaking is necessary because of future competition from racetracks in Indiana and Ohio.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking will permit racetracks that conduct harness racing to uncouple same owner entries in any harness race. However, entries may be coupled with permission of the stewards. The result would be larger field sizes, increased betting, and greater revenue to the Board.
- 11) Are there any rulemakings pending on this Part? No

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this emergency rule shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
mickey.ezzo@illinois.gov

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

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1312
ENTRIES AND DECLARATIONS

Section

1312.10	Entries
1312.20	Penalties
1312.30	Sale of Horse With Entrance Due
1312.40	Receipt of Entries
1312.50	Postage Meter
1312.55	Limitation on Purse Increases or Reductions
1312.60	Deviation From Published Conditions
1312.70	When Ineligible Horse Races
1312.80	Transfer of Ineligible Horse
1312.90	Withholding Purse When Ineligible Horse Races
1312.100	Early Closing and Late Closing Events
1312.110	Subsequent Payments
1312.120	Trust Funds
1312.130	Stable Space
1312.140	Limitation on Conditions
1312.150	Penalties
1312.160	Excess Entry Fees
1312.170	Entries and Starters Required
1312.180	Elimination Heats
1312.190	Elimination Plans
1312.200	Overnight Events
1312.210	Entry Box and Drawing of Horses
1312.220	Substitute Races
1312.230	Drivers
1312.240	Declaration and Withdrawing
1312.250	Qualifying Races
1312.260	Entry or Coupling (Repealed)

[EMERGENCY](#)

1312.265	Uncoupled Entries
----------	-------------------

[EMERGENCY](#)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1312.270	Husband-Wife Entries
1312.280	Also Eligibles
1312.290	Preference
1312.300	Stewards' List
1312.310	Medical Reasons for Ineligibility

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); amended July 12, 1974, filed July 22, 1974; amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 15 Ill. Reg. 2727, effective February 5, 1991; amended at 24 Ill. Reg. 7390, effective May 1, 2000; amended at 25 Ill. Reg. 6390, effective May 1, 2001; amended at 27 Ill. Reg. 5030, effective March 7, 2003; amended at 31 Ill. Reg. 8526, effective June 1, 2007; amended at 36 Ill. Reg. 16340, effective November 1, 2012; emergency amendment at 39 Ill. Reg. 5514, effective April 1, 2015, for a maximum of 150 days.

Section 1312.260 Entry or Coupling (Repealed)
EMERGENCY

~~When starters in a race include two or more horses owned or trained by the same stable or by the same management, or same person, they shall be coupled as an "entry", and a wager on one horse in the "entry" shall be a wager on all horses in the "entry". However, the uncoupling of entries with common owners shall be permitted in stakes races with purses of \$100,000 or more. If a race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.~~

(Source: Repealed by emergency rulemaking at 39 Ill. Reg. 5514, effective April 1, 2015, for a maximum of 150 days)

Section 1312.265 Uncoupled Entries
EMERGENCY

- a) Any entry, ~~two or more horses~~, of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to quinellas and exactas unless fields of six betting interests (five if there is a late

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

scratch) are created.

- b) Two or more horses owned wholly, or in part, by the same person or persons, shall be uncoupled wagering interests in any race, except entries may be coupled with permission of the stewards. A wager on one horse in the "entry" shall be a wager on all horses in the "entry". If a race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot. Same owner entries will have least preference in overfilled races.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 5514, effective April 1, 2015, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Number:
205.1370
- 4) Date Proposal published in *Illinois Register*: September 13, 2013; 37 Ill. Reg. 14565
- 5) Date Adoption published in *Illinois Register*: September 26, 2014; 38 Ill. Reg. 19208
- 6) Date Request for Expedited Correction published in *Illinois Register*: January 2, 2015;
39 Ill. Reg. 571
- 7) Adoption Effective Date: September 9, 2014
- 8) Correction Effective Date: September 9, 2014
- 9) Reason for Approval of Expedited Correction: In the Part 205 amendments that were adopted at 38 Ill. Reg. 19208, in Section 205.1370, two subsections that were accidentally placed under Section 205.1370(j) should have been under Section 205.1370(o). This expedited correction corrects that error.

The full text of the Corrected Amendment begins on the following page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	
205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

SUBPART C: PERSONNEL

Section	
205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Disaster Preparedness
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care
205.550 Infection Control

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records and Reports
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties
205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section

205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System

205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007; amended at 32 Ill. Reg. 14326, effective August 12, 2008; amended at 33 Ill. Reg. 13395, effective September 10, 2009; amended at 34 Ill. Reg. 7915, effective May 25, 2010; amended at 38 Ill. Reg. 19208, effective September 9, 2014; expedited correction at 39 Ill. Reg. 5519, effective September 9, 2014.

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

Section 205.1370 Support Service Areas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

- a) A control station shall be located to permit visual surveillance of all traffic that enters the surgical area. Personnel who have a communicable disease shall be excluded from the surgical area.
- b) The ASTC shall provide sterilizing facilities with high-speed autoclaves conveniently located in a clean workroom to serve all procedure rooms. Alternate provisions, approved by the governing body, may be made for replacement of sterile instruments during surgery.
- c) A drug distribution station shall be provided for storage and preparation of medication to be administered to patients.
- d) Scrub stations with knee, foot or elbow actuated faucets or with automatic electronic actuated faucets shall be provided near the entrances to, but outside of, the procedure rooms. Scrub facilities shall be arranged to minimize splatter on nearby personnel or supply carts.
- e) A soiled workroom for the exclusive use of the surgical suite staff shall be provided. The soiled workroom shall contain a work counter, a sink equipped for hand washing, a waste receptacle, and a linen receptacle. This room may be used for cleaning anesthesia equipment.
- f) Fluid waste disposal facilities shall be conveniently located with respect to the general procedure rooms.
- g) A clean workroom or a clean supply room is required when clean materials are assembled within the surgical suite prior to use. A clean workroom shall contain a work counter, sink equipped for hand washing, and space for clean and sterile supplies. A clean supply room shall be provided when the narrative program defines a system for the storage and distribution of clean and sterile supplies that would not require the use of a clean workroom.
- h) Anesthesia storage facilities shall be provided. Flammable anesthetics are prohibited.
- i) Medical gas supply storage with space for reserve nitrous oxide and oxygen cylinders shall be provided, with all tanks properly secured.
- j) A storage area for equipment and supplies used in the surgical suite shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

provided. The area shall provide protection against dust, moisture, insects, vermin, and temperature and humidity extremes.

- k) Staff and personnel facilities shall be provided for male and female personnel (orderlies, technicians, nurses, and doctors) working within the surgical suite. The areas shall contain a lounge area, lockers, toilets, lavatories equipped for hand washing, and space for changing clothes. These areas shall be arranged to provide a one-way traffic pattern so that personnel entering from outside the surgical area can change and move directly into the sterile area in facility-laundered surgical attire.
- l) The ASTC shall provide change areas where patients can change from street clothes into hospital gowns in privacy and be prepared for surgery. This shall include lockers, toilets, clothing change or gowning areas, and space for the administration of medications.
- m) The stretcher storage area shall be out of the direct line of traffic.
- n) A janitor's closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided exclusively for the surgical area.
- o) Traffic patterns in the surgical area shall be designed to facilitate movement of the patients and personnel into, through and out of defined areas, including restricted and semi-restricted areas. Traffic flow shall be tailored to the types of procedures offered in the ASTC.
 - 1) Restricted area: traffic is restricted to authorized personnel and patients. No street clothing shall be worn in the restricted area. Health care workers shall wear facility-laundered surgical attire. Head and facial hair shall be contained within a protective covering. Cloth head coverings shall be laundered by the facility and changed daily. Additional garments shall be completely contained or covered within the surgical attire. Masks shall be worn in restricted areas where open sterile supplies or equipment are present or scrubbed persons are located.
 - 2) Semi-restricted area: traffic is restricted to authorized personnel and patients. No street clothing shall be worn in the semi-restricted area. Health care workers shall wear facility-laundered surgical attire. Head

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

and facial hair shall be contained within a protective covering. Cloth head coverings shall be laundered by the facility and changed daily. Additional undergarments shall be completely contained or covered within the surgical attire. Masks are not required in this area. Patients shall wear attire appropriate for their surgical procedure and shall wear hair covering if applicable.

- p) Signage shall clearly delineate the traffic flow and surgical attire requirements.
- q) The movement of clean and sterile items shall be separated from contaminated or dirty items by space, time or traffic patterns.
- r) All jewelry shall be removed prior to the surgical scrub. Jewelry shall not be worn in the operating room, except that anesthesia personnel may wear a watch.
- s) Additional personal protective equipment shall be worn when exposure to blood or other potentially infectious material is anticipated.
- t) Whenever surgical attire or personal protective equipment is soiled, it shall be removed and discarded prior to leaving the surgical area.
- u) The sterile gown and gloves used when participating in surgical procedures shall be removed and discarded.
- v) The unsterile gloves worn when participating in surgical procedures shall be removed and discarded prior to leaving the operating room.
- w) The use of single-use coverall suits shall be determined by ASTC policy.
- x) Shoe covers shall be worn when it can reasonably be anticipated that splashes or spills may occur. If shoe covers are worn, they shall be changed whenever they become torn, wet or soiled; or daily, whichever comes first. They shall be removed and discarded before leaving the surgical area.
- y) The use of cover gowns for covering the surgical attire when outside of the surgical area shall be determined by ASTC policy. Surgical attire worn into the institution from outside shall be changed before entering the operating room. Persons exiting the facility shall don facility-laundered surgical attire upon return to the surgical area.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

(Source: Expedited Correction at 39 Ill. Reg. 5519, effective September 9, 2014)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

APRIL 14, 2015

10:30 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 RULEMAKINGSAgriculture

8-270-14-23525 BT

1. General Operations of the State Fairs and Fairgrounds (8 Ill. Adm. Code 270)
 - First Notice Published: 38 Ill. Reg. 23525 – 12/19/14
 - Expiration of Second Notice: 4/29/15

Children and Family Services

89-412-14-17880 AC

2. Licensure of Direct Child Welfare Services Employees and Supervisors (Repealer) (89 Ill. Adm. Code 412)
 - First Notice Published: 38 Ill. Reg. 17880 – 8/29/14
 - Expiration of Second Notice: 5/10/15

89-412-14-17907 AC

3. Licensure of Direct Child Welfare Services Employees and Supervisors (89 Ill. Adm. Code 412)
 - First Notice Published: 38 Ill. Reg. 17907 – 8/29/14
 - Expiration of Second Notice: 5/10/15

89-431-14-10700 AC

4. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
 - First Notice Published: 38 Ill. Reg. 10700 – 5/23/14
 - Expiration of Second Notice: 5/6/15

Commerce Commission

83-288-14-16456 JE

5. Rate Case Expense (83 Ill. Adm. Code 288)
 - First Notice Published: 38 Ill. Reg. 16456 – 8/8/14
 - Expiration of Second Notice: 4/16/15

Education

23-25-15-00288 LB

6. Educator Licensure (23 Ill. Adm. Code 25)
 - First Notice Published: 39 Ill. Reg. 288 – 1/2/15
 - Expiration of Second Notice: 5/6/15

23-33-15-00307 LB

7. Programs for the Preparation of Superintendents in Illinois (23 Ill. Adm. Code 33)
 - First Notice Published: 39 Ill. Reg. 307 – 1/2/15
 - Expiration of Second Notice: 5/6/15

23-235-15-00313 LB

8. Early Childhood Block Grant (23 Ill. Adm. Code 235)
 - First Notice Published: 39 Ill. Reg. 313 – 1/2/15
 - Expiration of Second Notice: 5/6/15

23-252-15-00342 LB

9. Driver Education (23 Ill. Adm. Code 252)
 - First Notice Published: 39 Ill. Reg. 342 – 1/2/15
 - Expiration of Second Notice: 5/6/15

Elections

26-212-15-02124 ES

10. Personnel (26 Ill. Adm. Code 212)
 - First Notice Published: 39 Ill. Reg. 2124 – 2/6/15
 - Expiration of Second Notice: 5/10/15

Financial and Professional Regulation – Division of Banking

38-500-15-00923 MR

11. Board of Savings Institutions (Repealer) (38 Ill. Adm. Code 500)
 - First Notice Published: 39 Ill. Reg. 923 – 1/16/15
 - Expiration of Second Notice: 4/23/15

38-1000-15-00945 MR

12. Illinois Savings and Loan Act of 1985 (Repealer) (38 Ill. Adm. Code 1000)
 - First Notice Published: 39 Ill. Reg. 945 – 1/16/15
 - Expiration of Second Notice: 4/23/15

68-1330-14-10534 MR

13. Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)
 - First Notice Published: 38 Ill. Reg. 10534 – 5/16/14
 - Expiration of Second Notice: 5/10/15

Insurance

50-925-14-23955 MR

14. Annual Financial Reporting (50 Ill. Adm. Code 925)
 - First Notice Published: 38 Ill. Reg. 23955 – 12/26/14
 - Expiration of Second Notice: 4/22/15

50-5421-14-23993 MR

15. Health Maintenance Organization (50 Ill. Adm. Code 5421)
 - First Notice Published: 38 Ill. Reg. 23993 – 12/26/14
 - Expiration of Second Notice: 4/22/15

Natural Resources

17-810-15-01867 BT

16. Sport Fishing Regulations For the Waters of Illinois (17 Ill. Adm. Code 810)
 - First Notice Published: 39 Ill. Reg. 1867 – 2/6/15
 - Expiration of Second Notice: 5/10/15

Public Health

77-591-14-20133 AC

17. Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591)
-First Notice Published: 38 Ill. Reg. 20133 – 10/24/14
-Expiration of Second Notice: 4/22/15

77-946-15-00247 AC

18. Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946)
-First Notice Published: 39 Ill. Reg. 247 – 1/2/15
-Expiration of Second Notice: 4/23/15

77-974-14-22435 AC

19. Quality of Life Code (77 Ill. Adm. Code 974)
-First Notice Published: 38 Ill. Reg. 22435 – 12/5/14
-Expiration of Second Notice: 4/23/15

Revenue

86-100-15-00250 ES

20. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 39 Ill. Reg. 250 – 1/2/15
-Expiration of Second Notice: 5/10/15

EXEMPT RULEMAKINGPollution Control Board

35-611-14-21513X JE

21. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- Published: 38 Ill. Reg. 21513 – 11/21/14

INTERNAL RULEMAKINGInvestments

2-2260-15-04137A ES

22. Access to Records of the Illinois State Board of Investment (2 Ill. Adm. Code 2260)
- Published: 39 Ill. Reg. 4137 – 3/20/15

AGENCY RESPONSEElections

26-219-14-20204 ES

23. Procedures for Implementing the Electronic Canvass (26 Ill. Adm. Code 219)

- Published: 38 Ill. Reg. 20204 – 10/24/14

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Petition for Exemption from Section 22.23b of the Environmental Protection Act

Peerless-Premier Appliance Company, 119 South 14th Street, P. O. Box 387, Belleville, Illinois, 62222 has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") to renew the exemption from Section 22.23b of the Illinois Environmental Protection Act ("Act") [415 ILCS 5/22.23b] it was granted for safety valves in gas ignition systems of household cooking gas ranges. Section 22.23b of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or a mercury relay individually or as a product component." 415 ILCS 5/22.23b. The manufacturer of a mercury switch or mercury relay may petition the Illinois EPA for an exemption from Section 22.23b for one or more specific uses of the switch or relay. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 22.23b(c) of the Act [415 ILCS 5/22.23b(c)] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(a), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for safety valves in gas ignition systems of household cooking gas ranges.
2. The above product senses the presence of the flame that ignites the burner, once the gas begins to flow.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters
1021 North Grand Avenue East
Springfield IL 62794-9276

217/524-9642
TDD 217/782-9143

Please call ahead to assure that someone will be available to assist you.

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this Notice. Comments must be submitted to the following address:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Becky Jayne, MC #17
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/524-9642
TDD 217/782-9143
e-mail: Becky.Jayne@illinois.gov

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 24, 2015 through March 30, 2015. Rulemakings are scheduled for review at the Committee's April 14, 2015 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>
5/10/15	<u>Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)</u>	2/6/15 39 Ill. Reg. 01867	4/14/15
5/10/15	<u>Department of Financial and Professional Regulation, Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)</u>	5/16/14 38 Ill. Reg. 10534	4/14/15
5/10/15	<u>Department of Children and Family Services, Licensure of Direct Child Welfare Services Employees and Supervisors (Repealer) (89 Ill. Adm. Code 412)</u>	8/29/14 38 Ill. Reg. 17880	4/14/15
5/10/15	<u>Department of Children and Family Services, Licensure of Direct Child Welfare Services Employees and Supervisors (89 Ill. Adm. Code 412)</u>	8/29/14 38 Ill. Reg. 17907	4/14/15
5/10/15	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	1/2/15 39 Ill. Reg. 00250	4/14/15
5/10/15	<u>State Board of Elections, Personnel (26 Ill. Adm. Code 212)</u>	2/6/15 39 Ill. Reg. 02124	4/14/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 15 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

44 - 7000	5278
17 - 3090	5325
77 - 295	5339
11 - 1312	5347

ADOPTED RULES

8 - 600	3/26/2015	5349
8 - 1000	3/25/2015	5363
89 - 385	3/25/2015	5384
11 - 1800	3/27/2015	5401
35 - 211	3/24/2015	5410
35 - 243	3/24/2015	5434
77 - 250	3/25/2015	5443
77 - 300	3/25/2015	5456
77 - 330	3/25/2015	5470
77 - 340	3/25/2015	5482
77 - 350	3/25/2015	5490
77 - 390	3/25/2015	5503

EMERGENCY RULES

11 - 1312	4/1/2015	5514
-----------	----------------	------

**APPROVAL OF EXPEDITED
CORRECTION**

77 - 205	9/9/2014	5519
----------	----------------	------

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2012-2013 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2003) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices (2010) Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com