

TABLE OF CONTENTS

July 24, 2015 Volume 39, Issue 30

PROPOSED RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Payment	
89 Ill. Adm. Code 140.....	10332
Hospital Services	
89 Ill. Adm. Code 148.....	10334
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Bank Branches and Subsidiaries	
38 Ill. Adm. Code 305.....	10336
Medical Practice Act of 1987	
68 Ill. Adm. Code 1285.....	10341
INSURANCE, DEPARTMENT OF	
Family Group Life Insurance Policy Forms (Repealer)	
50 Ill. Adm. Code 1603.....	10357
Viatical Settlement Provider Reporting Requirements	
50 Ill. Adm. Code 5701.....	10361
NATURAL RESOURCES, DEPARTMENT OF	
Youth Hunting Seasons	
17 Ill. Adm. Code 685.....	10374

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS	
Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities	
83 Ill. Adm. Code 590.....	10381
LIQUOR CONTROL COMMISSION (REVENUE)	
The Illinois Liquor Control Commission	
11 Ill. Adm. Code 100.....	10386
NATURAL RESOURCES, DEPARTMENT OF	
Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life	
17 Ill. Adm. Code 870.....	10394

EMERGENCY RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Payment	
89 Ill. Adm. Code 140.....	10427
Hospital Services	
89 Ill. Adm. Code 148.....	10453
RACING BOARD, ILLINOIS	
Entries, Subscriptions, and Declarations	
11 Ill. Adm. Code 1413.....	10465

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	10472
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Annuity Awareness Month	
2015 – 180.....	10474
Bear Necessities Pediatric Cancer Foundation's Awareness Day	
2015 – 181.....	10474
Illinois Flag Display Act - Corporal Sara Medina	
2015 – 182.....	10476
Structural Engineering Day	
2015 – 183.....	10476
Amateur Radio Week	
2015 – 184.....	10477
Quebec National Day	
2015 – 185.....	10478
African/Caribbean International Festival of Life Days	
2015 – 186.....	10479
Authentic Italian Culinary Day	
2015 – 187.....	10479
Children's Day	
2015 – 188.....	10480
Complex Regional Pain Syndrome Awareness Day	
2015 – 189.....	10481
Epilepsy Awareness Month	
2015 – 190.....	10482
Gastroschisis Awareness Day	
2015 – 191.....	10483
Grandparent Alienation Awareness Day	
2015 – 192.....	10483
Stevens-Johnson Syndrome Awareness Month	
2015 – 193.....	10484
Commemoration of 80th Anniversary of Social Security Act	
2015 – 194.....	10485
Illinois Survivor Justice Day	
2015 – 195.....	10486
Juneteenth Day	
2015 – 196.....	10487
Lincolnshire-Riverwoods Fire Protection District Day	
2015 – 197.....	10488
Multi-racial Heritage Week	
2015 – 198.....	10489
Overdose Awareness Day	
2015 – 199.....	10490
Philippine Independence Day	

2015 – 200.....	10490
Chicago Blackhawks Stanley Cup Champions Day	
2015 – 201.....	10491
International Yoga Day	
2015 – 202.....	10493
Convoy of Hope Day	
2015 – 203.....	10493
Cooperative Week	
2015 – 204.....	10494
First Responder Appreciation Day	
2015 – 205.....	10495
Illinois State Flag Day	
2015 – 206.....	10496
Rail Safety Week	
2015 – 207.....	10496
CPA Day of Service	
2015 – 208.....	10497
Argentine Independence Day	
2015 – 209.....	10498

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 preemptory 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
140.492	Amendment
140.493	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The emergency-proposed amendments reduce the ambulance and helicopter transportation reimbursement rates to the rates that were in effect July 1, 2012.
- 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 on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
140.497	Amendment	38 Ill. Reg. 18308; September 5, 2014
140.412	Amendment	39 Ill. Reg. 182; January 2, 2015
140.80	Amendment	39 Ill. Reg. 7761; June 5, 2015
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Mollie Zito

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2015

The full text of the Proposed Amendment is identical to the Emergency Amendments that begins on page 10427:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.299 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The emergency-proposed amendment eliminates the Medicaid Facilitation and Utilization payments that reimburse for inpatient services to Illinois hospitals that meet specific requirements.
- 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 on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
148.25	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.30	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.40	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.140	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.210	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.297	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.400	Amendment	38 Ill. Reg. 23861; December 26, 2014
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

HFS.Rules@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2015

The full text of the Proposed Amendment is identical to the Emergency Amendment that begins on page 10453:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Bank Branches and Subsidiaries
- 2) Code Citation: 38 Ill. Adm. Code 305
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
305.10	Amendment
305.100	Amendment
- 4) Statutory Authority: Implementing Section 5(12) and (15) as authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(12)]
- 5) A Complete Description of the Subjects and Issues Involved: IDFPR is seeking to lessen the regulatory burden on these types of subsidiaries by eliminating bureaucratic delay, paperwork, etc., in a process that is very routine in nature. Debt previously contracted (real estate obtained in satisfaction of a debt) is viewed as fairly routine and IDFPR did not feel it necessary to make these subsidiaries subject to the burdens imposed by Section 5/5/(12) of the Illinois Banking Act. This amendment will allow banks the freedom to set these subsidiaries up with one fewer obstacle and hopefully increase bank efficiency.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being imposed.
 - C) Types of professional skills necessary for compliance: Administrative along with banking and finance
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 305

BANK BRANCHES AND SUBSIDIARIES

SUBPART A: GENERAL

Section
305.10 Definitions

SUBPART B: BRANCHES

Section
305.20 Procedure to Establish and Maintain a Bank Branch
305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)
305.40 Date a Branch is Established and Maintained (Repealed)

SUBPART C: SUBSIDIARIES

Section
305.100 Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained
 in Satisfaction of Debt Previously Contracted

AUTHORITY: Implementing Section 5(12) and (15) as authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(12), 5(15) and 48(6)].

SOURCE: Adopted at 12 Ill. Reg. 11178, effective August 8, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 8367, effective June 24, 1997; amended at 36 Ill. Reg. 6814, effective May 4, 2012; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 305.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

"Appropriate Federal Banking Agency " means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Branch Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch.

"Controlling Interest" means at least 50% plus 1 share, or more than 50% membership interest for a limited liability company.

"Debt Previously Contracted" means real estate, including capitalized and operating leases, acquired by a state bank through any means in full or partial satisfaction of a debt.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Banking with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Banking with the authority delegated by the Secretary.

"Eligible Bank" means a state bank as defined in 38 Ill. Adm. Code 380.20.

~~"Notice" means a copy of the state bank's written notice pursuant to Section 5(12) of the Act.~~

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

"State Bank" means a bank that has a banking charter issued under the Act.

"Subsidiary Notice" means a copy of the state bank's written notice pursuant to Section 5(12) of the Act.

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

SUBPART C: SUBSIDIARIES

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 305.100 Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained in Satisfaction of Debt Previously Contracted

A state bank that seeks to establish and maintain a subsidiary in order to manage, market and dispose of real estate obtained in satisfaction of debt previously contracted ~~need not submit notice~~ may establish a subsidiary upon mailing of notice of intent to establish a subsidiary to the Division pursuant to Section 5(12) of the Act when the bank has a controlling interest in the subsidiary. ~~Once mailed, the notice is deemed received by the Department.~~

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1285.60	Amendment
1285.70	Amendment
1285.280	New Section
- 4) Statutory Authority: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-601 added to the mandatory reporting requirements under the Medical Practice Act by requiring program directors of post-graduate clinical training programs to report any individuals leaving their programs prior to completion; this proposed rulemaking implements its provisions by adding Section 1285.280. Sections 1285.60 and 1285.70 are also being amended to add Part IV of the examination of the National Board of Chiropractic Examiners as a requirement for licensure for applicants as a chiropractic physician.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Interested persons may submit written comments to:

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

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

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Section 23(A)(1.5) of the Act requires the program director of any post-graduate clinical training program to report to the Disciplinary Board if a person engaged in a post-graduate clinical training program at the institution, including, but not limited to, a residency or fellowship, separates from the program for any reason prior to its conclusion.
- C) Types of professional skills necessary for compliance: Medical skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information
<u>1285.280</u>	<u>Mandatory Reporting of Persons Engaged in Post-Graduate Clinical Training Programs</u>

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19, 2009; emergency amendment at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 19500, effective November 17, 2011; amended at 38 Ill. Reg. 15972, effective August 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE

Section 1285.60 Examinations

- a) Examinations for Licensure to Practice Medicine in All of Its Branches:
 - 1) Examinations conducted by the Division or its designated testing service for licensure to practice medicine in all of its branches shall be conducted in the English language and shall, prior to December 31, 1993, consist of:
 - A) The Federation Licensing Examination – FLEX Component 1 – an examination placing emphasis on basic and clinical science principles and mechanisms underlying high-impact diseases and problems encountered in an in-patient, supervised setting, during the delivery of health care; and
 - B) The Federation Licensing Examination – FLEX Component 2 – emphasis on issues related to the general delivery of health care to patients in an ambulatory setting encountered in an independent practice.
 - 2) For those applicants who have passed FLEX Component 2 but have not successfully completed FLEX Component 1 prior to 1994, the Division shall administer FLEX Component 1 twice in 1994. Any applicant who does not successfully complete FLEX Component 1 during 1994 shall be required to successfully complete USMLE Step 1 and Step 2 in accordance with this Section.
 - 3) Beginning January 1, 1994, the examinations for licensure to practice medicine in all of its branches shall be Steps 1, 2 and 3 of the United State Medical Licensing Examination (USMLE) – a joint program of the Federation of State Medical Boards of the United States Inc. and the National Board of Medical Examiners.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- A) USMLE Step 1 and Step 2 will be administered by the National Board of Medical Examiners and the Education Commission for Foreign Medical Graduates (ECFMG).
 - B) USMLE Step 3 will be administered by the Division or its designated testing service. Examinees shall successfully complete Step 1 and Step 2 before applying to the Division to take Step 3 of the examination.
- 4) The Division will accept the following combinations of examinations completed prior to January 1, 2000:
- A) FLEX Component 1 taken prior to January 1, 1995, and FLEX Component 2 taken prior to January 1, 1994;
 - B) FLEX Component 1 plus USMLE Step 3;
 - C) National Board of Medical Examiners (NBME) Part 1 or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component 2; or
 - D) NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3.
- 5) The passing score on all components, parts or steps of the examinations set forth in subsections (a)(2), (3) and (4) shall be a minimum of 75 or the passing score set by the authorized testing entity.
- 6) In the case of failure on the examination, examinees shall be required to retake only that component, part or step of the examination on which they did not achieve a passing score.
- 7) In the event all USMLE Steps are not successfully completed within 7 years after passing the first step taken, either Step 1 or Step 2, credit for any step passed shall be forfeited.
- 8) Any applicant for licensure to practice medicine in all of its branches who has been unsuccessful in 5 examinations (any component, part or step of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the examinations accepted by the Division as set forth in subsection (a)(4)), conducted in this State or any other jurisdiction, shall be deemed ineligible for further examination and/or licensure until the Division is in receipt of proof that the applicant has completed, subsequent to his/her fifth failure:

- A) a course of clinical training of not less than 12 months in an accredited clinical training program in the United States or Canada in accordance with Section 1285.40; or
 - B) a course of study of 9 months in length (one academic year) that includes no less than 25 clock hours per week of basic sciences as set forth in Section 1285.20(b) of this Part and no less than 40 clock hours per week of clinical sciences as set forth in Section 1285.20(d) of this Part; or
 - C) any other formal professional study or training in an accredited medical college or hospital, deemed by the Division to meet the requirements of subsection (a)(8)(A) or (B).
- 9) Failure to appear for any component, part or step of the examination for which the applicant has been scheduled shall be considered a failure of the examination.
- b) Examinations for Licensure to Practice Chiropractic
- 1) Examinations for licensure to practice chiropractic shall be conducted in the English language and shall consist of the examination administered by the National Board of Chiropractic Examiners and shall consist of Part I, Part II, ~~and~~ Part III and Part IV.
 - 2) To be successful, examinees must receive a score of at least 375 on all 43 parts of the examination.
 - 3) Any applicant for licensure as a chiropractic physician who has been unsuccessful in 5 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination or licensure until the Division is in receipt of proof (i.e., certificate of completion of training, transcript) that the applicant has completed, subsequent to his/her

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

fifth failure, a course of study of 960 classroom hours (one academic year) in an accredited chiropractic program or any other equivalent formal professional study or training in an accredited chiropractic program as approved by the Division.

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

Section 1285.70 Application for a License on the Basis of Examination

- a) Each applicant for a license to practice medicine in all of its branches on the basis of examination must submit to the Division:
 - 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
 - 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
 - 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a);
 - 4) Fee as required by Section 21 of the Act;
 - 5) An official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree that shall be evidence that the applicant has met the minimum medical education requirements of the Act;
 - 6) Certification on forms provided by the Division that the core clerkship

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

rotations were completed in accordance with Section 1285.20 and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a) of the Act;

- 7) Proof of satisfactory completion of an approved program of clinical training in accordance with Section 1285.40;
 - 8) Proof of the successful completion of the examination set forth in Section 1285.60. Scores shall be submitted to the Division directly from the testing entity;
 - 9) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance of the license; and
 - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
 - 10) Documentation of professional capacity, as set forth in Section 1285.95, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application; and
 - 11) Verification of fingerprint processing from the Illinois Department of State Police (ISP), an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:
- 1) A Physician Information Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable),

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

- 2) A fully completed Illinois medical application, on forms provided by the Division, signed by the applicant, on which all questions have been answered;
- 3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as set out in Section 9(B)(4) of the Act;
- 4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a);
- 5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;
- 6) Documentation of professional capacity, as set forth in Section 1285.95, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;
- 7) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

of disciplinary action taken or pending;

- 8) Fees as required by Section 21 of the Act; and
 - 9) Verification of fingerprint processing from ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) Proof of Waiver
- 1) The provisions of subsection (a)(8) shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application satisfactory to the Division under Section 9 of the Act who submits proof of the successful completion of:
 - A) the National Board of Medical Examiners examination subsequent to January 1, 1964; or
 - B) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or
 - C) the Federation Licensing Examination (FLEX) in another state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or
 - D) the Licentiate of the Medical Council of Canada examination (LMCC) subsequent to May 1, 1970; or
 - E) The Federation Licensing Examination (FLEX) in another state obtaining a score of 75 or more in each Component in accordance with Section 1285.60.
 - 2) Verification of the successful completion of the examinations described in subsection (c)(1) shall show the scores achieved by the applicant on the examination. Scores shall be submitted to the Division directly from the testing entity.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- d) Each applicant for a license to practice as a chiropractic physician must submit to the Division:
- 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
 - 2) An official transcript of a course of instruction, prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;
 - 3) An official transcript and copy of diploma or official transcript and certification of graduation from the education program granting the professional degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of Section 11 of the Act;
 - 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
 - 5) Fee as required by Section 21 of the Act;
 - 6) Proof of successful completion of Part I, Part II, ~~and~~ Part III and Part IV of the examination pursuant to Section 1285.60(b) forwarded directly to the Division from the National Board of Chiropractic Examiners;
 - 7) Documentation of professional capacity, as set forth in Section 1285.95, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 8) Certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance of the license; and
 - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending; and
- 9) Verification of fingerprint processing from ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Licensing Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- f) Within 60 days after issuance of the license, the ~~physician~~physician shall complete a physician profile in accordance with Section 1285.305.

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

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

[Section 1285.280 Mandatory Reporting of Persons Engaged in Post-Graduate Clinical Training Programs](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) Section 23(A)(1.5) of the Act requires the program director of any post-graduate clinical training program to report to the Disciplinary Board if a person engaged in a post-graduate clinical training program at the institution, including, but not limited to, a residency or fellowship, separates from the program for any reason prior to its conclusion.
- b) "Separation", as used in this Section, means any absence from a post-graduate clinical training program exceeding 45 days, whether continuous or in the aggregate, in any 365 day period, excluding maternity or paternity leave; any suspension from a post-graduate clinical training program, regardless of length or reason; or any termination from a post-graduate clinical training program. Separation includes a program's decision not to renew a person's contract to participate in the program prior to the conclusion of the full term for which the person was originally engaged.
- c) Contents of Reports. Reports of persons who have separated or will separate from a post-graduate clinical training program shall be submitted in writing, on forms provided by the Division, that shall include, but not be limited to, the following information:
- 1) The name of the post-graduate clinical training program;
 - 2) The name, address, telephone number, email address and title of the director of the program;
 - 3) The name, address and telephone number of the institution where the program operates;
 - 4) The name, address, telephone number, email address and license number of the person who is the subject of the report;
 - 5) The nature of, and reasons for, the person's separation from the program;
 - 6) Any other information deemed by the reporting person to be of assistance to the Disciplinary Board and the Medical Coordinators in evaluating the report.
- d) Deadline to Report. Reports of persons who have separated from a post-graduate clinical training program shall be submitted to the Disciplinary Board in a timely

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

manner. The initial report shall be submitted on forms, provided by the Division, within 60 days after it is determined that a report is necessary under the Act and this Part.

- e) Additional Documentation. The program director shall provide all documentation relating to the separation if, after review of the report, the Disciplinary Board determines that those documents are necessary to determine whether a violation of the Act occurred. [225 ILCS 60/23(A)(1.5)]
- f) Confidentiality
- 1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection (f) and exempt from public disclosure, but may be reviewed by:
 - A) Members of the Disciplinary Board or their designees;
 - B) The Disciplinary Board's designated attorneys;
 - C) The Medical Coordinators or their designees;
 - D) Administrative personnel assigned to open mail containing reports and to process and distribute reports to authorized persons, and to communicate with senders of reports; and
 - E) The person who is the subject of the report or that person's attorney or authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).
 - 2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under the Act by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report, and the professional license number of the subject of the report.
 - 3) The contents of the confidential reports shall not be used or made available in any administrative proceedings before the Division or any

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

other department except for an administrative proceeding against the subject of the report for violations of the Act disclosed in the reports. Reports shall not be disclosed, made available, or be subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

- g) Whenever a program director makes a report to the Disciplinary Board concerning a person who has separated from a post-graduate clinical training program, acting in good faith and not in a willful and wanton manner, the program director, and the institution employing him or her, shall not, as a result of making the report, be subject to criminal prosecution or civil damages. [225 ILCS 60/23(C)]

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Family Group Life Insurance Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 1603
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1603.10	Repeal
1603.20	Repeal
1603.30	Repeal
1603.40	Repeal
1603.50	Repeal
1603.60	Repeal
1603.70	Repeal
- 4) Statutory Authority: Implementing Sections 143, 149, 154, 224, 225 and 281 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 755, 761, 766, 836, 837, 893 and 1013) [215 ILCS 5/143, 149, 154, 224, 225, 281 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The rule is being repealed because it duplicates 50 Ill. Adm. Code 1403.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

Martin McGrory
Assistant General Counsel
Department of Insurance
122 South Michigan Ave., 19th Floor
Chicago IL 60603

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

312/814-8195
fax: 312/814-2862

217/558-0957

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER v: ASSESSMENT LEGAL RESERVE LIFE COMPANIES

PART 1603

FAMILY GROUP LIFE INSURANCE POLICY FORMS (REPEALED)

Section

1603.10	Death by Disease – Exclusions
1603.20	Statement of Amount of Insurance
1603.30	Methods of Calculation
1603.40	Reference to Greater Amount of Insurance
1603.50	Individual Applications – Family Members
1603.60	Application Form Questions
1603.70	Changes in Rules

AUTHORITY: Implementing Sections 143, 149, 154, 224, 225 and 281 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 755, 761, 766, 836, 837, 893 and 1013) [215 ILCS 5/143, 149, 154, 224, 225, 281 and 401].

SOURCE: Filed July 11, 1958; codified at 7 Ill. Reg. 906; repealed at 39 Ill. Reg. _____, effective _____.

Section 1603.10 Death by Disease – Exclusions

If death caused by any disease is to be excluded from the coverage within the contestable period of the policy, each such cause of death so excluded shall not be named by general class, but be named specifically and individually by its accepted medical designation. All such exclusion clauses shall appear in the Insuring Clause on the first page of the policy and shall be printed in type having the same prominence as that used in the remainder of the policy.

Section 1603.20 Statement of Amount of Insurance

The exact amount of insurance on the life of each individual member of the family group shall be clearly stated on the first page of the policy in figures appearing opposite, or below, the name of each insured member of the family group, together with the amount of premium charged for the insurance on each individual within the group.

Section 1603.30 Methods of Calculation

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

No policy form shall require the use of any process of division or confusing method of calculation in order to determine the amount of insurance in force on an insured member.

Section 1603.40 Reference to Greater Amount of Insurance

No policy form shall contain any reference to an amount of insurance greater than that to be actually paid on account of the death of any one person in the group.

Section 1603.50 Individual Applications – Family Members

Each person included as an insured member of a family group shall execute an individual application, duly witnessed, in which the amount of insurance on the insured member is specified and the beneficiary named, –except that a parent or legal guardian may execute an application on behalf of a child under the age of fifteen (15) years.

Section 1603.60 Application Form Questions

Application blanks for family group life insurance policies shall be composed of questions by the company in the form of clear and direct interrogatories permitting answers by the applicant only in the form of direct statements of known facts.

Section 1603.70 Changes in Rules

This part may be revoked, altered, amended, modified or supplemented at any time hereafter, provided however, that companies affected shall have reasonable opportunity to make such changes in then existing policy forms and application blanks as may be necessary.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Viatical Settlement Provider Reporting Requirements
- 2) Code Citation: 50 Ill. Adm. Code 5701
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
5701.80	Amendment
5701.EXHIBIT B	Amendment
5701.EXHIBIT H	New Section
- 4) Statutory Authority: Viatical Settlements Act of 2009 [215 ILCS 159]
- 5) A Complete Description of the Subjects and Issues Involved: Part 5701 was recently amended to implement the Viatical Settlements Act of 2009 [215 ILCS 5/159]. It was determined that a column and related instructions that had been inadvertently omitted needed to be added to Exhibit B, and a new Exhibit H concerning verification of coverage for life insurance policies needed to be added to the rule also. The proposed language is consistent with National Association of Insurance Commissioner's Viatical Settlements Model Regulation. In addition, the title of the rule is being changed to reflect the addition of broker requirements to the rule.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Joseph Clennon
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001
217/557-1396
Fax: 217/524-9033

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001
217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Viatical settlement-related filing procedures and practices
 - C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: The previous amendments were included on the January 2014 Regulatory Agenda. The current rulemaking was not included on either of the two most recent agendas because it was not anticipated that these additions to the Part would need to be made.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER nnn: VIATICAL SETTLEMENTS

PART 5701

VIATICAL SETTLEMENT PROVIDER ~~AND BROKER REPORTING~~ REQUIREMENTS

Section

5701.10	Purpose
5701.20	Definitions
5701.30	Filing Procedures for Viatical Settlement Providers
5701.40	Filing Procedures for Viatical Settlement Brokers
5701.50	Standards for Evaluation of Reasonable Payments for Terminally or Chronically Ill Insureds
5701.60	General Rules
5701.70	Prohibited Practices
5701.80	Insurance Company Practices
5701.100	Reporting Requirements
5701.EXHIBIT A	Viatical Settlement Provider Report and Instructions – All States and Territories (Form VSP-001)
5701.EXHIBIT B	Viatical Settlement Broker Report and Instructions – All States and Territories (Form VSB-001)
5701.EXHIBIT C	Viatical Settlement Provider Report and Instructions – Illinois Transactions Only (Form VSP-002)
5701.EXHIBIT D	Viatical Settlement Broker Report and Instructions – Illinois Transactions Only (Form VSB-002)
5701.EXHIBIT E	Individual Mortality Report and Instructions – Illinois Transactions Only (Form VSP-003)
5701.EXHIBIT F	Viatical Settlement Provider Certification (Form VSP-004)
5701.EXHIBIT G	Viatical Settlement Broker Certification (Form VSB-004)
<u>5701.EXHIBIT H</u>	<u>Verification of Coverage for Life Insurance Policies</u>

AUTHORITY: Implementing and authorized by the Viatical Settlements Act of 2009 [215 ILCS 159].

SOURCE: Old Part 5701 (Internal Security Standard and Fidelity Bonds) filed October 15, 1971; amended at 2 Ill. Reg. 29, p. 161, effective July 17 1978; codified at 7 Ill. Reg. 904; recodified to 50 Ill. Adm. Code 5460 at 20 Ill. Reg. 6593; transferred from the Department of

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; new Part 5701 adopted at 30 Ill. Reg. 6376, effective April 3, 2006; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 38 Ill. Reg. 17504; amended at 39 Ill. Reg. 4975, effective March 23, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 5701.80 Insurance Company Practices

- a) Life insurance companies authorized to do business in this State shall respond to a request for verification of coverage from a viatical settlement provider or a viatical settlement broker within 30 calendar days after the date a request is received, subject to the following conditions:
 - 1) A current authorization consistent with applicable law, signed by the policy owner or certificate holder, accompanies the request; and
 - 2) In the case of an individual policy or group insurance coverage in which details with respect to the certificate holder's coverage are maintained by the insurer, submission of a form substantially similar to Exhibit ~~H B~~ that has been completed by the viatical settlement provider or the viatical settlement broker in accordance with the instructions on the form.
- b) Nothing in this Section shall prohibit a life insurance company and a viatical settlement provider or a viatical settlement broker from using another verification of coverage form that has been mutually agreed upon in writing in advance of submission of the request.
- c) A life insurance company may not charge a fee for responding to a request for information from a viatical settlement provider or viatical settlement broker in compliance with this Section in excess of any usual and customary charges to contract holders, certificate holders or insureds for similar services.
- d) The life insurance company may send an acknowledgment of receipt of the request for verification of coverage to the policy owner or certificate holder and, when the policy owner or certificate owner is other than the insured, to the insured. The acknowledgment may contain a general description of any accelerated death benefit that is available under a provision of or rider to the life insurance contract.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- e) A life insurance company shall not require the viator or insured to sign any request for change in a policy or a group certificate from a viatical settlement provider that is the owner or assignee of the insured's insurance coverage, unless the viator or insured has ownership, assignment or irrevocable beneficiary rights under the policy. In such a situation, the viatical settlement provider shall provide timely notice to the insured that a settlement transaction on the policy has occurred. Timely notice shall be provided within 15 calendar days after the change in a policy or group certification.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Pennsylvania								
Rhode Island								
South Carolina								
South Dakota								
Tennessee								
Texas								
Utah								
Vermont								
Virginia								
Washington								
West Virginia								
Wisconsin								
Wyoming								
American Samoa								
Guam								
Puerto Rico								
U.S. Virgin Islands								
Canada								
TOTALS								

**Instructions for Viatical Settlement Broker Report –
All States and Territories**

COLUMN

- 1 By a "Y" for yes or an "N" for no, indicate if you have or have not done business in the state during the calendar year being reported.
- 2 For each state or territory in which you have done business during the calendar year being reported, indicate the total number of policies reviewed for consideration.
- 3 For each state or territory in which you have done business during the calendar year being reported, indicate the total number of policies for which an offer was made.
- 4 For each state or territory in which you have done business during the calendar year being reported, indicate the total number of policies for which an offer was refused.
- 5 For each state or territory in which you have done business during the calendar year being reported, indicate the total number of policies purchased.
- 6 For each state or territory in which you have done business during the calendar year being reported, list the total aggregate net death benefit of the policies viaticated.
- 7 For each state or territory in which you have done business during the calendar year being reported, list the total aggregate amount paid to viators.
- 8 For each state or territory in which you have done business during the calendar year being reported, list the total number of policies purchased and/or sold on the secondary market.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 5701.EXHIBIT H Verification of Coverage for Life Insurance Policies

VERIFICATION OF COVERAGE FOR LIFE INSURANCE POLICIES

SUBMITTED TO: _____ NAIC # _____
Name of Insurance Company

POLICY NUMBER: _____

SUBMITTED FROM: _____
Name of Viatical Settlement Broker/Provider

ADDRESS: _____

TELEPHONE NUMBER: _____

CONTACT: _____ TITLE: _____

IF INFORMATION IS CORRECT, INSURER REPRESENTATIVE MAY PLACE A CHECKMARK IN THE BOX. OTHERWISE, PROVIDE CORRECTED INFORMATION THROUGHOUT THIS FORM. AN ASTERISK INDICATES INFORMATION THE VIACICAL SETTLEMENT PROVIDER/BROKER MUST PROVIDE.

POLICY OWNER'S AND INSURED'S INFORMATION

	<u>This column to be completed by Viatical Settlement Broker/Provider</u>	<u>This column to be used by Insurance Company</u>
<u>Owner's name</u>	* —	
<u>Address</u>	* —	
<u>City, state, ZIP code</u>	* —	
<u>Tax ID or social security number</u>	* —	
<u>Insured's name</u>	* —	
<u>Insured's date of birth</u>	* —	

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

<u>Is the policy in the contestability period?</u>	* —	
<u>Is the policy in the suicide period?</u>	* —	
<u>Please list all riders and indicate if any are in the contestable or suicide period.</u>	* —	

Page 2 of 4

POLICY VALUES

	<u>This column to be completed by Viatical Settlement Broker/Provider</u>	<u>This column to be used by Insurance Company</u>
<u>Policy values as of (insert date)</u>		
<u>Current face amount of policy</u>	* —	
<u>Amount of accumulated dividends</u>		
<u>Current face amount of riders</u>		
<u>Amount of any outstanding loans</u>	* —	
<u>Amount of outstanding interest on policy loans</u>		
<u>Current net death benefit</u>	* —	
<u>Current account value</u>	* —	
<u>Current cash surrender value</u>	* —	
<u>Is policy participating?</u>	* —	
<u>If yes, what is the current dividend option?</u>		

PREMIUM INFORMATION

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

	<u>This column to be completed by Viatical Settlement Broker/Provider</u>	<u>This column to be used by Insurance Company</u>
<u>Current payment mode</u>	* —	
<u>Current modal premium</u>	* —	
<u>Date last premium paid</u>	* —	
<u>Date next premium due</u>	* —	
<u>Current monthly cost of insurance as of (insert date)</u>		
<u>Date of last cost of insurance deduction</u>		

TO BE COMPLETED BY VIATICAL SETTLEMENT BROKER/PROVIDER

The information submitted for verification by the viatical settlement broker/provider is correct and accurate to the best of my knowledge and has been obtained through the policy owner and/or insured.

Signature

Printed Name

TO BE COMPLETED BY INSURANCE COMPANY

The information provided by verification by the insurance company is correct and accurate to the best of my knowledge as of _____ (date) _____.

Insurance company: _____ NAIC # _____

Printed name: _____ Title: _____

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

<u>Telephone number:</u> _____	<u>Fax number:</u> _____
<u>Signature:</u> _____	
<i>Please provide information about where the forms listed below should be submitted for processing.</i>	
<u>Name:</u> _____	<u>Title:</u> _____
<u>Company name:</u> _____	
<u>Mailing address:</u> _____	
<u>City, state, Zip:</u> _____	
<u>Overnight address:</u> _____	
<u>City, state, Zip:</u> _____	
<u>Telephone number:</u> _____	<u>Fax number:</u> _____

FORMS REQUEST

Please provide the forms checked below:

- Absolute Assignment/Change of Ownership/Viatical Assignment
- Change of Beneficiary
- Release of Irrevocable Beneficiary (if applicable)
- Waiver of Premium Claim Form
- Disability Waiver of Premium Approval Letter
- Release of Assignment
- Change of Death Benefit Option Form (if UL)
- Allocation Change Form (if Variable)
- Annual Report
- Current In Force Illustration

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
685.10	Amendment
685.40	Amendment
685.50	Amendment
- 4) Statutory Authority: Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow unfilled youth deer permits to be used during the first firearm deer season and to clarify which public lands can allow this type of use.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
685.110	Amendment	39 Ill. Reg. 4691; April 3, 2015
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt (Repealed)
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013; amended at 38 Ill. Reg. 22772, effective November 18, 2014; amended at 39 Ill. Reg. _____, effective _____.

Section 685.10 Statewide Season for White-Tailed Deer Hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Season: One-half hour before sunrise on Saturday of the State designated Columbus Day Holiday weekend to ½ hour after sunset on Sunday of that weekend. Shooting hours are ½ hour before sunrise to ½ hour after sunset. A hunter with an unfilled, valid Youth Deer Permit may also hunt during the first firearm deer season (the 3-day weekend (Friday, Saturday and Sunday) immediately before Thanksgiving), subject to the following restrictions:
- 1) Unfilled Youth Deer Permits are not valid for hunting during the first firearm deer season on public land sites that limit the number of hunters during the firearm season via the use of a site permit quota (i.e., only public sites that allow unrestricted access may be hunted);
 - 2) the hunter must use only firearms allowed in Section 685.30; and
 - 3) hunters must abide by Section 685.60 when hunting on Department-owned or -managed sites.
- b) Open Counties: All counties except Cook, DuPage and Lake Counties, and that portion of Kane County east of State Route 47.
- c) Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.24); and hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

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

Section 685.40 Statewide Deer Hunting Rules

- a) Bag limits: One deer per legally authorized permit. All either-sex permits are subject to the following restrictions: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1.
- b) Each hunter participating in the Youth Deer ~~Hunt~~ Hunting Season while using an Apprentice Hunter License or a Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

grandparent. All other hunters participating in the Youth Deer Hunting Season~~Hunt~~ must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The non-hunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Youths participating in the first firearm deer season using only an unfilled Youth Deer Permit (i.e., youths without a firearm deer season permit for that county) must be accompanied by a supervisor as described in this subsection, but, during the firearm deer season, that supervisor may also hunt so long as he/she has the appropriate licenses and permits. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

- c) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 685.50 and on the permit.
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

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

Section 685.50 Reporting Harvest of Deer

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the temporary harvest tag (leg tag). If the condition of the tag precludes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
 - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) In counties where Chronic Wasting Disease surveillance is occurring during the firearm deer season (see 17 Ill. Adm. Code 650.45(a)), successful hunters using their Youth Deer Permits during the first weekend of the firearm season may, at their option, register their harvest at a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. In this situation, the "head tag" portion of the permit will be retained at the check station and a permanent harvest tag will be attached to the deer upon registration. Tagging requirements for deer delivered to taxidermists, meat processors and tanners are described in 17 Ill. Adm. Code 650.45(a). Youth hunters required to report under this subsection (c), but who are unable to locate a harvested deer in sufficient time to report the harvest by 8:00 p.m., must report the harvest as described in subsection (a).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

de) Site specific reporting requirements must be followed in addition to this Section.

ed) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
590.10	Amendment
590.30	New Section
590.40	New Section
- 4) Statutory Authority: Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) Effective Date of Rule: July 14, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 7, 2014; 38 Ill. Reg. 20849
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 590.30(b) has been reworded to provide an alternative way of meeting the requirement that plans, procedures, and programs covered by the rule be made available in electronic form to Commission personnel.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter 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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The amendments advance the date of the version of the federal rules that Part 590 incorporates by reference from January 1, 2013, to October 1, 2014 to capture recent revisions to the federal rules. In addition, the rulemaking adopts two new Sections, 590.30 and 590.40, to require operators of pipeline facilities to make available to Commission personnel, by electronic means in electronic form, copies of plans, procedures, and programs that they are required to maintain with the agency. The new Sections provide alternative means of satisfying the requirement. Among the benefits expected to result from the requirement, inspection staff will be able to have remote access to the documents whenever and wherever the need arises.
- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section

590.10	Standards
590.20	Submission of Federal Reports to the Commission
590.30	Submission of Plans, Procedures and Programs
590.40	External User Accounts

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. 12224, effective August 15, 2009; amended at 35 Ill. Reg. 14414, effective August 15, 2011; amended at 37 Ill. Reg. 15336, effective September 10, 2013; amended at 39 Ill. Reg. 10381, effective July 14, 2015.

Section 590.10 Standards

- a) The Illinois Commerce Commission (Commission) adopts the standards contained in 49 CFR 191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.12, 191.13,

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

191.15, 191.17, 191.22, 191.23, 191.25, 192, 193 and 199 as of October 1, 2014~~January 1, 2013~~, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 39 Ill. Reg. 10381, effective July 14, 2015)

Section 590.30 Submission of Plans, Procedures and Programs

- a) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall make electronically available to the Commission any plans, procedures and programs required by or necessary to implement requirements of Section 590.10(a).
- b) Each person identified in subsection (a) shall make all necessary documents electronically available to the Commission by either:
- 1) requesting an external user account with the Commission; or
 - 2) posting the documents on a technology platform hosted by the person and providing to the Commission password-protected access to the platform.
- c) Each person identified in subsection (a) shall make electronically available as set forth in subsection (b) any revisions to the plans, procedures and programs defined in subsection (a).

(Source: Added at 39 Ill. Reg. 10381, effective July 14, 2015)

Section 590.40 External User Accounts

- a) Each person seeking to make electronic documents available to the Commission in the manner prescribed by Section 590.30(b)(1) must have an active external user account.
- b) The application for an external user account is available on the Commission's website or can be obtained by calling or e-mailing the Chief Clerk's office.
- c) The external user account application requires the following information:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) First name and last name;
 - 2) Primary mailing address and phone number;
 - 3) Preferred user name;
 - 4) Password;
 - 5) Challenge question and answer; and
 - 6) Notarized signature.
- d) Applications must be hand delivered or mailed to the Chief Clerk's office.
- e) The user is responsible for keeping confidential the user ID and password. A user ID must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically, passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable the Commission's information technology staff to recover a password for a user who has forgotten his or her password.
- f) Because of the unique user ID and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added at 39 Ill. Reg. 10381, effective July 14, 2015)

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3) Section Number: 100.245 Proposed Action:
New Section
- 4) Statutory Authority: Section 3-12(a)(2) of the Liquor Control Act [235 ILCS 5/3-12(a)(2)]
- 5) Effective Date of Rule: July 10, 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: October 10, 2014; 38 Ill. Reg. 19615
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Clarified the manufacturer/distributor may replace damaged cartons or packaging carrying containers of liquor at anytime. Liquor that has been damaged prior to a delivery may be exchanged no later than 15 days after delivery.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule identifies circumstances under which a manufacturer/distributor can sell alcoholic liquor to a retailer. The rule expressly prohibits a manufacturer/distributor from selling alcoholic liquor to a retailer on

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

consignment or conditional sale. Also, the rule identifies specific situations in which a manufacturer/distributor can accept the return of alcoholic liquor from a retailer.

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

Richard Haymaker
Liquor Control Commission
100 W. Randolph, Suite 7-801
Chicago IL 60601

312/814-1804

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

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

PART 100

THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.245	Consignment Sales Prohibited; Bona Fide and Non-Bona Fide Returns
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Multi-Use Facilities
100.280	Giving Away of Alcoholic Liquors

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record – Certification of Ordinance
100.370	Procedures Before the Commission
100.380	Ex Parte Consultations
100.390	Transcripts – Administrative Review
100.400	Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (Repealed)
100.410	Representation of Licensees before Before the Commission (Repealed)

AUTHORITY: Implementing and authorized by Section 3-12(a)(2) of the Liquor Control Act [235 ILCS 5/3-12(a)(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8687, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13609, effective October 28, 1999; amended at 25 Ill. Reg. 13596, effective October 15, 2001; amended at 26 Ill. Reg. 17966, effective December 9, 2002; amended at 27 Ill. Reg. 17386, effective November 10, 2003; amended at 39 Ill. Reg. 4433, effective March 12, 2015; amended at 39 Ill. Reg. 10386, effective July 10, 2015.

Section 100.245 Consignment Sales Prohibited; Bona Fide and Non-Bona Fide Returns

- a) It is unlawful for a manufacturer, non-resident dealer, foreign importer, importing distributor or distributor to sell, offer for sale, or contract to sell to any retailer, or for any such retailer to purchase, offer to purchase, or contract to purchase any products:

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) on consignment or conditional sale, pursuant to which the retailer has no obligation to pay for the product until sold;
 - 2) with the privilege of return;
 - 3) on any basis other than a bona fide sale; or
 - 4) if any part of the sale involves, directly or indirectly, the acquisition by the retailer of other products from a manufacturer, non-resident dealer, foreign importer, importing distributor or distributor, or the agreement to acquire other products from the manufacturer, non-resident dealer, foreign importer, importing distributor or distributor.
- b) Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited.
- c) Unless there is a bona fide business reason for replacement of damaged or defective alcoholic liquor product when delivered, the product may not be replaced free of charge to a retailer. Replacement of alcoholic liquor damaged while in a trade buyer's possession constitutes the providing of something "of value" and a violation of Sections 6-4, 6-5 and 6-6 of the Act. A manufacturer, non-resident dealer, foreign importer, importing distributor or distributor is under no obligation to accept the return of products for the reasons stated in subsections (e)(1) through (8).
- 1) A manufacturer with the privilege of self-distribution, importing distributor or distributor may not accept the return of alcoholic liquor products as "breakage" if the product was damaged after delivery and while in the possession of the retailer. The self-distributing manufacturer, importing distributor or distributor may replace damaged cartons or packaging carrying containers of alcoholic liquor at any time.
 - 2) Under no circumstances may alcoholic liquor products or other compensation be furnished to a retailer for product breakage that occurs as a result of handling by the retailer or its agents, employees or customers.
 - 3) If the alcoholic liquor product has been damaged prior to or at the time of actual delivery, the product may only be exchanged for an equal quantity

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

of identical product or returned for credit. If identical product is unavailable, exchange will be permitted for similar type product.

- 4) If the alcoholic liquor product has been damaged prior to or at the time of actual delivery, the product may be exchanged no later than 15 days after delivery under the following conditions:
- A) If pre-delivery damage is visible at the time of delivery, the retailer must identify the damaged product immediately.
 - B) If the damage is latent and not visible at the time of delivery, the retailer must notify the manufacturer with self-distribution privileges, importing distributor or distributor of the pre-delivery damage within 15 days after delivery, or date of invoice, whichever is later.
- d) It is unlawful to sell, offer to sell, or contract to sell alcoholic liquor products with the privilege of return for any reason, other than those considered to be "ordinary and usual commercial reasons", arising after the product has been sold. A manufacturer, non-resident dealer, foreign importer, importing distributor or distributor is under no obligation to accept a return or make an exchange for any product. A manufacturer with self-distribution privileges, non-resident dealer, foreign importer, importing distributor or distributor that elects to make an authorized exchange of product or return of product for cash or credit does so at its sole discretion and must maintain proper books and records of the transaction, in accordance with Section 100.130.
- e) Ordinary and usual commercial reasons for the return of alcoholic liquor products are limited to:
- 1) Defective Products. Products that are unmarketable because of product deterioration, leaking containers, damaged labels or missing or mutilated tamper evident closures may be exchanged for an equal quantity of identical products, or credit against outstanding indebtedness.
 - 2) Error in Products Delivered. Any discrepancy between products ordered and products delivered may be corrected, within 15 days after the date of delivery or date of invoice, whichever is later, by exchange of the products

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

delivered for those that were ordered or by a return for credit against outstanding indebtedness.

- 3) Products that May No Longer be Lawfully Sold. Products that may no longer be lawfully sold may be returned for credit against outstanding indebtedness. This would include situations in which, due to a change in regulation or administrative procedure over which a retailer has no control, a particular size or brand is no longer permitted to be sold.
 - 4) Termination of Business. Products on hand at the time a foreign importer, importing distributor, distributor or retailer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown.
 - 5) Termination of Franchise. When a manufacturer, non-resident dealer, or foreign importer has sold products for cash or credit to one of its importing distributors or distributors and the distributorship arrangement is subsequently terminated, stocks of the product on hand may be returned for cash or credit against outstanding indebtedness.
 - 6) Change in Product. A retailer's inventory of a product that has been changed in formula, proof, label or container may be exchanged for equal quantities of the new version of that product.
 - 7) Discontinued Products. When a manufacturer, non-resident dealer, foreign importer or importing distributor discontinues the production or importation of a product, a distributor or retailer, as the case may be, may return its inventory of that product for cash or credit against outstanding indebtedness.
 - 8) Seasonal Dealers. Manufacturers, non-resident dealers, foreign importers, importing distributors or distributors may accept the return of product from retailers who are only open a portion of the year, if the products are likely to spoil during the off season. These returns will be for cash or credit against outstanding indebtedness.
- f) Without limitation, the following are specifically not considered ordinary and commercial reasons to justify a return of alcoholic liquor product:

THE ILLINOIS LIQUOR CONTROL COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Overstocked and Slow Moving Alcoholic Liquor Products. The return or exchange of a product because it is overstocked or slow moving does not constitute a return for "ordinary and usual commercial reasons".
- 2) Seasonal Alcoholic Liquor Products. The return or exchange of products for which there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles, does not constitute a return for "ordinary and usual commercial reasons". Nothing in this subsection (f) shall prohibit the exchange of deteriorated product that includes product near or beyond the manufacturer's expiration or "code" date. It is a violation of this subsection (f) and Sections 6-4, 6-5 and 6-6 of the Act for a retailer to hold on to deteriorated product in order for it to be exchanged or returned as "out of code".

(Source: Added at 39 Ill. Reg. 10386, effective July 10, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life
- 2) Code Citation: 17 Ill. Adm. Code 870
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
870.5	New Section
870.10	Amendment
870.20	Renumbered/Amendment
870.30	Renumbered/Amendment
870.40	Amendment
870.50	Amendment
870.60	Amendment
870.80	Amendment
- 4) Statutory Authority: Sections 1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90] and the Herptile Code [510 ILCS 68]
- 5) Effective Date of Rule: July 9, 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: March 6, 2015; 39 Ill. Reg. 3249
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In the Table of Contents, "870.5 Definitions" has been added; Section 870.10, after "Species", "List" has been added; Section 870.20 has been renumbered to "870.30" and after "Application" add "and"; Section 870.30 has been renumbered to "870.20" and after "Facility" add "Permit Application and"; Section 870.40, "Aquaculture Operational

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rules" has been stricken and "Cessation of Business; Recordkeeping and Reporting" has been added.

In the Source note, "and the Herptile Code [510 ILCS 68]" has been deleted.

After the Source note, the following Section 870.5 has been added:

"Section 870.5 Definitions

The following definitions apply to this Part.

"Annual Report" means the record of the annual operations of an aquaculture permit holder that shall be submitted to the Department under Section 370.40(c).

"Aquaculture" means the controlled breeding, hatching, propagation or raising of aquatic life by an aquaculturist [515 ILCS 5/20-90].

"Aquaculture Permit" means a permit issued to any person who engages in the breeding, hatching, propagating or raising of aquatic life, whether indigenous or nonindigenous. Aquatic life bred, hatched, propagated or raised by a permittee may be transported and sold for food or stocking purposes. [515 ILCS 5/20-90]

"Aquaculturist" means an individual involved in producing, transporting or marketing aquatic life or aquatic products from privately owned waters for commercial purposes [20 ILCS 215/4(b)].

"Aquatic Life" means fish, mollusks, crustaceans, algae and other aquatic plants and invertebrates [515 ILCS 5/1-20].

For purposes of this Part, "aquatic life" does not include amphibians or reptiles, which are governed by the Herptile-Herps Act [510 ILCS 68]; saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels and oysters; any species listed as endangered or threatened under Section 8 of the Illinois Endangered Species Protection Act [520 ILCS 10], which are governed under Section 3 of that Act; or any persons exempted by Section 870.80 of this Part.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Aquatic Life Approved Species List" or "Approved List" means the list created by the Department under Section 870.10. The Approved List is used in issuing permits to aquaculture facilities, the permitting of aquaculturists, and regulating importation and transportation of aquatic life.

"Chief" means the Chief of the DNR Division of Fisheries.

"Code" means the Fish and Aquatic Life Code [515 ILCS 5].

"Department" or "DNR" means the Illinois Department of Natural Resources.

"Division" means the DNR Division of Fisheries.

"Wholly Owned" means a pond or lake where the boundary of the pond or lake is completely contained within a landowner's property."

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

In Section 870.10 heading, add "List" after the word "Species".

Section 870.10(a) change to read:

- "a) For the purposes of regulating aquaculture and the transportation, stocking, importation and/or possession of aquatic life specified in this Part, the Aquatic Life Approved Species List is established. The Approved List is created and maintained by the Department and is comprised of specific species of aquatic life, within the following aquatic life categories of fish, crustaceans, gastropods, mollusks and plants~~will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.~~

Section 870.10(a)(1) through (7) have been stricken.

Section 870.10(b), "Aquatic Life" and "Species" have been stricken; "shall" has been added after "List; and "as described in Section 870.10(a) may" has been stricken; "such" has been stricken and "those" has been added; "except saltwater species commonly used

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

as seafood which will not survive in freshwater, such as lobsters, clams, mussels, and oysters" has been stricken.

Section 870.10(c) has been stricken.

Section 870.10(d), (e) and (f) have been relabeled to "c", "d" and "e"

Section 870.10(d), "An" has been stricken and "The" has been added; "be formed to" has been stricken; and after "requests", "for letters of authorization" has been added; "Aquatic Life", "Species" and "to" have been stricken and after "recommend", "to the Division" has been added; "to the Chief of the Division of Fisheries" has been stricken; "representatives of" has been stricken.

Section 870.10(d)(1), "divisions of the Department of Natural Resources" has been stricken and "DNR Divisions" has been added.

Section 870.10(e), "Aquaculture Advisory" has been stricken; after the word "requests", "for letters of authorization" has been added; "Aquatic Life" has been stricken and "of the Division of Fisheries" has been stricken.

Section 870.~~2030~~ and 870.~~3020~~ has been changed to read as follows:

"Section 870.~~2030~~ Aquaculture Facility Permit Application and Requirements"

- a) Facility Permit
~~Entities~~Permit applicants wishing to import/possess aquatic life for sale for food or stocking purposes that appears on the Aquatic Life Approved Species List shall apply for a permit for the facility where the aquatic life will be maintained.~~a permit prior to completion of their aquaculture facilities.~~
- b) Facility Intended for Species Not on the Approved List
~~Entities~~Permit applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit with their application~~have an aquaculture facilities plan, which the Department must approve prior to issuing a permit for the facility. The facility will be inspected by the Department as part of the application review process.~~completed and approved by the Department prior to issuance of the aquaculture permit. Such an issued permit is conditional, pending final inspection. Approval shall be based upon the following:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

c) Permit Standards

The Department will issue a facility permit if it concludes, after consideration of the application and any required facility plan and inspection of the facility, that the facility will not pose a danger to the natural fishery resource of the State. A facility will be deemed eligible for a permit based on the following standards.

- 1) The facility~~Facilities~~ must be self-contained and not capable of overflowing into other waters of the State.
- 2) The facility is not~~and cannot be located on or~~ in a 100-year flood plain, as defined by the DNR Division of Water Resources~~of the Illinois Department of Natural Resources~~ (see 17 Ill. Adm. Code 3706), unless the such location is approved ~~receives approval~~ by the Department of Natural Resources, based upon the facility's susceptibility to flooding.
- 32) The facility, if it needs to drain or discharge water, shall do so~~Self contained facilities needing drainage or discharges of water shall dispose of water:~~
 - A) into a municipal water treatment facility; ~~or~~
 - B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or
 - C) in another manner~~as approved by the Department of Natural Resources, pursuant to Section 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/5-5].~~

de) Facility Permit Conditions

The Department may impose additional conditions on the facility permit~~in approving a permit~~, specific to the facility, that are deemed necessary or appropriate for the protection of the State's aquatic resources.

e) Timing of the Facility Permit Process

- 1) The Department will approve or deny an application for a facility permit within 8 weeks after it is submitted.
- 2) An applicant may apply under Section 870.30 for the aquaculture permit. Any aquaculture permits the Department issues prior to permitting the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

facility are conditional pending permit approval for the receiving facility. Aquatic life introduced to the facility prior to final permitting of the facility is at the applicant's own risk.

- f) Authorized Department personnel may conduct an inspection of any permitted facility at any time.

(Source: Old Section 870.20 renumbered to Section 870.30 and new Section 870.20 renumbered from 870.30 and amended at 39 Ill. Reg. _____, effective _____)

Section 870.3020 Aquaculture Permit Application and Requirements

- a) Persons wishing to propagate, grow and harvest aquatic life for food or stocking purposes must obtain an aquaculture permit from the Department prior to the commencement of those activities.
- 1) The application for a permit shall be obtained from and must be submitted to the Aquaculture Specialist at the address in Section 870.10(c). ~~must obtain an aquaculture permit application from Department of Natural Resources, Aquaculture Permit, P.O. Box 19458, Springfield IL 62794-9458, and submit the completed application, along with the \$50 fee, to the same address.~~
 - 2) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected.
 - 3) The Department will issue permits to applicants who meet the requirements of the Code and this Part.
 - 4) The permit fee of \$50 shall be assessed online or from an approved Point of Sale Location using a Customer ID Number issued by the Department after approval of the application. Paper payments are not accepted. Illinois DNR license vendors can be found at www.dnr.illinois.gov/LPR/pages/LicensePermitVendors.
 - 5) Aquaculture permits expire on March 31 annually. Upon expiration of the aquaculture ~~their first annual~~ permit, ~~the permittee may renew the persons wishing to obtain a renewal of their permit by submitting the renewal application and the Annual Report required by Section 870.40(c) to the~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department by January 31. The Department will review the Annual Report in determining whether the permit will be renewed.~~should submit renewal forms provided by the Department to the address above.~~

- b) ~~Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a check or money order for each application.~~
- be) Timing of the Aquaculture Permit Application/Letter of Authorization Process
- 1) ~~Applicants wishing to import/possess aquatic life that which appears on the Aquatic Life Approved Species List shall~~must submit their aquaculture permit application at least 4 weeks prior to ~~thesuch~~ importation/possession.
- 2d) ~~Applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List may submit an application for the aquaculture permit with the Department. The Department will review the permit application and make its determination within 8 weeks after receipt of the application.~~must submit their aquaculture permit application at least 8 weeks prior to the desired date of such importation/possession.
- 3) Letters of authorization shall have a beginning and ending date.
- c) Inspection of Permit and Letters of Authorization
The aquaculture permit with any letters of authorization shall be available for inspection by the Department upon request.
- e) ~~Importation/possession of aquatic life may not commence until the operator is in possession of an issued aquaculture permit.~~

(Source: Old Section 870.30 renumbered to Section 870.20 and new Section 870.30 renumbered from Section 870.20 and amended at 39 Ill. Reg. _____, effective _____)"

Section 870.40 heading, "Aquaculture Operational Rules" has been stricken and "Cessation of Business; Recordkeeping and Reporting" has been added.

Section 870.40(a) and (b) have been stricken; "c)" has been relabeled to "a)" and changed

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

to read:

aε) Permittee with Letters of Authorization – Cessation of Business

- 1) In the event that the holder of an aquaculture permit with letters of authorization for aquaculturalist possessing aquatic life not on the Aquatic Life Approved Species List goes out of business or possesses the aquatic life contrary to the Fish and Aquatic Life Code, the Department shall determine disposition of ~~thesuch~~ aquatic life as it ~~deems~~deemed necessary, based upon the potential detriment to the aquatic resource of the State.

Section 870.40(d) and (e) has been relabeled to read as follows:

- "2d) Holders of permits with letters of authorization~~Permit holders or their heirs or assigns possession aquatic life not on the Aquatic Life Approved Species List, who cease operation, for whatever reason, are required to notify the Department in writing within 30 days after their cessation of business. Permits/letters of authorization are not transferrable to other persons or businesses, including heirs or assigns.~~
- 3e) When a holder of ~~the permit with letters of authorization~~holder who possesses aquatic life not on the Aquatic Life Approved Species List ceases doing business voluntarily or involuntarily, his or permit/letters of authorization ~~expire~~expires at the cessation of business. ~~Heirs, assigns or new owners must apply for an aquaculture permit.~~"

Section 870.40(f) has been relabeled and changed to read as follows:

- "b) Recordkeeping
Records shall be maintained as required in Sections 20-90 and 20-125 of the ~~Fish and Aquatic Life Code [515 ILCS 5/20-90 and 20-125]. These records shall be made available to any authorized employee of the Department or any peace officer, upon request [515 ILCS 5/20-125]. Records shall be kept for a minimum of 2 years after the transaction [515 ILCS 5/20-90].~~"

Section 870.40(g) has been relabeled and changed to read as follow:

- "cg) Annual Report

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) All aquaculture permit holders shall submit to the Department, on forms provided by the Department, by January 31 of each year, an Annual Report~~annual report~~ providing information on the previous calendar year's activity for aquatic life possessed, bought, sold, or shipped. The information required ~~in~~ this Annual Report~~annual report~~ shall include:

A1) *name, address and license number of buyer;*

B2) *name, address and license number of seller;*

C3) *transaction date;*

D4) *species;*

E5) *number of pounds, to the nearest half pound;*

F6) *origin [515 ILCS 5/20-125(a)];*

G7) *price paid per pound (optional); and*

H8) *any other information (e.g., receipt number, carrier type, etc.) as required by the Department on the form."*

Section 870.40(h) has been relabeled to "2"; "aquaculture permit holder" has been stricken and "permittee" has been added; "reports" has been stricken and "Annual Report" has been added; "issue to those individuals" has been stricken and "renew" has been added.

Section 870.50(a), "Release of Aquatic Life" Section heading has been added; "Aquatic Life" and "Species" has been stricken; "*into waters that are wholly on their property. All aquatic life may be immediately returned unharmed to*" and "*from*" has been italicized and "which" has been stricken and "where" has been added and italicized; "*they were taken*" has been italicized; and "[515 ILCS 5/10-100(a)]" has been added; and "(Section 10-100(a) of the Fish and Aquatic Life Code)" has been stricken; "Permission will be based upon the potential detriment to the aquatic resource." has been reinstated.

Section 870.50(b), "Transportation" Section heading has been added; "persons" has been stricken and "person" has been added; after the word "ship" and "State" the commas have been stricken; "or" has been stricken and a slash has been added; before the word

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"bighead", "black carp (*Mylopharyngodon piceus*), has been added; after "molitrix)", "tilapia (*Oreochromis species*) has been added; "any" has been added before hybrid; "of any" has been deleted; and "Tilapia ssp., and" has been changed to "or any"; the quotation marks around "Restricted Species Transportation Permit" have been stricken; and "Illinois" and "of Natural Resources" has been stricken.

Section 870.50(c), the commas after "ship" and "salmon" have been stricken; "Fish and Aquatic Life" and "[515 ILCS 10-105]" have been stricken; after "inspected", "by the Department" has been added and ",but not limited to," has been stricken.

Section 870.50(d), "Aquatic Life" and "Species" have been stricken; and "they are" has been stricken and "it is" has been added.

Section 870.60 has been changed to read as follows:

- a) Generally Applicable Provisions; Exemptions
 - 1) Triploid Grass Carp
Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked at any time and may be possessed only by authorized aquaculture permit holders.
 - 2) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.
 - 3) Landowner Exemption
 - A) Land Owners South of I-80
 - i) Pre-Order from Retail Outlet
If the triploid grass carp are listed on a Restricted Species Transportation Permit (RSTP) issued to the Illinois aquaculturist or Illinois licensed aquatic life dealer that supplied the triploid grass carp to the entity from which the land owner pre-ordered the fish, the landowner is exempt from the RSTP requirement while transporting those fish for stocking in his or her wholly owned waters south of I-80. During the transport, the landowner must have

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

- ii) Purchase Over-the-Counter
Lake or pond owners purchasing no more than 20 triploid grass carp over-the-counter are exempt from the RSTP requirement while transporting triploid grass carp purchased and obtained in Illinois for stocking in their wholly owned waters south of I-80, as long as they have a receipt from an aquaculturist selling over-the-counter in Illinois. (See subsection (c).) During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

- B) Land Owners North of I-80 – Pre-Order from Retail Outlet
Those landowners wanting to stock wholly owned lakes/ponds north of I-80 with triploid grass carp must procure those fish through an Illinois aquaculturist or Illinois licensed aquatic life dealer who holds an RSTP authorizing transport and stocking of those fish. (See subsection (c).) During transport of those fish by the landowner to his or her wholly owned lake/pond, the landowner is exempt from the RSTP requirement, but must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

- b) Fish Importers, Aquaculturists and Commercial Fishermen
An ~~RSTPA Restricted Species Transportation Permit~~ is required for live grass carp, black carp, bighead carp, silver carp, tilapia (*Oreochromis* species) or any hybrid of these species, or any other species not on the Approved List, including commercial fishermen that are holding Asian carp in a crib for later transport or that are transporting directly to a rendering facility for slaughter (with restrictions (see Section 870.50(b)))~~grass carp. RSTP Restricted Species Transportation Permits~~ are available from the Aquaculture Specialist at the address in Section 870.10(c) Division of Fisheries, One Natural Resources Way, Springfield IL 62702-1271. Applications must be received by the Program ~~Division of~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Fisheries at least two weeks prior to the proposed shipment date. IDNR will evaluate the potential for escapement into glacial lakes, sloughs, potholes, bottom land, backwater lakes, streams, rivers, water areas known to harbor animals or plants on the national or Illinois threatened or endangered species list, natural areas or nature preserves, or wetlands. An RSTPA "Restricted Species Transportation Permit" shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department, pursuant to Section 10-105 of the Fish and Aquatic Life Code. An RSTP is valid only: Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked and may be possessed only by authorized aquaculture permit holders.

- 1) on the dates listed on the permit; and
 - 2) for names and addresses listed for delivery on the application/permit.
- b) ~~Lake or pond owners are exempt from the "Restricted Species Transportation Permit" requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from an aquaculture permit holder or licensed non-resident fish dealer stating that the grass carp have a triploid number of chromosomes, and the lake or pond owner's name and address is listed on the aquaculturist's "Restricted Species Transportation Permit". A "Restricted Transportation Permit" is valid only:~~
- c) Aquaculturists Selling Certified Triploid Grass Carp Over-the-Counter
The receipt issued by an aquaculturist in an over-the-counter sale shall contain:
- 1) Accession number of USFWS certifying triploid status of grass carp.~~on the dates listed on the permit; and~~
 - 2) Total number of fish sold. (Total amount in any one sale shall not exceed 20 individuals.)~~for names and addresses listed for delivery on such application/permit.~~
 - 3) Name, address and driver's or fishing license number of the buyer and the location of the wholly owned waterbody where stocking will occur. The signature of the buyer is confirmation that this information is true and accurate, the lake/pond is south of I-80, and the fish purchased will only be released in the identified lake/pond. Township/range, latitude and longitude, or equivalent is acceptable to identify the lake/pond location.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) Name, address and aquaculture license number of seller. The signature of the seller is required to confirm information such as the buyer's license number and fish count and certification information.
- 5) Transaction date and time. (The landowner exemption from an RSTP is only for 24 hours after purchase. No more than 20 triploid grass carp may be carried in any vehicle/fish hauler at any one time under this exemption.)
- 6) The transaction documents must clearly state:
 - A) that the transaction involves the sale of triploid grass carp;
 - B) the number of fish sold;
 - C) where the fish are to be transported; and
 - D) the average length of the fish in each batch of fish sold.
- e) ~~For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.~~
- d) Fish Importers and Aquaculturists
~~Any~~Except for persons exempt under Section 870.60(b), any person hauling any live triploid grass carp must subject the shipment to examination by IDNR the Department of Natural Resources. Except for persons exempt under subsection (a)(3), batches~~For a batch~~ of fish subject to testing and containing more than 56 individuals will have, 56 fish will be tested; for a batch containing fewer than 56 individuals, 100% will be tested.
- e) Commercial Fishermen
 - 1) Commercial fishermen shall be allowed to harvest from the wild and transport to a State-licensed wholesale aquatic life dealer bighead carp, silver carp, grass carp and black carp, providing either of the following criteria are met:
 - A) the fish are dead. Transportation of dead fish is allowed if:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- i) the fish are packed on ice only while directly en route to a fish market or processor (addition of water to iced and packed fish is not permitted);
 - ii) the packed fish are dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;
 - iii) the isthmus has been severed;
 - iv) the gills have been removed; or
 - v) the fish have been eviscerated.
- B) the fish are not transported in an aerated live tank or any other manner intended to maintain the fish alive unless the commercial fisherman first obtains an RSTP. An RSTP can be obtained by applying to the Aquaculture Specialist at the address in Section 870.10(c).
- 2) With a Department approved RSTP, commercial fishermen are allowed to:
- A) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, provided this facility is not located in the counties of Will, Cook or Lake and that the fish are processed or stored on ice immediately upon arrival at the facility; and
 - B) transport live bighead carp, silver carp, grass carp and black carp directly to a crib (net pen) or State-licensed slaughter facility, provided that the fish are transported no more than a 15 mile radius to or from a crib or facility, or as otherwise designated on the RSTP, and that the fish are processed or stored on ice immediately upon arrival at the slaughter facility.
- 3) Asian carp may be held live in a crib (net pen) provided that:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) they are cribbed in the waters where caught (within a 15 mile radius of the crib) and not transported upstream of a lock and dam or other barrier;
- B) they are removed within 72 hours;
- C) they are killed by one of the methods specified in subsection (e)(1)(C), (D) or (E) immediately upon removal from the crib; and
- D) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

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

Section 870.80(b)(2), "VHS virus susceptible" has been changed to "VHS-susceptible".

- 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 Part has been amended to clarify when the Aquatic Life Approved Species List applies; removes reptiles and amphibians from the Aquaculture code (now regulated by Herptile Code); updates contact information and aquaculture application process; changes renewal date to March 31 to be consistent with hunting and fishing license renewals; clarifies that possession or transportation of *Tilapia spp.* requires a Letter of Authorization or Import permit; clarifies over-the counter sales of Triploid Grass Carp.
- 16) Information and questions regarding these adopted rule shall be directed to:

Craig Colbrook, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 870
AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION
AND/OR POSSESSION OF AQUATIC LIFE

Section

870.5	Definitions
870.10	Aquatic Life Approved Species List
870.2030	Aquaculture Facility Permit Application and Requirements
870.3020	Aquaculture Permit Application and Requirements
870.40	Cessation of Business; Recordkeeping and Reporting Aquaculture Operational Rules
870.50	Unlawful Acts
870.60	Restricted Species Transportation Permit Procedures
870.70	Penalties
870.80	Exceptions

AUTHORITY: Implementing and authorized by Sections 1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90].

SOURCE: Adopted July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed and new Part adopted at 13 Ill. Reg. 10503, effective June 20, 1989; amended at 14 Ill. Reg. 11190, effective June 29, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 27 Ill. Reg. 7741, effective April 21, 2003; amended at 39 Ill. Reg. 10394, effective July 9, 2015.

Section 870.5 Definitions

The following definitions apply to this Part.

"Annual Report" means the record of the annual operations of an aquaculture permit holder that shall be submitted to the Department under Section 370.40(c).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Aquaculture" means the controlled breeding, hatching, propagation or raising of aquatic life by an aquaculturist [515 ILCS 5/20-90].

"Aquaculture Permit" means a permit issued to any person who engages in the breeding, hatching, propagating or raising of aquatic life, whether indigenous or nonindigenous. Aquatic life bred, hatched, propagated or raised by a permittee may be transported and sold for food or stocking purposes. [515 ILCS 5/20-90]

"Aquaculturist" means an individual involved in producing, transporting or marketing aquatic life or aquatic products from privately owned waters for commercial purposes [20 ILCS 215/4(b)].

"Aquatic Life" means fish, mollusks, crustaceans, algae and other aquatic plants and invertebrates [515 ILCS 5/1-20].

For purposes of this Part, "aquatic life" does not include amphibians or reptiles, which are governed by the Herptile-Herps Act [510 ILCS 68]; saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels and oysters; any species listed as endangered or threatened under Section 8 of the Illinois Endangered Species Protection Act [520 ILCS 10], which are governed under Section 3 of that Act; or any persons exempted by Section 870.80 of this Part.

"Aquatic Life Approved Species List" or "Approved List" means the list created by the Department under Section 870.10. The Approved List is used in the licensure of aquaculture facilities and the permitting of aquaculturists, and regulating importation and transportation of aquatic life.

"Chief" means the Chief of the DNR Division of Fisheries.

"Code" means the Fish and Aquatic Life Code [515 ILCS 5].

"Department" or "DNR" means the Illinois Department of Natural Resources.

"Division" means the DNR Division of Fisheries.

"Wholly Owned" means a pond or lake where the boundary of the pond or lake is completely contained within a landowner's property.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.10 Aquatic Life Approved Species List

- a) For the purposes of regulating aquaculture and the transportation, stocking, importation and/or possession of aquatic life specified in this Part, Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/20-90], the Aquatic Life Approved Species List is established. The Approved List is created and maintained by the Department and is comprised of specific species of aquatic life, within the following aquatic life categories of fish, crustaceans, gastropods, mollusks and plants will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.
- 1) Amphibians
 - 2) Reptiles
 - 3) Crustaceans
 - 4) Mollusks
 - 5) Gastropods
 - 6) Fish
 - 7) Plants
- b) Any species not on the Aquatic Life Approved Species List shall as described in Section 870.10(a) may not be imported or possessed alive without a letter of authorization to import/possess those such species, except saltwater species commonly used as seafood which will not survive in freshwater, such as lobsters, clams, mussels, and oysters.
- c) Any species listed as endangered or threatened pursuant to Section 8 of the Illinois Endangered Species Protection Act [520 ILCS 10/8] will be governed by Section 3 of the Illinois Endangered Species Protection Act [520 ILCS 10/3]. As aquatic species are listed endangered or threatened, permit holders will be notified.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~c) d)~~ Copies of the Aquatic Life Approved Species List may be obtained free of charge by writing to:

Aquaculture ~~Specialist~~ Coordinator
Illinois Department of Natural Resources ~~Jake Wolf Memorial Fish Hatchery~~
Aquatic Nuisance Species and Aquaculture Program
One Natural Resources Way ~~25410 Fish Hatchery Road~~
Springfield IL 62702-1271 ~~Topeka IL 61567~~

- ~~d) e)~~ ~~The An~~ Aquaculture Advisory Committee shall ~~be formed to~~ review requests for letters of authorization to import/possess aquatic species not included on the ~~Aquatic Life Approved~~ Species List, and ~~to recommend to the Division~~ under what conditions species may be imported/possessed ~~to the Chief of the Division of Fisheries~~. The Committee shall be composed of ~~representatives of~~:

- 1) The Chiefs of the following ~~DNR Divisions~~ divisions of the Department of Natural Resources:
 - A) Fisheries (Chair);
 - B) Wildlife;
 - C) Natural ~~National~~ Heritage;
 - D) Law Enforcement.
- 2) Should they agree to participate:
 - A) ~~The President of the Illinois Aquaculture Industry Association;~~ The Chief of the Illinois Natural History Survey;
 - ~~B) The Aquaculture Coordinator, Department of Agriculture;~~
 - ~~C) The Director, Southern Illinois University Fisheries, Aquaculture and Aquatic Sciences Research Laboratory;~~
 - ~~D) The Chief, Division of Food, Drugs and Dairies, Department of Public Health.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- e)f) The Chief of the Division of Fisheries shall consider the recommendations of the ~~Aquaculture Advisory~~ Committee prior to rendering final decisions regarding requests for letters of authorization to import/possess species not included on the ~~Aquatic Life~~ Approved Species List. The ~~Aquaculture Advisory~~ Committee's recommendations and the decisions of the Chief ~~of the Division of Fisheries~~ shall be based upon the potential detriment to the natural fishery resource.

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.2030 Aquaculture Facility Permit Application and Requirements

- a) Facility Permit
~~Entities Permit applicants~~ wishing to import/possess aquatic life for sale for food or stocking purposes that appears on the Aquatic Life Approved Species List shall ~~may~~ apply for a permit for the facility where the aquatic life will be maintained. ~~a permit prior to completion of their aquaculture facilities.~~
- b) Facility Intended for Species Not on the Approved List
~~Entities Permit applicants~~ wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit with their application ~~have an~~ aquaculture facilities plan, which the Department must approve prior to issuing a permit for the facility. The facility will be inspected by the Department as part of the application review process, completed and approved by the Department prior to issuance of the aquaculture permit. Such an issued permit is conditional, pending final inspection. Approval shall be based upon the following:
- c) Permit Standards
The Department will issue a facility permit if it concludes, after consideration of the application and any required facility plan and inspection of the facility, that the facility will not pose a danger to the natural fishery resource of the State. A facility will be deemed eligible for a permit based on the following standards.
- 1) The facility ~~Facilities~~ must be self-contained and not capable of overflowing into other waters of the State.
 - 2) The facility is not and cannot be located ~~on or~~ in a 100-year ~~100-year~~ flood plain, as defined by the DNR Division of Water Resources ~~of the Illinois Department of Natural Resources~~ (see 17 Ill. Adm. Code 3706), unless

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~the such~~ location ~~is approved receives approval~~ by the Department of Natural Resources, based upon the facility's susceptibility to flooding.

- 32) ~~The facility, if it needs to drain or discharge water, shall do so~~ Self-contained facilities needing drainage or discharges of water shall dispose of water:
- A) into a municipal water treatment facility; ~~or~~
 - B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or
 - C) in another manner as approved by the Department of Natural Resources, pursuant to ~~Section 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/5-5].~~
- d) Facility Permit Conditions
The Department may impose additional conditions on the facility permit# approving a permit, specific to the facility, that are deemed necessary or appropriate for the protection of the State's aquatic resources.
- e) Timing of the Facility Permit Process
- 1) The Department will approve or deny an application for a facility permit within 8 weeks after it is submitted.
 - 2) An applicant may apply under Section 870.30 for the aquaculture permit. Any aquaculture permits the Department issues prior to permitting the facility are conditional pending permit approval for the receiving facility. Aquatic life introduced to the facility prior to final permitting of the facility is at the applicant's own risk.
- f) Authorized Department personnel may conduct an inspection of any permitted facility at any time.

(Source: Old Section 870.20 renumbered to Section 870.30 and new Section 870.20 renumbered from Section 870.30 and amended at 39 Ill. Reg. 10394, effective July 9, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 870.3020 Aquaculture Permit Application and Requirements

- a) Persons wishing to propagate, grow and harvest aquatic life for food or stocking purposes must obtain an aquaculture permit from the Department prior to the commencement of those activities.
- 1) The application for a permit shall be obtained from and must be submitted to the Aquaculture Specialist at the address in Section 870.10(c) ~~must obtain an aquaculture permit application from: Department of Natural Resources, Aquaculture Permit, P.O. Box 19458, Springfield IL 62794-9458, and submit the completed application, along with the \$50 fee, to the same address.~~
 - 2) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected.
 - 3) The Department will issue permits to applicants who meet the requirements of the Code and this Part.
 - 4) The permit fee of \$50 shall be assessed online or from an approved Point of Sale Location using a Customer ID Number issued by the Department after approval of the application. Paper payments are not accepted. Illinois DNR license vendors can be found at www.dnr.illinois.gov/LPR/pages/LicensePermitVendors.
 - 5) Aquaculture permits expire on March 31 annually. Upon expiration of the aquaculture ~~their first annual permit~~, the permittee may renew the persons wishing to obtain a renewal of their permit by submitting the renewal application and the Annual Report required by Section 870.40(c) to the Department by January 31. The Department will review the Annual Report in determining whether the permit will be renewed. ~~should submit renewal forms provided by the Department to the address above.~~
- b) ~~Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a check or money order for each application.~~
- be) Timing of the Aquaculture Permit Application/Letter of Authorization Process

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Applicants wishing to import/possess aquatic life ~~that~~^{which} appears on the ~~Aquatic Life Approved Species List~~ shall ~~must~~ submit their aquaculture permit application at least 4 weeks prior to ~~the~~^{such} importation/possession.
- 2~~d~~) Applicants wishing to import/possess aquatic life not on the ~~Aquatic Life Approved Species List~~ may submit an application for the aquaculture permit with the Department. The Department will review the permit application and make its determination within 8 weeks after receipt of the application. ~~must submit their aquaculture permit application at least 8 weeks prior to the desired date of such importation/possession.~~
- 3) Letters of authorization shall have a beginning and ending date.
- c) Inspection of Permit and Letters of Authorization
The aquaculture permit with any letters of authorization shall be available for inspection by the Department upon request.
- e) ~~Importation/possession of aquatic life may not commence until the operator is in possession of an issued aquaculture permit.~~

(Source: Old Section 870.30 renumbered to Section 870.20 and new Section 870.30 renumbered from Section 870.20 and amended at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.40 Cessation of Business; Recordkeeping and Reporting Aquaculture Operational Rules

- a) ~~Permit holders must request a letter of authorization from the Aquaculture Coordinator for each additional species not on the Aquatic Life Approved Species List they wish to import or possess and that is not listed on their original permit application (see Section 870.10(e)).~~
- b) ~~A letter of authorization from the Department shall be required for each aquatic life species that does not appear on the Aquatic Life Approved Species List. The letter shall be attached to the permit and shall be available for inspection upon request (see Section 870.10(e)).~~
- ae) Permittee with Letters of Authorization – Cessation of Business

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) In the event that the holder of an aquaculture permit with letters of authorization for aquaculturist possessing aquatic life not on the Aquatic Life Approved Species List goes out of business or possesses the aquatic life contrary to the Fish and Aquatic Life Code, the Department shall determine disposition of thesuch aquatic life as it deems deemed necessary, based upon the potential detriment to the aquatic resource of the State.
 - 2) ~~d)~~ Holders of permits with letters of authorization ~~Permit holders or their heirs or assigns possessing aquatic life not on the Aquatic Life Approved Species List,~~ who cease operation, for whatever reason, are required to notify the Department in writing within 30 days after their cessation of business. Permits/letters of authorization are not transferrable to other persons or businesses, including heirs or assigns.
 - 3) ~~e)~~ When a holder of a the permit with letters of authorization holder who possesses aquatic life not on the Aquatic Life Approved Species List ceases doing business voluntarily or involuntarily, his or her permit/letters of authorization expire expires at the cessation of business. Heirs, assigns or new owners must apply for an aquaculture permit.
- b) ~~f)~~ Recordkeeping
Records shall be maintained as required in Sections 20-90 and 20-125 of the Fish and Aquatic Life Code ~~[515 ILCS 5/20-90 and 20-125].~~ These records shall be made available to any authorized employee of the Department or any peace officer, upon request [515 ILCS 5/20-125]. Records shall be kept for a minimum of 2 years after the transaction [515 ILCS 5/20-90].
- c) ~~g)~~ Annual Report
- 1) All aquaculture permit holders shall submit to the Department, on forms provided by the Department, by January 31 of each year, an Annual Report ~~annual report~~ providing information on the previous calendar year's activity for aquatic life possessed, bought, sold or shipped. The information required in on this Annual Report ~~annual report~~ shall include:
 - A) ~~1)~~ name, address and license number of buyer;
 - B) ~~2)~~ name, address and license number of seller;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~C)3)~~ *transaction date;*
- ~~D)4)~~ *species;*
- ~~E)5)~~ number of pounds, *to the nearest half pound;*
- ~~F)6)~~ *origin [515 ILCS 5/20-125(a)];*
- ~~G)7)~~ price paid per pound (optional); and
- ~~H)8)~~ any other information (e.g., receipt number, carrier type, etc.) as required by the Department on the form.

~~2)h)~~ Failure of the ~~permittee aquaculture permit holder~~ to submit the required ~~Annual Report reports~~ in the manner and time frame specified shall be grounds for refusal by the Department to ~~renew issue to those individuals~~ a ~~permit license~~ for the following year until all required reports are received and approved by the Department.

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.50 Unlawful Acts

- a) Release of Aquatic Life
It is unlawful to release (or allow escape of) any aquatic life into the waters of this State without first securing permission of the Department to do so, except that the owners of a body of water or their agents may release aquatic life on the Aquatic Life Approved Species List into waters that are wholly on their property. All aquatic life may be immediately returned unharmed to released into waters from where which they were taken [515 ILCS 5/(Section 10-100(a)]-of the Fish and Aquatic Life Code). Permission will be based upon the potential detriment to the aquatic resource.
- b) Transportation
It is unlawful for any person persons to transport, ship, or convey within the State, any live grass carp/~~or~~ white amur (*Ctenopharyngodon idella*), black carp (Mylopharyngodon piceus), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys Hypophthalmichthys molitrix*), tilapia (Oreochromis

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~species) or any hybrid of these species, or any other species not on the Approved List~~ ~~grass carp~~, unless that person ~~possesses~~ ~~has in his possession~~ a "Restricted Species Transportation Permit" issued by the ~~Illinois~~ Department of Natural Resources.

- c) It is unlawful to transport, ship, or convey live trout, salmon, or char into the State unless a salmonid import permit has been issued to the source hatchery, as required by Section 10-105 of the ~~Fish and Aquatic Life~~ Code ~~[515 ILCS 10-105]~~. A copy of the salmonid import permit must accompany each shipment. A salmonid import permit will be issued only if the source hatchery has been inspected ~~by the Department~~ within the last 12 months and found free of, ~~but not limited to~~, the following disease agents: VHS – Viral Hemorrhagic Septicemia Virus; IHN – Infectious Hematopoietic Necrosis Virus; CS – Ceratomyxosis (*Ceratomyxa shasta*); PKD – Proliferative Kidney Disease agent; and/or any other disease agents that are not known to be present in the Great Lakes Basin.
- 1) A salmonid import permit may be issued for a period of up to 6 months following the inspection of the source hatchery. The salmonid import permit will be reissued if the owner/operator of the source hatchery certifies that there has been no change in the disease status of the source hatchery in the 6 month period following the annual inspection. A bill of sale, listing quantity, species, and hatchery of origin shall be provided to and retained by the final recipient of the fish, until the fish are disposed of.
 - 2) The Department recognizes persons inspecting hatcheries using the methods of diagnosis found in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens" 4th ed., Version 1 (1994), published by the Fish Health Section of the American Fisheries Society or the "Manual of Compliance to the Fish Health Protection Regulations of the Department of Fisheries and Oceans, Canada (1988) (no further amendments or editions are included), as competent in the diagnosis of fish diseases, unless a clearcut conflict of interest exists (such as the inspector being related to the hatchery owner by blood, adoption, marriage or economic interest).
- d) No live aquatic life not on the ~~Aquatic Life~~ Approved ~~Species~~ List produced at the facilities operated or owned by an aquaculture permit holder may be removed from the site unless ~~it is they are~~ being transferred to another permit holder who has permission to possess them, or to a fish market as food, or to an aquarium shop.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.60 Restricted Species Transportation Permit Procedures

- a) Generally Applicable Provisions; Exemptions
- 1) Triploid Grass Carp
Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked at any time and may be possessed only by authorized aquaculture permit holders.
 - 2) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.
 - 3) Landowner Exemption
 - A) Landowners South of I-80
 - i) Pre-Order from Retail Outlet
If the triploid grass carp are listed on a Restricted Species Transportation Permit (RSTP) issued to the Illinois aquaculturist or Illinois licensed aquatic life dealer that supplied the triploid grass carp to the entity from which the landowner pre-ordered the fish, the landowner is exempt from the RSTP requirement while transporting those fish for stocking in his or her wholly owned waters south of I-80. During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.
 - ii) Purchase Over-the-Counter
Lake or pond owners purchasing no more than 20 triploid grass carp over-the-counter are exempt from the RSTP requirement while transporting triploid grass carp purchased and obtained in Illinois for stocking in their wholly owned waters south of I-80, as long as they have a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

receipt from an aquaculturist selling over-the-counter in Illinois. (See subsection (c).) During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

- B) Landowners North of I-80 – Pre-Order from Retail Outlet
Those landowners wanting to stock wholly owned lakes/ponds north of I-80 with triploid grass carp must procure those fish through an Illinois aquaculturist or Illinois licensed aquatic life dealer who holds an RSTP authorizing transport and stocking of those fish. (See subsection (c).) During transport of those fish by the landowner to his or her wholly owned lake/pond, the landowner is exempt from the RSTP requirement, but must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

- b) Fish Importers, Aquaculturists and Commercial Fishermen
An RSTP A Restricted Species Transportation Permit is required for live grass carp, black carp, bighead carp, silver carp, tilapia (*Oreochromis* species) or any hybrid of these species, or any other species not on the Approved List, including commercial fishermen that are holding Asian carp in a crib for later transport or that are transporting directly to a rendering facility for slaughter (with restrictions (see Section 870.50(b))) grass carp. RSTPs Restricted Species Transportation Permits are available from the Aquaculture Specialist at the address in Section 870.10(c) Division of Fisheries, One Natural Resources Way, Springfield IL 62702-1271. Applications must be received by the Program Division of Fisheries at least two weeks prior to the proposed shipment date. IDNR will evaluate the potential for escapement into glacial lakes, sloughs, potholes, bottom land, backwater lakes, streams, rivers, water areas known to harbor animals or plants on the national or Illinois threatened or endangered species list, natural areas or nature preserves, or wetlands. An RSTP A Restricted Species Transportation Permit shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department, pursuant to Section 10-105 of the Fish and Aquatic Life Code. An RSTP is valid only: Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked and may be possessed only by authorized aquaculture permit holders.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) on the dates listed on the permit; and
 - 2) for names and addresses listed for delivery on the application/permit.
- b) ~~Lake or pond owners are exempt from the "Restricted Species Transportation Permit" requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from an aquaculture permit holder or licensed non-resident fish dealer stating that the grass carp have a triploid number of chromosomes, and the lake or pond owner's name and address is listed on the aquaculturist's "Restricted Species Transportation Permit". A "Restricted Transportation Permit" is valid only:~~
- c) Aquaculturists Selling Certified Triploid Grass Carp Over-the-Counter
The receipt issued by an aquaculturist in an over-the-counter sale shall contain:
- 1) Accession number of USFWS certifying triploid status of grass carp.~~on the dates listed on the permit; and~~
 - 2) Total number of fish sold. (Total amount in any one sale shall not exceed 20 individuals.)~~for names and addresses listed for delivery on such application/permit.~~
 - 3) Name, address and driver's or fishing license number of the buyer and the location of the wholly owned waterbody where stocking will occur. The signature of the buyer is confirmation that this information is true and accurate, the lake/pond is south of I-80, and the fish purchased will only be released in the identified lake/pond. Township/range, latitude and longitude, or equivalent is acceptable to identify the lake/pond location.
 - 4) Name, address and aquaculture license number of seller. The signature of the seller is required to confirm information such as the buyer's license number and fish count and certification information.
 - 5) Transaction date and time. (The landowner exemption from an RSTP is only for 24 hours after purchase. No more than 20 triploid grass carp may be carried in any vehicle/fish hauler at any one time under this exemption.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 6) The transaction documents must clearly state:
- A) that the transaction involves the sale of triploid grass carp;
 - B) the number of fish sold;
 - C) where the fish are to be transported; and
 - D) the average length of the fish in each batch of fish sold.
- e) ~~For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.~~
- d) Fish Importers and Aquaculturists
~~Any~~ Except for persons exempt under Section 870.60(b), any person hauling any live triploid grass carp must subject the shipment to examination by ~~IDNR~~ the Department of Natural Resources. Except for persons exempt under subsection (a)(3), batches ~~For a batch~~ of fish subject to testing and containing more than 56 individuals will have; 56 fish ~~will be~~ tested; for a batch containing fewer than 56 individuals, 100% will be tested.
- e) Commercial Fishermen
- 1) Commercial fishermen shall be allowed to harvest from the wild and transport to a State-licensed wholesale aquatic life dealer bighead carp, silver carp, grass carp and black carp, providing either of the following criteria are met:
 - A) the fish are dead. Transportation of dead fish is allowed if:
 - i) the fish are packed on ice only while directly en route to a fish market or processor (addition of water to iced and packed fish is not permitted);
 - ii) the packed fish are dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;
 - iii) the isthmus has been severed;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- iv) the gills have been removed; or
 - v) the fish have been eviscerated.
- B) the fish are not transported in an aerated live tank or in any other manner intended to maintain the fish alive unless commercial fisherman first obtains an RSTP. An RSTP can be obtained by applying to the Aquaculture Specialist at the address in Section 870.10(c).
- 2) With a Department approved RSTP, commercial fishermen are allowed to:
- A) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, provided this facility is not located in the counties of Will, Cook or Lake and that the fish are processed or stored on ice immediately upon arrival at the facility; and
 - B) transport live bighead carp, silver carp, grass carp and black carp directly to a crib (net pen) or State-licensed slaughter facility, provided that the fish are transported no more than a 15 mile radius to or from a crib or facility, or as otherwise designated on the RSTP, and that the fish are processed or stored on ice immediately upon arrival at the slaughter facility.
- 3) Asian carp may be held live in a crib (net pen) provided that:
- A) they are cribbed in the waters where caught (within a 15 mile radius of the crib) and not transported upstream of a lock and dam or other barrier;
 - B) they are removed within 72 hours;
 - C) they are killed by one of the methods specified in subsection (e)(1)(C), (D) or (E) immediately upon removal from the crib; and
 - D) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)

Section 870.80 Exceptions

- a) Except as otherwise provided in subsection (b), this Part does not apply to:
- 1) aquarists/hobbyists (e.g., keepers of any non-injurious aquatic life, including carp (koi) and goldfish (not including amphibians or reptiles), within home aquaria, private water gardens and aquascapes), as long as the aquatic life are not offered for sale, trade or barter and the aquarist/hobbyist activity does not violate other aquatic life regulations (e.g., 17 Ill. Adm. Code 875);
 - 2) the aquarium industry (those businesses regulated and licensed by the Department of Agriculture under the Animal Welfare Act [225 ILCS 605]); or
 - 3) State agencies or universities.
- b) Exceptions from Subsection (a)
- 1) The exemption in subsection (a) does not apply to any injurious species, as described in 17 Ill. Adm. Code 805.
 - 2) The exemption in subsection (a) does not apply to any VHS-susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval.
 - 3) The entities cited in subsection (a) are exempt as long as the excepted activity operates in a manner that will prevent escape of aquatic life into the waters standing on or flowing over the soil of the State of Illinois.

~~Except in the case of injurious species, as described in 17 Ill. Adm. Code 805, this Part does not apply to the aquarium industry (those businesses regulated by the Department of Agriculture under the Animal Welfare Act [225 ILCS 605]) or State agencies or universities, so long as they are operating in a manner that will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.~~

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Emergency Actions:
 140.492 Amendment
 140.493 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: July 10, 2015
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: July 10, 2015
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Without an approved budget for Fiscal Year 2016, the Department of Healthcare and Family Services must initiate steps to manage the State's finances. This emergency rulemaking is deemed to be necessary for the public's interest and welfare.
- 10) Complete Description of the Subjects and Issues Involved: The emergency-proposed amendments reduce the ambulance and helicopter transportation reimbursement rates to the rates that were in effect July 1, 2012.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
140.497	Amendment	38 Ill. Reg. 18308; September 5, 2014
140.412	Amendment	39 Ill. Reg. 182; January 2, 2015
140.80	Amendment	39 Ill. Reg. 7761; June 5, 2015
- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 13) Information and questions regarding these amendments shall be directed to:

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

217/782-1233

HFS.Rules@illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- 140.492 Payment for Medical Transportation

EMERGENCY

- 140.493 Payment for Helicopter Transportation

EMERGENCY

- 140.494 Record Requirements for Medical Transportation Services
- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids
- 140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section

- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement
- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered By Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

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

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

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

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

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

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

SUBPART K: MANDATORY MCO ENROLLMENT

140.1010	Mandatory Enrollment in MCOs
----------	------------------------------

SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section

140.1300	Definitions
140.1310	Recovery of Money
140.1320	Penalties
140.1330	Enforcement
140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	Rate Regions
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services (Repealed)

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation**EMERGENCY**

Notwithstanding the provisions set forth in subsections (a) through (h), beginning July 1, 2002, the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Beginning with dates of service July 1, 2015, and thereafter, the Department's established maximum rate for ambulance services shall be the rate in effect on July 1, 2012, as reflected on the Department's Fee Schedule. ~~Notwithstanding Section 140.405, beginning with date of service July 1, 2013 and thereafter, the Department's established maximum rate for ambulance services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule, except when a rate that is higher than the rate in effect on June 30, 2012 is specified in subsection (h).~~ Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) For dates of service prior to July 1, 2006, medicar providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

- b) For dates of service prior to July 1, 2006, service car providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- c) For dates of service on or after July 1, 2006, medicar providers and service car providers shall be paid at a base rate, a mileage rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e)(5). Mileage reimbursement is made for loaded miles, i.e., those miles for which the provider is actually transporting an individual. Mileage for multiple passengers is reimbursed pursuant to Section 140.490(d).
- d) Private auto providers shall be paid for loaded miles at a mileage rate.
- e) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- f) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e).
- g) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e). The Department rate shall be reviewed on an annual basis each July.
- h) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate, which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Payment shall also be made for Specialty Care Transport (SCT).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (h)(1) through (5). Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

- 1) Payment shall be made at a basic rate for Basic Life Support (BLS) services that is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent. ~~Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for BLS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus \$14.65, as reflected on the Department's Fee Schedule.~~
- 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent. ~~Beginning with dates of service July 1, 2013 and thereafter, regardless of the county in which the vehicle is based, loaded miles shall be paid at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate of \$5.00 per mile, as reflected on the Department's Fee Schedule.~~
- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
- 4) Payment for Advanced Life Support (ALS) services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent. ~~Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for ALS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus \$14.65, as reflected on the Department's Fee Schedule.~~

- 5) Beginning with dates of service July 1, ~~2015~~~~2013~~ and thereafter, payment for SCT shall be made at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate, which is equivalent to the sum of 100% of the ALS rate in effect on ~~July 1, 2012~~~~June 30, 2012~~ plus ~~\$75.00~~, as reflected on the Department's Fee Schedule.
- i) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.
- j) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days)

Section 140.493 Payment for Helicopter Transportation
EMERGENCY

Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for helicopter transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. ~~Beginning with dates of service July 1, 2015, and thereafter, the Department's established maximum rate for helicopter transportation services shall be the rate in effect on July 1, 2012, as reflected on the Department's Fee Schedule.~~ ~~Notwithstanding Section 140.405, beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for helicopter transportation services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule.~~ Payment for helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

where applicable, or the rates charged to the general public. The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491(b)(3) at an all inclusive rate that includes base rate, mileage, supplies and all other services.

- a) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less.
- b) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital and the helicopter provider.
- c) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.
- d) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.
- e) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491(b)(3)), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.299 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Emergency Rule: July 10, 2015
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: July 10, 2015
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Without an approved budget for Fiscal Year 2016, the Department of Healthcare and Family Services must initiate steps to manage the State's finances. This emergency rulemaking is deemed to be necessary for the public's interest and welfare.
- 10) Complete Description of the Subjects and Issues Involved: The emergency-proposed amendment eliminates the Medicaid Facilitation and Utilization payments that reimburse for inpatient services to Illinois hospitals that meet specific requirements.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
148.25	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.30	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.40	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.140	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.210	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.297	Amendment	38 Ill. Reg. 23861; December 26, 2014
148.400	Amendment	38 Ill. Reg. 23861; December 26, 2014

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

HFS.Rules@illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments (Repealed)
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments (Repealed)
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments (Repealed)
148.100	County Trauma Center Adjustment Payments
148.103	Outpatient Service Adjustment Payments (Repealed)
148.105	Reimbursement Methodologies for Inpatient Rehabilitation Services
148.110	Reimbursement Methodologies for Inpatient Psychiatric Services
148.112	Medicaid High Volume Adjustment Payments
148.115	Reimbursement Methodologies for Long Term Acute Care Services
148.116	Reimbursement Methodologies for Children's Specialty Hospitals
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Large Public Hospitals
- 148.170 Payment Methodology for University-Owned Large Public Hospitals
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act (Repealed)
- 148.180 Payment for Pre-operative Days and Patient Specific Orders
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems (Repealed)
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions (Repealed)
- 148.230 Admissions Occurring on or after September 1, 1991 (Repealed)
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals (Repealed)
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates (Repealed)
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals (Repealed)
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements (Repealed)
- 148.285 Excellence in Academic Medicine Payments (Repealed)
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments
- 148.296 Transitional Supplemental Payments
- 148.297 Physician Development Incentive Payments
- 148.298 Pediatric Inpatient Adjustment Payments (Repealed)
- 148.299 Medicaid Facilitation and Utilization Payments

EMERGENCY

- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives (Repealed)
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Sub-acute Alcoholism and Substance Abuse Treatment Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

Section	
148.700	General Provisions

SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

Section	
148.800	General Provisions
148.810	Definitions
148.820	Individual Eligibility for the Program
148.830	Providers Participating in the Program
148.840	Stabilization and Discharge Practices
148.850	Medication Management
148.860	Community Connect IMD Hospital Payment
148.870	Community Connect TCM Agency Payment
148.880	Program Reporting

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; expedited correction at 38 Ill. Reg. 12618, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. 4363, effective January 29, 2014; amended at 38 Ill. Reg. 11557, effective May 13, 2014; amended at 38 Ill. Reg. 13263, effective June 11, 2014; amended at 38 Ill. Reg. 15165, effective July 2, 2014; emergency amendment at 39 Ill. Reg. 10453, effective July 10, 2015, for a maximum of 150 days.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.299 Medicaid Facilitation and Utilization Payments**EMERGENCY**

Medicaid Facilitation and Utilization Payments shall be made on a monthly basis as follows:

- a) **Qualifying Hospitals.** Hospitals may qualify for the Medicaid Facilitation and Utilization Payments if they meet any of the following criteria:
 - 1) The hospital must be an Illinois general acute care hospital that had an increase over 35% of the total Medicaid days, excluding Medicare crossover days, from State fiscal year 2009 to State fiscal year 2013 as recorded in the Department's paid claims data, had more than 50 routine beds as included in the 2012 cost report filed with the Department, and, for State fiscal year 2013, the average length of stay was less than 4.5 days.
 - 2) The hospital must be an Illinois general acute care hospital that had a Medicaid Inpatient Utilization Rate (MIUR), as defined in Section 148.120(i)(4), between 50 and 80 percent, is designated a Perinatal Level II facility, and had less than 110 routine beds as included in the 2012 Cost Report on file with the Department, and, for State fiscal year 2013, provided greater than 6,000 Medicaid days, excluding Medicare crossover days, as recorded in the Department's paid claims database.
 - 3) The hospital must be an Illinois children's hospital, as defined in Section 148.25(d)(3)(B), had greater than 10 routine beds as included in the 2012 cost report on file with the Department, and for State fiscal year 2013, the average length of stay was less than 4.5 days.
- b) **Rates**
 - 1) Hospitals qualifying under subsection (a)(1) will receive the following:
 - A) If the hospital provided more than 4,000 covered Medicaid days, excluding Medicare crossover days in State fiscal year 2013, as recoded in the Department's paid claims database, the rate is \$947.00 for dates of service on July 1, 2014 through June 30,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

~~20152018~~. For dates of service on or after July 1, ~~20152018~~, the rate is \$0.00.

- B) If the hospital provided less than 4,000 covered Medicaid days, excluding Medicare crossover days, in State fiscal year 2013, as recoded in the Department's paid claims database, the rate is \$76.00 for dates of service on July 1, 2014 through June 30, ~~20152018~~. For dates of service on or after July 1, ~~20152018~~, the rate is \$0.00.
- 2) Hospitals qualifying under subsection (a)(2) will receive the following:
- A) If the hospital had greater than 100 routine beds, as included in the 2012 cost report on file with the Department, the rate is \$205.00 for dates of service on July 1, 2014 through June 30, ~~20152018~~. For dates of service on or after July 1, ~~20152018~~, the rate is \$0.00.
- B) If the hospital had less than 100 routine beds, as included in the 2012 cost report on file with the Department, the rate is \$59.00 for dates of service on July 1, 2014 through June 30, ~~20152018~~. For dates of service on or after July 1, ~~20152018~~, the rate is \$0.00.
- 3) Hospitals qualifying under subsection (a)(3) will receive a rate of \$390.00 for dates of service on July 1, 2014 through June 30, ~~20152018~~. For dates of service on or after July 1, ~~20152018~~, the rate is \$0.00.
- c) Payment for a qualifying hospital shall be the product of the rate as defined in subsection (b), multiplied by the hospital's SFY 2013 covered days less Medicare crossover days as recorded in the Department's paid claims data (adjudicated through February 21, 2014).

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 10453, effective July 10, 2015, for a maximum of 150 days)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
1413.130	Repealed
1413.138	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Rule: July 2, 2015
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: September 30, 2015
- 7) Date filed with the Index Department: July 2, 2015
- 8) A copy of the emergency rules, 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: Arlington Park has projected an overpayment (deficit) of purses of \$1.4 million if it were to continue to pay horsemen's purses at the current rate over the remainder of their 2015 race meet ending on September 30, 2015. To mitigate the overpayment of horsemen's purses, Arlington Park proposed to the Board the temporary repeal of two Sections, 1413.130 and 1413.138, to allow Arlington Park the flexibility in managing its race schedule to offer races that will generate the largest amount of wagering activity and revenues to the State.

Arlington Park's meet runs during the most competitive time of the year. It competes against racetracks in neighboring states whose purses are boosted by gaming revenues and exceed the purses that can be offered in Illinois. If Arlington Park does not have the flexibility to put forward the best racing product possible, it will be unable to attract horses from out of state that historically compete in Illinois races. The result is smaller fields resulting in lower wagering, lower horsemen's purses, and lower revenues to the State.

The impact will be felt by Illinois businesses that rely on a sustainable horse racing industry, as well as the Board itself, which depends on tax revenues from wagering to fund the costs of regulating racing.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

If Arlington Park's request was made pursuant to the regular rulemaking procedures, its 2015 meet will have concluded prior to any action being taken.

The Illinois Thoroughbred Horsemen's Association (ITHA) opposes the emergency request for the repeal of these two sections, proposed by Arlington Park, because the rules have been in place for more than 38 years and provide order and consistency requirements to the carding of races that horsemen rely on in the operation of their stables. Further, no threat to the public interest, safety, or welfare (IAPA Section 5-45) exists. The Illinois Thoroughbred Breeders and Owners Foundation (ITBOF) also opposed Arlington Park's request.

- 10) A Complete Description of the Subjects and Issues Involved: The temporary repeal of Section 1413.130 would allow Arlington Park's racing secretary to use his discretion in substituting claiming races with a value of \$20,000 or more and allowance races with a field size of six with other races with larger field sizes so that the best races can be placed in the race program for the day and to card races that will not result in a purse account over-payment.

The temporary repeal of Section 1413.138 (a) allows the racing secretary to use his discretion in establishing an order of preference of substitute races to fill the race program if a posted race doesn't fill. It will also allow the racing secretary to construct a race program for the day of the highest quality and to card races that will not result in a purse account over-payment.

Subsection (a)(3) allows the racing secretary to use his discretion in establishing the order of preference of substituting races on a race program if an Illinois race doesn't fill based upon the best race available to offer the best race program for the day and to card races that will not result in a purse account over-payment. An Illinois race with similar conditions and field size will be used as a first preference but gives the discretion to the racing secretary to replace that race if the field size is greater in another race so that the best races can be placed in the race program for the day and to card races that will not result in a purse account over-payment.

Arlington Park's request for the temporary repeal of Sections 1413.130 and 1413.138 appeared on the Board's June 23, 2015 meeting agenda. Extensive testimony was presented by Arlington Park and the ITHA. Teamsters Joint Council 25 made a brief oral statement and the ITBOF relied on their written submission.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 2250.40 of the Board's rules (Emergency Rulemaking) provides that an emergency rule may be adopted if the Board finds that "an emergency reasonably constituting a threat to the public interest, safety or welfare" exists. The Illinois legislature has determined that the loss of State revenue is a threat to the public interest. To date, wagering activity on Arlington's 2015 meet is down by 28%.

On June 23, 2015, the temporary repeal, by emergency rulemaking, of Sections 1413.130 and 1413.138 was approved by a majority vote of the Board members.

- 11) Are there any rulemakings pending on this Part: Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1413.114	Amendment	39 Ill. Reg. 3415; March 6, 2015

- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 13) Information and questions regarding these emergency rules 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 Rules 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 g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413
ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

- 1413.10 Registration with Jockey Club
- 1413.20 Registration Rules
- 1413.30 Eligibility
- 1413.40 How Entries are Made
- 1413.42 Number of Entries
- 1413.44 48- or 72-Hour Entries
- 1413.46 Also Eligibles Under 48- or 72-Hour Rule
- 1413.48 Uncoupled Entries
- 1413.50 Racing Secretary Receives Entries
- 1413.60 Supervision of Entries
- 1413.70 When Entries Close
- 1413.75 Limitation on Purse Increases or Reductions
- 1413.80 Closing in Absence of Conditions
- 1413.90 Entry by Telegraph
- 1413.100 List of Entries
- 1413.110 Limitations on Entries
- 1413.114 Coupled As Entry
- 1413.118 Further Definition of Coupling (Repealed)
- 1413.120 Riders Designated
- 1413.130 Carding Purse and Handicap Races ([Repealed](#))

EMERGENCY

- 1413.134 Race Fails to Fill
- 1413.138 Substitute and Extra Races ([Repealed](#))

EMERGENCY

- 1413.140 Right to Declare Out
- 1413.150 Number of Entries
- 1413.160 Fee to Enter
- 1413.170 Refunds
- 1413.180 Error in Entry

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

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 Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; emergency amendment at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 1413.130 Carding Purse and Handicap Races (Repealed)
EMERGENCY

~~All non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to less than six, the association may run the race as a betless exhibition and card and run a substitute race for wagering purposes.~~

(Source: Repealed by emergency rulemaking at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015)

Section 1413.138 Substitute and Extra Races (Repealed)
EMERGENCY

- a) ~~Whenever a posted race is cancelled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:~~
- ~~1) when a feature or handicap race fails to fill the extra race that can be used as a feature race shall take precedence over the other substitute and extra races, or~~
 - ~~2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible, or~~
 - ~~3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races, or~~
 - ~~4) when a posted race is split, or~~
 - ~~5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.~~
- b) ~~Nothing contained herein shall be deemed an exception to or modification of Rule B 9.6 (11 Ill. Adm. Code 409.60).~~

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

(Source: Repealed by emergency rulemaking at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 7, 2015 through July 13, 2015. Rulemaking are scheduled for review at the Committee's August 11, 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>
8/20/15	<u>Department of Public Health</u> , Smoke Free Illinois Code (77 Ill. Adm. Code 949)	8/15/14 38 Ill. Reg. 17283	8/11/15
8/20/15	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	5/15/15 39 Ill. Reg. 6730	8/11/15
8/21/15	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	5/22/15 39 Ill. Reg. 07221	8/11/15
8/22/15	<u>Health Facilities and Services Review Board</u> , Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)	4/17/15 39 Ill. Reg. 5540	8/11/15
8/22/15	<u>Department of Public Health</u> , Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)	5/8/15 39 Ill. Reg. 6217	8/11/15
8/22/15	<u>Department of Public Health</u> , Hospital Licensing Requirements (77 Ill. Adm. Code 250)	5/15/15 39 Ill. Reg. 6184	8/11/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/22/15	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	5/1/15 39 Ill. Reg. 5669	8/11/15
8/22/15	<u>Department of Public Health</u> , Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)	9/5/14 38 Ill. Reg. 18346	8/11/15

PROCLAMATIONS

2015-180**Annuity Awareness Month**

WHEREAS, annuities provide a safe alternative for individuals who want a predictable way to meet immediate, ongoing, and future financial obligations; and,

WHEREAS, surveys consistently indicate that the vast majority of Americans are looking for a financial vehicle that provides the benefits annuities offer, especially financial security in retirement; and,

WHEREAS, 87 percent of people surveyed do not completely understand what an annuity is or how it can work for them; and,

WHEREAS, not properly planning for retirement can result in unforeseen hardships during these important years; and,

WHEREAS, research shows that individuals who own retirement products have a higher confidence in their financial preparedness for retirement; and,

WHEREAS, determining what annuities are best for you and how to use them over time is one of the most important financial decisions consumers will ever make; and,

WHEREAS, the Coalition for Annuity Awareness represents hundreds of leading insurance companies and organizations that recognize June as "National Annuity Awareness Month;" and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June as **ANNUITY AWARENESS MONTH** in Illinois to raise awareness and educate citizens on the importance of seeking financial advice for their financial retirement plans.

Issued by the Governor June 1, 2015

Filed by the Secretary of State July 10, 2015

2015-181**Bear Necessities Pediatric Cancer Foundation's Awareness Day**

WHEREAS, childhood cancer is the second leading cause of death, exceeded only by accidents, of children; and,

WHEREAS, approximately 36 American children are diagnosed with cancer daily, and their average age at the time of diagnosis is six; and,

PROCLAMATIONS

WHEREAS, 10,400 American children were diagnosed with cancer in 2007, and 40,000 children in our country undergo treatment for cancer annually; and,

WHEREAS, childhood cancer rates have been rising slightly for the past few decades, and approximately 15,500 children in the United States under the age of 15 will be diagnosed with cancer in 2014; and,

WHEREAS, our children are our most precious resource; and,

WHEREAS, there are a number of organizations dedicated to raising money for research into pediatric cancer and supporting children and families who are diagnosed with pediatric cancer; and,

WHEREAS, one such organization is Bear Necessities Pediatric Cancer Foundation, named in memory of founder Kathleen Casey's eight year old son, Barrett "Bear" Krupa, who died after a courageous five and a half year battle with Wilms Tumor, a pediatric cancer; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is a national organization dedicated to eliminating pediatric cancer and providing hope and support to those who are touched by it; and,

WHEREAS, the mission of Bear Necessities Pediatric Cancer Foundation is carried out through three unique programs which include the Bear Hugs Program, Bear Discoveries and Bear Empowerment; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is now in its 21st year of generating funds to reach out to all children in the State of Illinois who will be diagnosed this year with pediatric cancer; and,

WHEREAS, the month of September is recognized as Childhood Cancer Awareness Month. Throughout this month, organizations like Bear Necessities Pediatric Cancer Foundation will be conducting outreach efforts to raise awareness of pediatric cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 18, 2015 as **BEAR NECESSITIES PEDIATRIC CANCER FOUNDATION'S AWARENESS DAY** in Illinois, to raise awareness of pediatric cancer, and in support of the organization's dedication to eradicating this devastating disease.

Issued by the Governor June 1, 2015

Filed by the Secretary of State July 10, 2015

PROCLAMATIONS

2015-182**Illinois Flag Display Act – Corporal Sara Medina**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

WHEREAS, on May 12, 2015, U.S. Marine Corporal Sara Medina of Aurora, Illinois lost her life engaged in humanitarian relief operations while aiding the people of Nepal following the devastating earthquake that killed thousands and injured scores more; and,

WHEREAS, Corporal Sara Medina enlisted in the United States Marine Corps in November of 2010 and was assigned to Marine Corps Installations Pacific, Okinawa, Japan serving as a combat photographer; and,

WHEREAS, Corporal Sara Medina had been awarded the Navy and Marine Corps Achievement Medal, the Marine Corps Good Conduct Medal and the Korean Defense Service Medal; and,

WHEREAS, throughout her career as a proud member of the United States Marine Corps, Corporal Sara Medina represented the State of Illinois admirably; and,

WHEREAS, Corporal Sara Medina is survived by many family members and friends;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Monday, June 1, 2015, until sunset on Wednesday, June 3, 2015, in honor and remembrance of Corporal Sara Medina, whose selfless service and sacrifice is an inspiration.

Issued by the Governor June 1, 2015

Filed by the Secretary of State July 10, 2015

2015-183**Structural Engineering Day**

WHEREAS, the Structural Engineers Association of Illinois (SEAOI) was established on January 28, 1965; and,

WHEREAS, Illinois was the first State to award Structural Engineering licensure in 1915; and,

PROCLAMATIONS

WHEREAS, the mission of SEAOI is to advance and advocate excellence in structural engineering and to aid in safeguarding the public; and,

WHEREAS, SEAOI upholds the Illinois Structural Engineering Act and carries out its prime purpose of safeguarding the lives and property of the public; and,

WHEREAS, SEAOI works to encourage engineering education and advance the art and science of structural engineering; and,

WHEREAS SEAOI endeavors to familiarize the public with the structural engineering profession and to inspire confidence in the profession as a whole; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 6, 2015 as Structural Engineering Day in commemoration of Structural Engineers Association of Illinois' 50th Anniversary, the 100th year of structural engineering licensure in Illinois and in recognition of the contributions of structural engineering in safeguarding the lives and property of the public.

Issued by the Governor June 1, 2015

Filed by the Secretary of State July 10, 2015

2015-184
Amateur Radio Week

WHEREAS, Amateur Radio has historically played a significant role in developing world wide radio communications; and,

WHEREAS, Amateur Radio has continued to provide a bridge between peoples, societies, and countries by creating friendships and facilitating the sharing of ideas; and,

WHEREAS, the State of Illinois has more than 20,000 Radio Amateurs who have repeatedly donated their time, equipment, and services to help their communities; and

WHEREAS, Amateur Radio operators' services are provided wholly uncompensated; and,

WHEREAS, the State of Illinois recognizes the services Amateur Radio operators provide to our many Emergency Response organizations; and,

WHEREAS, Illinois Radio Amateurs are on alert for severe weather including tornadoes, floods, and other manmade disasters; and,

PROCLAMATIONS

WHEREAS, Illinois Radio Amateurs have also generously donated their time and equipment to provide communications support to local service clubs and organizations at no charge; and,

WHEREAS, Radio Amateurs offer free technical training to all interested citizens; and,

WHEREAS, Illinois Radio Amateurs will continue to hone their communications skills by operating during the simulated emergency preparedness exercise known as 'Field Day,' which may run between 24 and 27 hours continuously during June 27-28;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 21-28, 2015 as **AMATEUR RADIO WEEK** in Illinois.

Issued by the Governor June 2, 2015

Filed by the Secretary of State July 10, 2015

2015-185**Quebec National Day**

WHEREAS, the links between Illinois and Quebec are numerous, and can be traced back centuries to the French-speaking missionaries and voyagers who left Quebec City and Montreal to explore the land of Illinois and eventually settle here; and,

WHEREAS, in 1969, Quebec established its delegation in the City of Chicago because of the business and cultural preeminence of the city; and,

WHEREAS, both Illinois and Quebec are active in the Council of Great Lakes Governors and the Great Lakes Commission as associate members; and,

WHEREAS, trade between Illinois and Quebec exceeds \$3 billion U.S. dollars; and,

WHEREAS, the staff of the Quebec Delegation in Chicago have established commercial links between Illinois and Quebec companies and have brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and,

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational, and tourism links between Quebec and the Midwest; and,

WHEREAS, every year on the 24th of June, Saint John the Baptist's Day, the people of Quebec celebrate their history and values with Quebec's national holiday, Saint Jean-Baptiste Day;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 24, 2015 as **QUEBEC NATIONAL DAY** in Illinois, in recognition of the numerous connections that unite Illinois and Quebec, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 2, 2015

Filed by the Secretary of State July 10, 2015

2015-186**African/Caribbean International Festival of Life Days**

WHEREAS, the 23rd Annual African/Caribbean International Festival of Life (IFOL) will be held from July 3-5, 2015; and,

WHEREAS, this year's African/Caribbean International Festival of Life will again offer health and educational programs; and,

WHEREAS, additionally, this year's IFOL will include the "Carnival of Nations", with displays of flags throughout the venue, and several activities; and,

WHEREAS, the primary objective of the Festival is to bring together, under one umbrella, people of various nationalities, cultures and ethnic backgrounds; and,

WHEREAS, the African/Caribbean International Festival of Life will feature a variety of world beat music, such as: Reggae, R & B, Rock, Jazz, Gospel, and Blues; and,

WHEREAS, exhibitors from various parts of the country and overseas will journey to Chicago to offer a variety of international crafts, cultural clothing and ethnic items along with food from Africa, the Caribbean and other parts of the globe;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 3-5, 2015, as **AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS** in Illinois, and encourage all residents to participate in this family event.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-187**Authentic Italian Culinary Day**

PROCLAMATIONS

WHEREAS, the culturally diverse Italian community in Illinois has been an essential part of the state's vibrant cultural landscape, and Italian Americans have made significant social, cultural and economic contributions to the growth of Illinois over the years; and,

WHEREAS, this year, Italy has been named the inaugural host country at the Food Marketing Institute (FMI) Connect show in Chicago, where more than 50 Italian food and beverage companies will showcase a wide variety of authentic Italian products at the Italian Trade Agency pavilion including: wine, seafood, mineral water, olive oil, pasta, riso, breads, cured meats; and,

WHEREAS, the Italian Trade Agency (ITA) will partner with the FMI to showcase and celebrate authentic Italian products that are sold and enjoyed in Illinois during the FMI Connect Show; and,

WHEREAS, Italy's Vice Minister of Economic Development, Carlo Calenda, as well as several notable Italian-focused chefs will be attending this impressive culinary event;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 10, 2015 as **AUTHENTIC ITALIAN CULINARY DAY** in Illinois and on behalf of the people of Illinois; I am pleased to join those of Italy and Italian descent in celebrating their heritage and cuisine.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-188
Children's Day

WHEREAS, all children are created equal, and they are endowed with certain unalienable rights; and,

WHEREAS, children are the highest priority of our state; and,

WHEREAS, children are the future of Illinois; and,

WHEREAS, it is especially important that the citizens of our state be aware of the needs of our children; and,

WHEREAS, all citizens of our state are promoting a safe and healthy environment for our children; and,

PROCLAMATIONS

WHEREAS, during the month of June, all citizens of Illinois should unite in aiding to further the cause of hope for our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 14, 2015 as **CHILDREN'S DAY** in Illinois and urge communities of the state to come together to participate in giving faith, hope, love, and commitment to our children.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-189**Complex Regional Pain Syndrome Awareness Day**

WHEREAS, Complex Regional Pain Syndrome (CRPS), also known as Reflex Sympathetic Dystrophy Syndrome (RSDS), is a nerve disorder that causes chronic pain and can strike at any age, most often affecting one of the arms, feet, hands, or legs; and,

WHEREAS, the pain often spreads to include the entire arm or leg, and typical characteristics of CRPS include dramatic changes in the color and temperature of the skin over the affected limb or body part, accompanied by intense burning pain, skin sensitivity, sweating, and swelling; and,

WHEREAS, although CRPS occurs especially after an injury or trauma to a limb, doctors are uncertain what causes it and even though there are different types of treatments, there is no cure; and,

WHEREAS, though treatment can relieve painful symptoms, the prognosis varies from person to person; and,

WHEREAS, several institutes of the National Institutes of Health (NIH) are supporters of research relating to CRPS; and,

WHEREAS, the National Institute of Neurological Disorders and Stroke (NINDS), the primary federal supporter of research on the brain and central nervous system, has scientists that are studying new approaches to treat CRPS and intervene more aggressively after traumatic injury to lower the chances of developing the disorder; and,

WHEREAS, this research is encouraging to everyone who hopes CRPS will one day be eliminated; and,

PROCLAMATIONS

WHEREAS, on November 2, 2015, members of the Complex Regional Pain Syndrome community will be celebrating the second annual Color the World Orange Day to spread awareness of this poorly understood pain disorder;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2, 2015, as **COMPLEX REGIONAL PAIN SYNDROME AWARENESS DAY** in Illinois, to raise awareness about CRPS and in support of the effort to combat this disorder that affects so many throughout the country and our state.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-190**Epilepsy Awareness Month**

WHEREAS, epilepsy is one of the most common neurological conditions, estimated to affect more than 3 million people in the United States, and more than 50 million worldwide; and,

WHEREAS, epilepsy is a group of disorders of the central nervous system, specifically the brain characterized by recurrent unprovoked seizures; and,

WHEREAS, seizures occur when the normal electrical balance in the brain is lost, causing the brain's nerve cells to misfire, either firing when they shouldn't or not firing when they should, and seizures are the physical effects of these sudden, brief, uncontrolled bursts of abnormal electrical activity; and,

WHEREAS, the type of seizure depends on how many cells fire and which area of the brain is involved; and,

WHEREAS, a person that has a seizure may experience an alteration in behavior, consciousness, movement, perception and/or sensation; and,

WHEREAS, one in ten people will have at least one seizure during their lifetime; and,

WHEREAS, the public is often unable to recognize common seizure types, or how to respond with appropriate first aid; and,

WHEREAS, November 2015 is Epilepsy Awareness Month, and was created to bring epilepsy acceptance, awareness and education;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2015 as **EPILEPSY AWARENESS MONTH** in Illinois, in support of the effort to raise awareness of epilepsy.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-191**Gastroschisis Awareness Day**

WHEREAS, one in 2229 individuals are born with gastroschisis in the United States annually; and,

WHEREAS, individuals living with gastroschisis have serious and debilitating conditions that have a significant impact on the lives of those affected including, but not limited to, failure to thrive/slow growth, short bowel syndrome, multiple organ transplants, and long term feeding issues; and,

WHEREAS, individuals and families affected by gastroschisis often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,

WHEREAS, the cause of gastroschisis is relatively unknown, patients, and their families must bear a large share of the burden for things such as raising funds for research; and,

WHEREAS, hundreds of residents of Illinois are among those affected by gastroschisis;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 30, 2015 as **GASTROSCHISIS AWARENESS DAY** in Illinois.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-192**Grandparent Alienation Awareness Day**

WHEREAS, strong family relationships constitute the foundation of our community; and,

WHEREAS, alienation behaviors are frequently present in high-conflict divorces, separations, asymmetrical custody arrangements, and in intact marriages, often causing mental and emotional anguish to children; and,

PROCLAMATIONS

WHEREAS, alienation is a term used to describe any number of behaviors and attitudes on the part of one or both parents designed to interfere, damage or destroy the relationship between a child and family member; and,

WHEREAS, alienation takes advantage of the innocent and impressionable, as well as the suggestibility and dependency of a child depriving children of their right to love and be loved by their extended family; and,

WHEREAS, mental health professionals agree that the negative effects of alienation can follow a child into adulthood with tragic consequences; and,

WHEREAS, the recently published Diagnostic and Statistical Manual of Mental Disorders (DSM-5) made several references to the dysfunctional family dynamic of alienation to be a form of psychological child abuse; and,

WHEREAS, Grandparent Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help families, institutions, the legal and mental health community, and leaders to better identify and combat such abusive behavior to children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 14, 2015 as **GRANDPARENT ALIENATION AWARENESS DAY** in Illinois.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-193**Stevens-Johnson Syndrome Awareness Month**

WHEREAS, Stevens Johnson Syndrome (SJS) and Toxic Epidermal Necrolysis are severe adverse reactions to medication; and,

WHEREAS, almost any medication, including over-the-counter drugs, can cause SJS; and,

WHEREAS, SJS affects people of ages and a large amount of its victims are children, and,

WHEREAS, according to the New England Journal of Medicine, more than 2 million Americans fall ill and are hospitalized every year from taking these recommended drugs and more than 140,000 are never released; and,

PROCLAMATIONS

WHEREAS, recognizing the early symptoms of SJS and prompt medical attention are the most invaluable tools in minimizing the possible long-term effects SJS may have on its victims; and,

WHEREAS, the health and safety of our citizens is of utmost importance and the State of Illinois is committed to raising awareness and supporting all efforts to minimize the effects of life-threatening diseases such as SJS;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2015 as **STEVENS-JOHNSON SYNDROME AWARENESS MONTH** in Illinois.

Issued by the Governor June 8, 2015

Filed by the Secretary of State July 10, 2015

2015-194**Commemoration of 80th Anniversary of Social Security Act**

WHEREAS, on August 14, 1935, President Franklin D. Roosevelt signed the Social Security Act into law; and,

WHEREAS, Social Security is a social insurance program under which workers earn coverage for retirement, survivors, and disability benefits by paying Social Security taxes on their earnings; and,

WHEREAS, Social Security serves as vital financial protection for working men and women, children, those with disabilities, and the elderly; and,

WHEREAS, Social Security also administers the Supplemental Security Income program, which is funded by general revenues and provides cash assistance to aged, blind, and disabled persons who have very limited means; and,

WHEREAS, the Social Security program is the cornerstone of economic protection on which workers can build a comfortable retirement through pensions, insurance, savings, and other income; and,

WHEREAS, Social Security is committed to providing the American public choices for conducting business with the agency; and,

WHEREAS, the Social Security website offers online services, applications, and program information for beneficiaries, employers, and the public; and,

PROCLAMATIONS

WHEREAS, My Social Security allows people quick, convenient, and secure access to their personal Social Security record; and,

WHEREAS, a personal My Social Security account is a valuable source of information during both an employees' working years and throughout the time one received Social Security benefits; and,

WHEREAS, the State of Illinois recognizes the importance of Social Security benefits to the welfare of its citizens and joins the Social Security Administration in celebrating its past and building its future;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 14, 2015 as **COMMEMORATION OF 80TH ANNIVERSARY OF SOCIAL SECURITY ACT** in Illinois.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

2015-195**Illinois Survivor Justice Day**

WHEREAS, the United States was built on the foundation of providing justice for all, including allowing victims of violent crime access to legal representation to allow the enforcement of victims' rights; and,

WHEREAS, often times, however, crime victims are denied access to fair treatment and due process; and,

WHEREAS, victims of violent crime who participate in the legal system and cooperate with criminal justice authorities to enforce the laws administered by the State of Illinois are at risk of becoming further victimized by the system; and,

WHEREAS, crime victims have financial and legal needs that merit our State's attention and concern; and,

WHEREAS, survivors are working to enact legislation to improve victims' rights and allow for compensation of legal representation to enforce victims' rights; and,

WHEREAS, these efforts deserve the attention and support of the citizens of Illinois; and,

PROCLAMATIONS

WHEREAS, Jasmine Marie Jimenez, survivor and catalyst for "Jasmine's Law" and the "Victims' Rights Sign-Off Sheet," supports Illinois Survivor Justice Day; and,

WHEREAS, Mothers On a Mission to Stop Violence commits its resources to helping victims of violent crime access legal representation at no cost to crime victims;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 15, 2015 as **ILLINOIS SURVIVOR JUSTICE DAY** in Illinois.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

2015-196
Juneteenth Day

WHEREAS, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States; and,

WHEREAS, it was on June 19, 1865, two-and-a-half years after President Lincoln's Emancipation Proclamation that Union soldiers landed at Galveston, Texas with news that the war had ended and that the enslaved were now free; and,

WHEREAS, as freed slaves left plantations and moved to reunite with family members in other states, they encountered a new set of challenges as free men and women; and,

WHEREAS, recounting the memories of that great day and its festivities in June of 1865 would serve as relief from the growing pressures encountered in their new homes; and,

WHEREAS, the celebration of June 19th was coined "Juneteenth" and as participation grew, it became a time to reassure one another, for praying and for gathering with family; and,

WHEREAS, a range of activities were provided for entertainment at early Juneteenth celebrations, many of which continue today. Rodeos, fishing, barbecuing and baseball are just a few of the typical activities that may be held as part of Juneteenth celebrations; and,

WHEREAS, Juneteenth also focuses on education and self-improvement. Guest speakers are often brought in and the elders are called upon to recount the events of the past. Prayer services are often also a major part of the festivities; and,

PROCLAMATIONS

WHEREAS, over the last few decades, Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country - all with the mission to promote and cultivate knowledge and appreciation of African American history and culture; and,

WHEREAS, Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 19, 2015 as **JUNETEENTH DAY** in Illinois, in remembrance of the important events of June 19, 1865, and encourage all citizens to learn about the important contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

2015-197**Lincolnshire-Riverwoods Fire Protection District Day**

WHEREAS, the Vernon Fire Protection District (VFPD) was organized on June 11th, 1940; and,

WHEREAS, at that time, VFPD was strictly a volunteer emergency service with 33 dedicated members led by Chief Frank Holtje; and,

WHEREAS, In 1976, VFPD became a full-time career Fire Protection District, led by Chiefs Ted Tarr, Fred Kruger, and its current Chief, Tom Krueger; and,

WHEREAS, VFPD was renamed Lincolnshire-Riverwoods Fire Protection District (LRFPD) in 1998; and,

WHEREAS, LRFPD is dedicated to providing extraordinary service to those in need through the highest levels of professional competency and integrity while providing exceptional value; and,

WHEREAS, LRFPD is dedicated to exceeding our citizens' expectations, exceling in professionalism and customer service, leading the way in innovation and education to provide a healthy and safe working environment for our personnel, and striving to deliver the highest quality of emergency services possible; and,

WHEREAS, LRFPD will celebrate its 75th anniversary on June 7, 2015;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 11, 2015 as **LINCOLNSHIRE-RIVERWOODS FIRE PROTECTION DISTRICT DAY** in Illinois.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

2015-198
Multi-racial Heritage Week

WHEREAS, Illinois has a multiracial population of nearly 290,000 people, representing 2.3 percent of the state's population as of 2010; and,

WHEREAS, this population grew by 23.4 percent from 2000 to 2010, and is expected to grow further by 2020; and,

WHEREAS, there are more than nine million individuals who self-identify as belonging to more than one race in the United States; and,

WHEREAS, multiracial children, teens, and adults make vast contributions to the state of Illinois; and,

WHEREAS, children in Illinois schools are now allowed to check multiple racial identifiers on school forms and public and private schools; and,

WHEREAS, schools in the State are encouraged to include wording in keeping with positive identity practices that reflect the terminology of "multiracial;"; and,

WHEREAS, Illinois is a true melting pot of race and ethnicity;

WHEREAS, several celebrations for, or including, the multiracial population will occur in the country and in Illinois during the week of June 7-14, 2015, including Loving Day (celebrating the US Supreme Court decision of Loving v. Virginia), the Mixed Roots Fest in Los Angeles, and Juneteenth Day (commemorating the abolition of slavery in the United States);

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 7-14, 2015 as **MULTI-RACIAL HERITAGE WEEK** in Illinois.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

PROCLAMATIONS

2015-199**Overdose Awareness Day**

WHEREAS, Drug Policy Alliance (DPA) statistics indicate that accidental drug overdose is the leading cause of injury-related death in the United States for people between the ages of 35-54 and the second-leading cause of injury-related death for young people; and,

WHEREAS, more than 28,000 people die each year of an overdose from heroin, cocaine, prescription drugs, or other narcotics; more than the number of deaths due to guns, murders, or HIV/AIDS; and,

WHEREAS, accidental drug overdose cases have quadrupled since 1990; and,

WHEREAS, International Overdose Awareness Day originally started in Australia as an initiative of the Salvation Army in the year 2001; and,

WHEREAS, International Overdose Awareness Day provides an opportunity for people around the world to publicly mourn loved ones by honoring and remembering those who have lost their lives to an overdose; and,

WHEREAS, numerous participating countries use this occasion to educate policy makers and the public about the growing overdose crisis in the United States and abroad, thereby offering concrete solutions that could possibly save lives; and,

WHEREAS, in 2009, Illinois enacted the Overdose Protection Law, which allows trained individuals to administer life-saving drugs in the event of an overdose; this law would further save lives by protecting friends and family who seek medical help for those who overdose from arrest or prosecution for possession of small amounts of drugs;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 31, 2015 as **OVERDOSE AWARENESS DAY** in Illinois, in memory of the people who have either lost loved ones, or live with permanent injuries resulting from drug overdose.

Issued by the Governor June 10, 2015

Filed by the Secretary of State July 10, 2015

2015-200**Philippine Independence Day**

PROCLAMATIONS

WHEREAS, one of the most significant dates in the history of the Philippines' is Independence Day, which marks the date of the nation's independence from Spanish rule on June 12, 1898; and,

WHEREAS, , in 1898, the Philippine Declaration of Independence was signed, and publicly read by Ambrosio Rianzares Bautista, declaring a free, sovereign, and democratic Philippines; and,

WHEREAS, the Philippines' flag was raised and its national anthem was played for the first time in 1898; and,

WHEREAS, this year will mark the 117th anniversary of Philippine Independence, and Illinois is proud that thousands of Filipino Americans call our state home; and,

WHEREAS, the annual June 12 observance of the Philippines' Independence Day came into effect after past-President Diosdado Macapagal signed the Republic Act No. 4166 on August 4, 1964; and,

WHEREAS, our state's thriving Filipino American population is well-served by the Consulate General of the Philippines in Chicago, and it is important that we commend the valuable Filipino community organizations across the Land of Lincoln; and

WHEREAS, the contributions of Filipino Americans to the social, economic, and cultural landscape of this State have greatly increased the quality of life for all Illinois residents; and,

WHEREAS, , the Philippine Consulate General along with the Filipino American community in Chicago will celebrate the 117th Anniversary of Philippine Independence Day on June 12, 2015, with a flag-raising ceremony; and,

WHEREAS, it is appropriate on this occasion for the people of the Land of Lincoln to recognize Filipino Americans;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 12, 2015, as **PHILIPPINE INDEPENDENCE DAY** in Illinois, and join all Filipino American citizens in celebration of this very special day.

Issued by the Governor June 11, 2015

Filed by the Secretary of State July 10, 2015

2015-201

Chicago Blackhawks Stanley Cup Champions Day

PROCLAMATIONS

WHEREAS, the State of Illinois and City of Chicago are proud to be home to the Chicago Blackhawks, a professional ice hockey franchise steeped in tradition and boasting a rich legacy that spans across decades and generations of fans; and,

WHEREAS, the Chicago Blackhawks were founded in 1926 by Major Frederic McLaughlin and named after the 333rd Machine Gun Battalion of the 86th Division of the United States Army, the unit Major McLaughlin commanded in World War I; and,

WHEREAS, the Chicago Blackhawks have been home to legendary hockey greats that include the likes of Bobby Hull, Stan Mikita, Glenn Hall, Tony Esposito, Denis Savard, Jeremy Roenick; Pierre Pilote, Keith Magnuson, and Chicago-native Chris Chelios; and,

WHEREAS, on Monday, June 15th, 2015 after an arduous journey to the finals fraught with adversity, the Chicago Blackhawks defeated the Tampa Bay Lightning in the sixth game of the Stanley Cup Finals earning their right to raise the Stanley Cup – the oldest, most storied trophy in professional sports; and,

WHEREAS, the Chicago Blackhawks have brought the Stanley Cup to Illinois for the third time in six years and have rightfully joined their names beside those of the championship teams of 1934, 1938, 1961, 2010, and 2013; and,

WHEREAS, the Chicago Blackhawks made history when they won the championship on home ice in Chicago for the first time since 1938, and moreover, Captain Jonathan Toews captured the honor of being the first player to hoist the Stanley Cup Trophy on United Center ice; and,

WHEREAS, after exhaustive play, registering 21 points, and serving as an integral component of the team's defensive system, Duncan Keith was deservedly awarded the Conn Smythe Trophy for his outstanding play and contributions during the post season, becoming the ninth defenseman in the NHL's history to receive the award; and,

WHEREAS, credit for the success of the 2014-2015 Stanley Cup Champion team extends beyond the players and is also owed to the leadership of Team Chairman Rocky Wirtz, Team President John McDonough, General Manager Stan Bowman, Head Coach Joel Quenneville, as well as to the dedication and passion of each and every individual member of the Chicago Blackhawks organization;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Thursday, June 18, 2015, to be **CHICAGO BLACKHAWKS STANLEY CUP CHAMPIONS DAY** in Illinois and encourage Illinois citizens to celebrate the 2015 Stanley Cup victory by our home team and proudly show support of the Blackhawks throughout the State of Illinois.

PROCLAMATIONS

Issued by the Governor June 17, 2015
Filed by the Secretary of State July 10, 2015

2015-202
International Yoga Day

WHEREAS, in September of 2014, Prime Minister Narendra Modi of India addressed the Sixty-ninth Session of the United Nations General Assembly in September of 2014 in New York and proposed the adoption of an International Day of Yoga; and,

WHEREAS, the Sixty-ninth Session of the United Nations General Assembly adopted a resolution led by India on December 11th, 2014, designating June 21st as an International Day of Yoga; and,

WHEREAS, 175 nations have joined this resolution to adopt an International Day of Yoga; and,

WHEREAS, Illinois is now home to over 190,000 Indian Americans who have made valuable contributions to enhancing the vibrant diversity of our state; and,

WHEREAS, yoga represents an ancient practice and holistic approach to improving one's quality of life and well-being; and,

WHEREAS, the practice of yoga encourages lifestyle behaviors and habits that foster good health; and,

WHEREAS, many individuals and organizations from all backgrounds will be observing the International Day of Yoga across the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 21, 2015, as **INTERNATIONAL YOGA DAY** in Illinois, for its cultural significance of yoga and to raise awareness of the benefits of yoga.

Issued by the Governor June 18, 2015
Filed by the Secretary of State July 10, 2015

2015-203
Convoy of Hope Day

WHEREAS, Convoy of Hope is a nonprofit organization that provides disaster relief to more than 70 million people throughout the world by sharing food, water, emergency **supplies**,

PROCLAMATIONS

agricultural know-how, and opportunities that empower people to live independent lives, free from poverty, disease and hunger; and,

WHEREAS, Convoy of Hope's motto is "Hope Starts Here, in your city, your community, your neighborhood;" and,

WHEREAS, Convoy of Hope mobilizes tens of thousands of community volunteers each year, and partners with churches, businesses leaders, community organizations, and state government agencies to provide assistance to those in need; and,

WHEREAS, in conjunction with local service organizations in the O'Fallon community, Convoy of Hope will host a free celebration at the O'Fallon Community Park on August 15, which will include \$1 million in goods and services;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 15, 2015 to be **CONVOY OF HOPE DAY** in Illinois, and encourage all people in the state to join me in extending a warm welcome to Convoy of Hope.

Issued by the Governor June 19, 2015

Filed by the Secretary of State July 10, 2015

2015-204
Cooperative Week

WHEREAS, cooperatives are democratically governed businesses that are run by and for their members – the people who use the co-op's services or buy its goods; and,

WHEREAS, cooperatives are motivated by producing quality goods or services that meet their members' needs; and,

WHEREAS, cooperative enterprises generate significant revenue and employment opportunities in Illinois by creating jobs and enhancing the quality of life for those in our state and throughout our country; and,

WHEREAS, more than 120 million people are members of the more than 48,000 cooperatives that operate in the United States, making a substantial contribution to the economy; and,

WHEREAS, cooperatives go above and beyond their core business functions to serve local communities, along with charitable giving to assist those less fortunate; and,

PROCLAMATIONS

WHEREAS, during the week of October 11-17, 2015, cooperatives from all across America reaffirm their member-service mission, their commitment to community and pledge continued active involvement in the communities in which their members live and work;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 11-17, 2015 as **COOPERATIVE WEEK** in Illinois and encourage all citizens to recognize the importance of cooperatives from all industries that remain actively involved in their communities.

Issued by the Governor June 19, 2015

Filed by the Secretary of State July 10, 2015

2015-205**First Responder Appreciation Day**

WHEREAS, individuals, both career and volunteer, from police, fire, emergency medical services, search and rescue, dive, and other organizations in the public safety sector, come together as first responders to protect and aid the public in the event of an emergency; and,

WHEREAS, everyday first responders risk their own safety and personal property in the performance of their duties to protect our citizens; and,

WHEREAS, first responders are our first and best defense against all emergencies that may threaten our communities, whatever their nature; and,

WHEREAS, first responders are ready to aid the people of Illinois 24 hours a day, seven days a week; and,

WHEREAS, first responders are a vital part of every Illinois community who maintain safety and order in times of crisis, and volunteer in our towns and schools; and,

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good and often for no pay; and,

WHEREAS, there are more than 120,000 volunteer and professional first responders in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2015, as **FIRST RESPONDER APPRECIATION DAY** in Illinois, and salute all first responders who have given their service to our state.

Issued by the Governor June 19, 2015

Filed by the Secretary of State July 10, 2015

PROCLAMATIONS

2015-206**Illinois State Flag Day**

WHEREAS, the Illinois State Flag was officially adopted on July 6, 1915; and,

WHEREAS, modifications adopted on July 1, 1970 changed the appearance of the flag to its current form; and,

WHEREAS, the picture on the flag is an emblem of the Second Great Seal of the State of Illinois that was adopted in 1868; and,

WHEREAS, the yellow image denotes the rising sun and the background of the flag symbolizes a white field; and,

WHEREAS, the bald eagle, which represents the United States, holds a red streamer in its beak with the state motto, "State sovereignty, national union," inscribed to represent that Illinois governs itself under the government of the United States; and,

WHEREAS, the laurel branches on the ground by the shield represent the achievements of Illinois soldiers and citizens that have helped the state prosper; and,

WHEREAS, the Illinois State Flag is a symbol of the state's unique position in the union and its significant contributions to the country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 6, 2015 as **ILLINOIS STATE FLAG DAY** in Illinois in commemoration of its 100th Anniversary and encourage all citizens to display the flag as an exhibition of patriotism.

Issued by the Governor June 19, 2015

Filed by the Secretary of State July 10, 2015

2015-207**Rail Safety Week**

WHEREAS, 134 crashes occurred at public highway-rail grade crossings, resulting in 55 personal injuries and 24 fatalities in the State of Illinois during 2014; and,

WHEREAS, 48 trespassing incidents occurred in the State of Illinois during 2014, resulting in the deaths of 29 pedestrians and injuring 19 others while trespassing on railroad property right of ways; and,

PROCLAMATIONS

WHEREAS, Illinois ranks second in the nation in grade-crossing fatalities and third in trespass fatalities for 2014; and,

WHEREAS, more than 67 percent of crashes at public-grade crossings occur where active warning devices exist; and,

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway-rail grade crossing, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries to Illinoisans; and,

WHEREAS, the Illinois Association of Chiefs of Police, Illinois Truck Enforcement Association, Illinois State Police, Illinois Department of Transportation, Illinois Commerce Commission, Illinois Operation Lifesaver, Illinois Sheriff's Association, Illinois Railroad Association, all local and railroad law enforcement, first responders and area railroad companies commit to partnering together in an effort to educate Illinois residents on all aspects of railroad safety, to enforce applicable state laws and to support Illinois Rail Safety Week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 13-19, 2015 as **RAIL SAFETY WEEK** in Illinois, and encourage all citizens to recognize the importance of rail safety education.

Issued by the Governor June 19, 2015

Filed by the Secretary of State July 10, 2015

2015-208
CPA Day of Service

WHEREAS, throughout the country, volunteers are the backbone of our communities; and,

WHEREAS, Certified Public Accountants (CPA) are dedicated to the highest ethical and financial standards as well as serving the needs of the communities in which we live and work; and,

WHEREAS, many social, artistic and charitable organizations in the State of Illinois depend on the generosity of volunteers in order to thrive, and in doing so provide the public with services and institutions that contribute to our quality of life; and,

PROCLAMATIONS

WHEREAS, the Illinois CPA Society, one of the largest professional CPA associations in the nation with 23,000 members throughout the State of Illinois, has recognized the importance of public service and provided avenues for members to make contributions to society based on the unique skills and talents of their profession; and,

WHEREAS, the Illinois CPA Society has asked of its members to participate in their sixth annual state-wide effort to consolidate and concentrate its volunteer efforts into one day:

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 25, 2015 **CPA DAY OF SERVICE** in Illinois, in recognition of this worthy volunteer effort, and encourage all citizens to find ways to give back the their communities.

Issued by the Governor June 23, 2015

Filed by the Secretary of State July 10, 2015

2015-209**Argentine Independence Day**

WHEREAS, one of the most significant dates in the history of Argentina is Independence Day, marking the nation's independence from Spanish rule on July 9, 1816; and,

WHEREAS, in 1816, the Argentinian Declaration of Independence was declared by the Congress of Tucumán as the dissolution of its ties with Spain; and,

WHEREAS, this year will mark the 199th anniversary of Argentinian Independence; and,

WHEREAS, the Illinois Argentine population exceeds 5,300; and,

WHEREAS, our State's thriving Argentine-American population is well-served by the Consulate of Argentina in Chicago, and it is important that we commend the valuable Argentine community organizations across the Land of Lincoln; and,

WHEREAS, the contributions of Argentine Americans to the social, economic, and cultural landscape of this State have greatly increased the quality of life for all Illinois residents; and,

WHEREAS, the Consulate of Argentina in Chicago will celebrate the 199th Anniversary of Argentine Independence Day on July 6, 2015; and,

WHEREAS, it is an excellent occasion for the people of the Land of Lincoln to recognize Argentine Americans;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 9, 2015, as **ARGENTINE INDEPENDENCE DAY** in Illinois, and join all Argentine Americans in celebration of this very special day.

Issued by the Governor June 30, 2015

Filed by the Secretary of State July 10, 2015

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 30 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

89 - 140	.....	10332
89 - 148	.....	10334
38 - 305	.....	10336
68 - 1285	.....	10341
50 - 1603	.....	10357
50 - 5701	.....	10361
17 - 685	.....	10374

ADOPTED RULES

83 - 590	7/14/2015	10381
11 - 100	7/10/2015	10386
17 - 870	7/9/2015	10394

EMERGENCY RULES

89 - 140	7/10/2015	10427
89 - 148	7/10/2015	10453
11 - 1413	7/2/2015	10465

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

15 - 180	6/1/2015	10474
15 - 181	6/1/2015	10474
15 - 182	6/1/2015	10476
15 - 183	6/1/2015	10476
15 - 184	6/2/2015	10477
15 - 185	6/2/2015	10478
15 - 186	6/8/2015	10479
15 - 187	6/8/2015	10479
15 - 188	6/8/2015	10480
15 - 189	6/8/2015	10481
15 - 190	6/8/2015	10482
15 - 191	6/8/2015	10483
15 - 192	6/8/2015	10483
15 - 193	6/8/2015	10484
15 - 194	6/10/2015	10485
15 - 195	6/10/2015	10486
15 - 196	6/10/2015	10487
15 - 197	6/10/2015	10488
15 - 198	6/10/2015	10489
15 - 199	6/10/2015	10490
15 - 200	6/11/2015	10490
15 - 201	6/17/2015	10491
15 - 202	6/18/2015	10493

15 - 203	6/19/2015	10493
15 - 204	6/19/2015	10494
15 - 205	6/19/2015	10495
15 - 206	6/19/2015	10496
15 - 207	6/19/2015	10496
15 - 208	6/23/2015	10497
15 - 209	6/30/2015	10498

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