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INTRODUCTION

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

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or 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 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
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34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
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38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
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46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of Medication in Community Settings
- 2) Code Citation: 59 Ill. Adm. Code 116
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
116.10	Amendment
116.20	Amendment
116.30	Amendment
116.40	Amendment
116.50	Amendment
116.60	Amendment
116.70	Amendment
116.80	Amendment
116.90	Amendment
116.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.4]
- 5) A Complete Description of the Subjects and Issues Involved: 59 Ill. Adm. Code 116 regulates the administration of medication for individuals with developmental disabilities in community-based settings and Intermediate Care Facilities for Persons with Developmental Disabilities of 16 people or fewer. This rulemaking streamlines documentation requirements, adds a process for revoking a nurse's Nurse-Trainer status, expands the definition of medication, adds processes for the administration of insulin subcutaneously using an insulin pen, epinephrine auto injectors and medications through an enteral tube, modifies training requirements, amends a number of definitions and provides other modifications to make this rule current.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an 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

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking applies to all programs for individuals with a developmental disability in settings of 16 persons or fewer that are funded or licensed by the Department of Human Services and that distribute or administer medications and all intermediate care facilities for the developmentally disabled with 16 beds or fewer that are licensed by the Illinois Department of Public Health.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Licensure as a registered professional nurse in Illinois with an unencumbered license; possession of one year of clinical registered professional nursing experience within the last five years, preferably in developmental disabilities; and successful completion of the DHS Nurse-Trainer Training Program.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 116
ADMINISTRATION OF MEDICATION
IN COMMUNITY SETTINGS

Section

116.10	Purpose
116.20	Definitions
116.30	Master Nurse-Trainer and Nurse-Trainers
116.40	Training and Authorization of Non-Licensed Staff by Nurse-Trainers
116.50	Administration of Medications
116.60	Medication Self-Administration
116.70	Medication Administration Record and Required Documentation
116.80	Storage and Disposal of Medications
116.90	Individual Health Supports and Assessment
116.100	Quality Assurance
116.110	Administrative Requirements

AUTHORITY: Implementing and authorized by Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.4].

SOURCE: Emergency rule adopted at 23 Ill. Reg. 11988, effective September 13, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 2656, effective February 7, 2000; amended at 40 Ill. Reg. _____, effective _____.

Section 116.10 Purpose

The purpose of this Part is to ensure the safety of individuals in programs funded by the Department of Human Services ~~(DHS)~~ by regulating the storage, distribution, and administration of medications in specific settings, as well as; training of non-licensed staff in the administration of medications. This applies exclusively to all programs for individuals with a developmental disability in settings of 16 persons or fewer that are funded or licensed by ~~DHS~~ the Department of Human Services and that distribute or administer medications and all intermediate care facilities for the developmentally disabled with 16 beds or fewer that are licensed by the Illinois Department of Public Health.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 116.20 Definitions

The words and phrases used in this Part shall mean the following, except whenwhere a different meaning is clearly intended from the context:

"Administer" or "Administration:" — An act in which a single dose of medication is instilled into the body of, applied to the body of, or otherwise given to a person for immediate consumption or use, ~~exclusive of injection or other similar methods of transmission.~~

"Adverse drug reaction:" — A person's response to medication that has an undesirable effect and may be harmful to the health of a person. The reaction may be temporary and resolve itself without lasting effects or it may require interventions to be resolved.

"Agency:" — Any organization that operates a residential program for persons with developmental disabilities.

"Authorized direct care staff:" — Non-licensed persons who have successfully completed a medication administration training program specified by the ~~Illinois~~ Department of Human Services (~~DHS~~) and conducted by a Nurse-Trainer~~nurse-trainer~~. This authorization, that can only be conferred by a Nurse-Trainer, is specific to an individual receiving ~~services~~services in a specific agency and does not transfer to another agency or individual. [20 ILCS 1705/15.4(b)] ~~or individual~~.

"Community residence:" — Any residence funded by DHS and provided by a licensed agency, or a residential setting certified or approved by DHS, or an intermediate care facility for 16 or fewer persons with developmental disabilities, licensed by the Illinois Department of Public Health (~~DPH~~) as an Intermediate Care Facility for the Developmentally Disabled (~~ICF/DD-16~~), 16 beds or fewer.

"Competency-based:" — Training thatwhich is tied to an identified set of skills and knowledge and requires documentation of an acceptable level of performance of a task or achievement of an outcome.

"Controlled substance:" — Any drug or other substance listed pursuant to a schedule in the Illinois Controlled Substances Act [720 ILCS 570].

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"Days:" – Unless otherwise indicated, all references to days ~~in~~within the text of this Part ~~refer~~refers to working days.

"DD ~~Medical~~Clinical Director:" – The physician serving as the Medical ~~Director~~clinical director of the Division~~Office~~ of Developmental Disabilities ~~within the, Division of Disability and Behavioral Health Services,~~ Illinois Department of Human Services (DHS-DD), or his or her designee.

"Delegation:" – The transfer of responsibility for the performance of selected tasks by the registered nurse (RN) to qualified, competent assistive personnel in a selected situation, based upon the RN's plan of care. The RN retains professional accountability for the outcome of the delegated task and all the nursing care of the individual. No redelegation by assistive personnel may occur.

"Department:" or "DHS" – The Illinois Department of Human Services ~~(DHS)~~.

"Distribute or distribution:" – The act of controlling access to medications and allowing access by individuals to their medications at prescribed times.

~~"DPA." – The Illinois Department of Public Aid.~~

"DPH:" – The Illinois Department of Public Health.

"Findings" – An indicated determination by the Department of Children and Family Services under 89 Ill. Adm. Code 300, a substantiated case or verified determination by the Department on Aging under 89 Ill. Adm. Code 270, or a substantiated finding by the Department of Human Services Office of Inspector General under 59 Ill. Adm. Code 50.

"Functional literacy:" – An individual's ability to read, write, speak, compute and solve problems at levels of proficiency necessary to function on the job, as assessed by standardized techniques.

"Guardian:" – The parent of a child under the age of 18 whose parental rights have not been terminated or a person appointed by a court to be guardian of the individual.

"HFS" – The Illinois Department of Healthcare and Family Services.

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"Insulin in an injectable form" – A subcutaneous injection via an insulin pen prefilled by the manufacturer. [20 ILCS 1705/15.4(b)]

"Individual:" – Any person with a developmental disability receiving services from a program.

"Intermediate care facility for the developmentally disabled" or "(ICF/DD-16)"; A residence licensed by DPHthe Illinois Department of Public Health to provide health or habilitative care on a long-term basis for 16 or fewer individuals with developmental disabilities.

"Licensed person or personnel:" – A physician, a registered professional nurse, an advanced practice nurse, a licensed practical nurse, a dentist, a pharmacist, a physician assistant, or a podiatrist licensed in the State of Illinois.

"Master ~~Nurse-Trainer~~nurse-trainer." – An ~~agent~~employee of DHS who is a registered professional nurse who has been designated by the DD ~~Medical~~Clinical Director to train/educate ~~Nurse-Trainers~~nurse-trainers.

"Medication:" – Means oral and topical medications, insulin in an injectable form, oxygen, epinephrine auto-injectors, and vaginal and rectal creams and suppositories as~~A drug~~ prescribed for the individual by a physician, a physician assistant, an advanced practice nurse, a dentist, a podiatrist, or a certified optometrist, including drugs to be taken on a PRN basis and over-the-counter drugs. "Oral" includes inhalants and medications administered through enteral tubes, utilizing aseptic technique. "Topical" includes eye, ear and nasal medications. [20 ILCS 1705/15.4(b)]

"Medication error:" – The administration of medication other than as prescribed, resulting in the wrong medication being ~~given~~taken, or medication being ~~given~~taken at the wrong time, ~~or~~in the wrong dosage, ~~or~~ via the wrong route, or by the wrong person; ~~;~~ or medication omitted entirely. It is meant to include a lack of documentation of medication administration or any error in that documentation. Medication errors must be documented and reported to the DHS Bureau of Quality Enhancement or to the Illinois Department of Public Health Regional Office (if the individual is a resident of an ICF/DD-16) in accordance with written instructions from the Department's Bureau of Quality Enhancement or DPH rules (77 Ill. Adm. Code 350). ~~All medication errors~~ are subject to review

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by DHS or DPH, whichever is applicable. Medication errors that meet the reporting criteria ~~in DHS'pursuant to the Department's~~ rules on Office of Inspector General Investigations of Alleged Abuse or Neglect or Deaths in State-Operated and Community Agency Facilities (59 Ill. Adm. Code 50) shall be reported to the Office of Inspector General.

"Medication administration record" ~~or "MAR-"~~ — A written record of medications prescribed for, and administered to, an individual.

"Non-licensed staff training program-" — *A standardized competency-based medication administration training program approved by ~~DHS~~the Illinois Department of Human Services. It is~~It is~~ conducted by a ~~Nurse-Trainer~~nurse-trainer for the purpose of training persons employed or under contract to provide direct care or treatment to individuals receiving services to administer medications and implement self-administration of medication training to individuals under the supervision ~~and monitoring~~and monitoring of ~~the~~the Nurse-Trainer~~nurse-trainer~~. It incorporates adult learning styles, teaching strategies, classroom management, curriculum overview, including ethical-legal aspects, and standardized competency-based evaluations on administration of medications and self-administration of medication training programs. [20 ILCS 1705/15.4(b)]*

"Normalization-" — A philosophy under which persons with a developmental disability are provided or restored to patterns and conditions of everyday life ~~that~~which are as close as possible to norms and patterns of the mainstream of society.

"~~Nurse-Trainer~~Nurse-trainer." — A registered professional nurse ~~and/or advanced practice nurse~~ who has successfully completed the DHS ~~Nurse-Trainer Training Program~~nurse-trainer training program.

"Nurse-Trainer Training Program-" — *A standardized competency-based medication administration program provided by ~~DHS~~the Illinois Department of Human Services and conducted by a DHS ~~Master-Nurse Trainer~~master nurse-trainer. ~~Nurse-Trainers~~Nurse-trainers shall train persons employed or under contract to provide self-administration of medication training to individuals under the supervision and monitoring of the ~~Nurse-Trainer~~nurse-trainer. It incorporates adult learning styles, teaching strategies, classroom management and a curriculum overview, including the ethical and legal aspects of supervising those administering medication. [20 ILCS 1705/15.4(b)]*

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"Patent or proprietary medications-" — Medications and household remedies that are generally considered and accepted as harmless and nonpoisonous when used according to the directions on the label and for which there are written physician orders for their use.

"Physician-" — A physician licensed to practice medicine in all of its branches.

"PRN-" — Prescribed medications, to be taken as needed, for specific conditions.

"Registered professional nurse-" — A person licensed as a [registered](#) professional nurse as defined in the Illinois [Nurse Practice Act](#)~~Nursing and Advanced Practice Nursing Act~~ [225 ILCS 65/50-10].

"Self-administration-" — An act in which an individual administers his or her own medications. To be considered "capable of self-administering medications", individual residents must, at a minimum, be able to identify prescribed medication by size, shape, or color and know when it should be taken and in what amount it should be taken each time. [20 ILCS 1705/15.4(b)]

"Substantial compliance-" — Meeting the requirements set forth in this Part, except for variations from the strict and literal performance of ~~thosesuch~~ requirements that result in insignificant omissions and defects, given the particular circumstances and the history of those omissions and defects. Omissions that have an adverse impact on an individual's health and safety shall be considered significant and shall be considered substantial noncompliance.

"Supervision-" — An active process in which the [registered professional nurse](#)~~Registered Professional Nurse~~ monitors, directs, guides, and evaluates the outcomes of an activity or task. The registered [professional](#) nurse maintains the accountability for the tasks and responsibilities, as subcomponents of total patient care, delegated to qualified competent assistive personnel.

"Unencumbered license" — As defined in the Nurse Practice Act [225 ILCS 65/50-10], a license in good standing issued by the Illinois Department of Financial and Professional Regulation.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 116.30 Master Nurse-Trainer and Nurse-Trainers

- a) The Department's ~~master~~ Master Nurse-Trainers ~~nurse-trainers~~ are designated by the DD ~~Medical/Clinical~~ Director and shall meet the following criteria:
- 1) Demonstration of competence to teach adult learners through:
 - A) evidence of previous teaching or training experience; or
 - B) completion of courses in teaching and instructing.
 - 2) Licensure as a registered professional nurse in Illinois with an unencumbered license. Possession of two years of clinical registered professional nursing experience within the last five years, at least one of which shall have been in developmental disabilities.
- b) All registered professional nurses seeking approval to be ~~Nurse-Trainers~~ ~~nurse-trainers~~ to provide medication administration training to non-licensed staff shall:
- 1) Be licensed as a registered professional nurse ~~or advanced practice nurse~~ in Illinois with an unencumbered license.
 - 2) Possess ~~one year~~ two years of clinical registered professional nursing experience within the last five years, ~~at least one of which shall~~ preferably ~~have been~~ in developmental disabilities.
 - 3) Have successfully completed the DHS Nurse-Trainer Training Program.
- c) Requests for approval as a Nurse-Trainer shall be submitted, in writing, to the DD ~~Medical/Clinical~~ Director. The DD ~~Medical/Clinical~~ Director shall approve all requests that show substantial compliance with the requirements. Previous history as a Nurse-Trainer will be considered during the review process. The decision to approve or deny requests shall be on file with the Department, which ~~will~~ shall maintain a list of all approved Nurse-Trainers.
- d) The DD ~~Medical/Clinical~~ Director shall, upon request, grant conditional approval to a registered professional nurse who fulfills the requirements but has not completed the required ~~Nurse-Trainer~~ ~~nurse-trainer~~ course of instruction. Conditional approval shall be granted for no more than 90 calendar days

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following the date of conditional approval. The nurse given conditional approval shall not train or authorize non-licensed staff to administer medications, but may direct and monitor, as well as educate and train, previously authorized direct care staff on new medications or dosage changes as ~~shall be~~ required.

- e) The DD Medical Director shall revoke the Nurse-Trainer status if:
- 1) the Nurse-Trainer's registered professional nurse license is encumbered or revoked; or
 - 2) the Nurse-Trainer has one or more substantiated or indicated findings or verified determinations of physical abuse, sexual abuse, egregious neglect or financial exploitation.
- f) The DD Medical Director shall revoke the Nurse-Trainer status if, in the DD Medical Director's professional judgment:
- 1) the Nurse-Trainer has failed to adequately supervise authorized direct care staff in administering medications;
 - 2) the Nurse-Trainer has one or more findings as defined in Section 116.20 other than the types of findings listed in Section 116.30(e)(2) and those findings warrant revocation of the nurse's Nurse-Trainer status; or
 - 3) the Nurse-Trainer otherwise failed to carry out responsibilities in substantial compliance with this Part.
- g) If the nurse's Nurse-Trainer status is revoked, the DD Medical Director shall notify the nurse of the revocation. The revocation letter will include the basis for the revocation, the effective date, and information about the nurse's right to appeal the revocation.
- 1) A nurse who receives a revocation letter including notice of an opportunity for an administrative hearing must submit a request for a hearing to the bureau as listed in the revocation letter. The request is to be provided in one of the formats indicated in the revocation letter and must be received by the date set forth in the letter. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing. If the nurse requests an appeal:

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- A) The Department shall be required to establish by a preponderance of the evidence that the DD Medical Director's revocation of the nurse's Nurse Trainer status is warranted.
- B) Hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearings and appeals (89 Ill. Adm. Code 508). In the event there is a conflict between 89 Ill. Adm. Code 508 and this Part, the provisions of this Part shall prevail.
- C) The nurse may not function as a Nurse-Trainer during the appeal process.
- 2) If the nurse does not request a hearing or if the hearing results in a decision that the DD Medical Director's revocation of the nurse's Nurse-Trainer status is warranted, the DD Medical Director shall revoke the nurse's Nurse-Trainer status and notify the nurse, and any agency known to the Department where the nurse is acting as a Nurse-Trainer, of the revocation of the nurse's Nurse-Trainer status.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.40 Training and Authorization of Non-Licensed Staff by Nurse-Trainers

- a) Only a ~~Nurse-Trainer~~nurse-trainer may delegate, ~~and supervise and authorize~~ the ~~task~~task of medication administration to authorized direct care staff.
- b) Prior to training non-licensed staff to administer medication to an individual, the Nurse-Trainer must have an understanding and knowledge of the individual's physical and mental status, medical history, medication orders and medications prescribed to initially train and authorize unlicensed staff to administer medications and to provide any additional medication related training of non-licensed authorized staff. The following is acceptable evidence of that understanding and knowledge: ~~Prior to training non-licensed staff to administer medication each nurse-trainer shall perform the following for each individual to whom medications will be administered by non-licensed staff [20 ILCS 1705/15.4(e)] once they are trained and authorized direct care staff:~~

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- 1) ~~The registered nurse completing the assessment of an individual's health as required by Section 116.90(a) must sign and date the assessment. To be valid, this assessment can be no more than one year prior to the date of the training of the nonlicensed staff. An assessment of the individual's physical and mental status and medical history.~~
- 2) ~~If the Nurse-Trainer initially training and authorizing unlicensed staff or providing additional training is not the registered professional nurse who completed the assessment of an individual's health as required by Section 116.90(a), there must be clear evidence that the Nurse-Trainer has reviewed an individual's current assessment within the last 365 calendar days and considered other relevant information before doing any training or providing direction about medication administration about that individual. An evaluation of the medication orders and medications prescribed.~~
- c) Non-licensed direct care staff who are to be authorized to administer medications under the delegation of ~~Nurse-Trainer~~ the registered professional nurse shall meet the following criteria:
 - 1) be age 18 or older;
 - 2) complete high school or its equivalency (G.E.D.);
 - 3) demonstrate functional literacy;
 - 4) satisfactorily complete the Health and Safety component of the Direct Support Persons Core Training Program or a DHS approved equivalent Developmental Disabilities Aide Training Program prior to the beginning of medication administration training;
 - 5) be initially trained and evaluated by a ~~Nurse-Trainer~~ nurse-trainer in a competency-based, standardized medication curriculum specified by DHS;
 - 6) ~~receive specific additional competency-based training and assessment by a nurse-trainer as deemed necessary by the nurse-trainer whenever a change of medication or dosage occurs or a new individual that requires medication enters the program;~~

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- 67) score 80% or above on pass the written portion of the comprehensive examination furnished by DHS based on the information conveyed to them during a medication administration classroom course; and
- 78) score 100% on a written or oral competency-based evaluation specifically pertinent to those medications that thesesuch staff are responsible to administer.
- d) Initial competency-based training toward delegation for medication administration shall include:
- 1) Best practice standards related to the rights of individuals, legal and ethical responsibilities, agency procedures and communication pertaining to medication administration.
 - 2) Best practice nursing techniques associated with medication administration.
 - 3) Classes of drugs and their effects and common side-effects.
 - 4) Specific information regarding the individuals to whom the staff will administer medication and the medication the staff will administer.
 - 5) Techniques to check, ~~evaluate~~, report and record medication effects, side effects, adverse outcomes and vital signs when those skills are necessary for the safe administration of medication to that individual.
 - 6) A final, individual-specific, competency-based evaluation performed by a Nurse-Trainer~~nurse-trainer~~ for each medication administered to persons at the program for whom the staff provide supports.
- e) The Nurse-Trainer may delegate the administration of insulin subcutaneously using an insulin pen prefilled with insulin by the manufacturer to authorized staff after the authorized staff has successfully completed a DHS approved advanced training program specific to diabetes and insulin administration.
- 1) Authorized direct care staff must consult with the Nurse-Trainer before administering any subcutaneous insulin dosage determined by a blood glucose test result.

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- 2) Authorized direct care staff may not calculate the insulin dosage needed when the dose is dependent upon a blood glucose test report.
 - 3) Authorized direct care staff may not administer insulin to individuals who require blood glucose monitoring greater than 3 times daily, unless directed to do so by the Nurse-Trainer.
- f) Staff, after training, may administer epinephrine by auto-injector as prescribed by a physician as an emergency measure when an individual experiences a serious allergic reaction (e.g., anaphylactic shock).
- 1) The agency is responsible for the training of all staff who may administer epinephrine by auto-injector. Training for staff in the use of epinephrine auto-injectors can be obtained through the American Heart Association or American Red Cross, or from a registered professional nurse or licensed practical nurse, as delegated by a registered nurse or physician.
 - 2) Two unexpired epinephrine auto-injectors should be in close proximity to the individual for whom the medication is prescribed and available for immediate use at all times.
 - 3) As use of an epinephrine auto-injector is a medical emergency, emergency medical services must be summoned immediately after epinephrine injection.
- g) The Nurse-Trainer may delegate the administration of medications through an enteral tube after the authorized staff has successfully completed a DHS approved advanced training program specific to enteral tubes and their maintenance and use to administer medications through them.
- he) *Authorized direct care staff shall be re-evaluated by a ~~Nurse-Trainer~~~~nurse-trainer~~ at least annually or more frequently at the discretion of the registered professional nurse. Any retraining shall be to the extent that is necessary to ensure competency of the authorized direct care staff to administer medication [20 ILCS 1705/15.4(c)], as judged by a ~~Nurse-Trainer~~~~nurse-trainer~~.*
- i) Authorized direct care staff shall receive specific additional competency-based training and assessment by a Nurse-Trainer, as deemed necessary by the Nurse-Trainer, whenever a change of medication or dosage occurs or a new individual

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that requires medication enters the program.

- jf)** Direct care staff who fail to qualify for competency to administer medications shall be given additional education and testing to meet criteria for delegation authority to administer medications. *Any direct care staff person who fails to qualify as an authorized direct care staff after initial training and testing must, within three months, be given another opportunity for retraining and retesting. A direct care staff person who fails to meet criteria for delegated authority to administer medication, including, but not limited to, failure of the written test on two occasions, shall be given consideration for shift transfer or reassignment, if possible. No employee shall be terminated for failure to qualify during the three month time period following initial testing. Refusal to complete training and testing required by this Section may be grounds for immediate dismissal-* [20 ILCS 1705/15.4(h)].
- kg)** *No authorized direct care staff person delegated to administer medication shall be subject to suspension or discharge for errors resulting from the staff person's acts or omissions when performing the functions unless the staff person's actions or omissions constitute willful and wanton conduct* [20 ILCS 1705/15.4(i)].
- lh)** *Authorization of staff to administer medication shall be revoked if, in the opinion of the Nurse-Trainer~~registered professional nurse-trainer~~, the authorized direct care staff person is no longer competent to administer medication* [20 ILCS 1705/15.4(c)]. The degree of retraining and reassessment of competency should occur at the discretion of the Nurse-Trainer~~nurse-trainer~~.
- mi)** Clear documentation of training, retraining, and evaluation shall be kept in each staff or contractual person's personnel file by each agency where authorized direct care staff are employed.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.50 Administration of Medications

- a) Medications shall be administered in accordance with the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705] and the Illinois Nurse~~Nursing and Advanced~~ Practice Nursing~~Act~~ [225 ILCS 65].
- b) "Medication" means oral and topical medications, insulin in an injectable form,

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oxygen, epinephrine auto-injectors, and vaginal and rectal creams and suppositories as prescribed for the individual by a physician, a physician assistant, an advanced practice nurse, a dentist, a podiatrist, or a certified optometrist, including drugs to be taken on a PRN basis and over-the-counter drugs. "Oral" includes inhalants and medications administered through enteral tubes, utilizing aseptic technique. "Topical" includes eye, ear and nasal medications. [20 ILCS 1705/15.4(b)]

- ~~c~~b) With the exception of subcutaneous insulin administration by insulin pen by authorized staff and emergency epinephrine administration by epinephrine auto-injector by staff trained in epinephrine administration, non-licensed~~Non-licensed~~ staff shall not administer any medication in an injectable form.
- ~~d~~e) Drugs that are regularly available without a prescription at a commercial pharmacy (although need not be purchased there) may be purchased for stock when they are prescribed as PRN or regularly scheduled (such as daily, weekly or monthly, but not limited to those schedules) by a physician or any other person licensed to prescribe medications in Illinois. The following conditions shall apply:
- 1) The medication must be stored in the original container.
 - 2) No labeling other than the original container labeling is required. This labeling may not be obscured in any way.
 - 3) The prescription instructions, as written by the physician or other person licensed to prescribe medications in Illinois and as interpreted by the Nurse-Trainer, will be placed on the MAR as required by Section 116.70(b) and followed as written.
 - 4) Providers may not repackage medications.
 - 5) The provider shall communicate with all appropriate parties regarding regularly prescribed stock medications during an individual's absence from his or her residence during a medication administration period.
- ~~d~~) Authorized direct care staff shall not administer PRN medications unless there is a written protocol approved by a nurse-trainer and prescribing practitioner for each individual and for each medication. A written protocol shall include the

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following information:

- 1) ~~the name of the individual;~~
 - 2) ~~the name, route, and dosage form of the medication;~~
 - 3) ~~dosage or quantity to be taken;~~
 - 4) ~~frequency or times of administration;~~
 - 5) ~~conditions for which the medication may be given;~~
 - 6) ~~contraindications for the medications;~~
 - 7) ~~a maximum or stop dosage;~~
 - 8) ~~any necessary special directions and precautions for the medication's preparation and administration;~~
 - 9) ~~common severe side or adverse effects or interactions and the action required if they occur; and~~
 - 10) ~~proper storage.~~
- e) Drugs that are regularly available without prescription at a commercial pharmacy, such as uncontrolled cough syrups, laxatives and analgesics, shall be given to an individual only upon written order of the physician or other person licensed to prescribe medications in Illinois. ~~A facility may stock for use as PRN medications, and in accordance with subsection (d) above, only drugs that are regularly available without prescription at a commercial pharmacy, such as: uncontrolled cough syrups, laxatives, and analgesics. These shall be given to an individual only upon the written order of the physician, dentist, or podiatrist; shall be administered from the original containers; and shall be recorded in the individual's medication administration record (MAR).~~
- f) Over-the-counter substances, such as skin care lotion, lip balm, sunscreen, mouthwash, non-medicated foot powder, and cough drops, are generally considered comfort treatments. As such, they are not subject to the requirements of this Part. When, however, these substances are prescribed by a physician or

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other person licensed to prescribe medications in Illinois, these substances become subject to this Part.

g) PRN medications shall be administered within one hour after the need is identified.

h) *A registered professional nurse, advanced practice nurse, physician ~~licensed to practice medicine in all of its branches~~, or physician assistant shall be on duty or on call at all times in any program covered by this Part [20 ILCS 1705/15.4(j)].*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.60 Medication Self-Administration

- a) *As part of the normalization process, in order for each individual to attain the highest possible level of independent functioning, all individuals shall be permitted to participate in their total health care program [20 ILCS 1705/15.4(d)]. Every program shall include, but not be limited to, individual training in promoting wellness, prevention of disease, and medication self-administration procedures.*
- 1) *Every program shall adopt written policies and procedures for assisting individuals in obtaining preventative health and medication self-administration skills in consultation with the registered professional nurse [20 ILCS 1705/15.4(d)].*
 - 2) Individuals shall be evaluated to determine their self-administration of medication capabilities by a Nurse-Trainer~~nurse-trainer~~ through the use of DHS required, standardized screening and assessment instruments.
 - 3) *When the results of the screening and assessment indicate an individual not to be independently capable to self-administer his or her own medications, programs shall be developed in consultation with the Community Support Team (CST) or Interdisciplinary Team (IDT) to provide individuals with ~~[20 ILCS 1705/15.4(d)]~~ medication self-administration training as identified in each individual's treatment/service plan [20 ILCS 1705/15.4(d)].*
- b) Each individual shall be presumed to be competent to self-administer medications

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if he or she has been determined to be:

- 1) capable by a registered professional nurse or advanced practice nurse;
 - 2) approved to self-administer medication by the individual's ~~Community Support Team (CST)~~ or ~~Interdisciplinary Team (IDT)~~; and
 - 3) authorized by a written order of a physician ~~licensed to practice medicine in all of its branches.~~
- c) Training of individuals to self-administer medication shall minimally include instruction, for each medication prescribed, in the following areas:
- 1) identification of a medication by any of the following methods:
 - A) name;
 - B) purpose;
 - C) size;
 - D) shape;
 - E) color; or
 - F) other distinguishing feature;~~name of medication or identification within the existing agency pharmacy protocol;~~
 - 2) dosage or quantity to be taken;
 - 3) route of administration;
 - 4) frequency or times of administration;
 - 5) purpose of medication, special instructions, common side-effects and potential consequences of not taking the medication or of not taking the medication properly; and

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- 6) when to seek medical assistance, ~~and any action to be taken in the event of a missed dose, medication error, or adverse drug reaction.~~
- d) When requested to do so by an individual, authorized direct care staff may assist an individual in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the individual. If the individual is physically unable to open the container, a staff member may open the container for the individual. Agency staff may also assist physically impaired individuals, such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in consuming or applying the medication.
- e) Each individual shall remain under observation by authorized direct care staff and be assisted by the staff to correct or prevent medication errors and to safeguard against adverse drug reactions. Observation frequency shall be determined by the Nurse-Trainer and the individual's Community Support or Interdisciplinary Team to maintain an individual's safety when independently self-administering his or her medication. All observation and assistance shall be noted in the progress section of the individual's ~~clinical~~ record.
- f) Individuals specifically determined to be competent, by a physician who has issued a written order, to self-administer their own medications may maintain possession of the key or combination of the lock to their own medication storage area. A duplicate key or a copy of the combination shall be kept ~~by the program~~ in a secure location for emergency use by licensed personnel or authorized direct care staff, ~~should such as if~~ the individual ~~should~~ lose or misplace the key or forget the combination.
- g) A medication administration record need not be kept for those individuals for whom the attending physician has given permission to have access to their own medications and to be fully responsible for taking their own medications. However, each agency shall develop and implement a quality assurance procedure to ensure that self-administered medications are taken in accordance with prescribed orders. Documentation must include medication name, dosage and frequency, and the identity of the prescribing physician or other person licensed to prescribe medications in Illinois.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 116.70 Medication Administration Record and Required Documentation

- a) All medications, including patent or proprietary medications (e.g., cathartics, headache remedies, or vitamins, but not limited to those) shall be given only upon the written order of a physician, advanced practice nurse, or physician assistant. Rubber stamp signatures are not acceptable. All orders shall be given as prescribed by the physician and at the designated time. Telephone orders may be taken by a registered professional nurse or licensed practical nurse. All orders shall be immediately written on the individual's ~~clinical~~ record or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned or documented by facsimile prescription or electronically signed by the physician within ~~10ten working~~ days.
- b) Medication Administration Record
- 1) Except as provided in Section 116.60(g), an individualized MAR~~An individual medication administration record~~ shall be kept for each individual for medications administered, including PRN medications, and shall contain at least the following:
- A) the individual's name;
 - B) the name and dosage form of the drug;
 - C) the name of the prescribing physician, physician assistant, dentist, podiatrist, or certified optometrist;
 - D) dose or quantity to be taken;
 - E) frequency or times of administration;
 - F) route of administration;
 - G) date and time given;
 - H) most recent date of the order;
 - I) allergies to medication; and

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- J) special considerations, including special directions and precautions for the medication's preparation and administration and contraindications for the medication.
- 2) PRN medication must be documented on the MAR in accordance with Section 116.70(b)(1). In addition, the following information must be included on the MAR:
- A) conditions for which the medication may be given; and
- B) maximum or stop dosage.
- 32) The MAR medication administration record for the current month shall be kept with the medications or in the individual's ~~clinical~~ record. ~~If logs are kept in the individual's clinical record, the record shall be present when and where the medications are taken so that the appropriate notation can be made in the log.~~
- 43) The MAR medication administration record shall be completed and initialed immediately after ~~each~~ the medication is administered by the registered professional nurse, licensed practical nurse, or authorized direct care staff. Each MAR medication administration record shall have a section that contains the full signature and title of each individual who initials the MAR medication administration record.
- 54) All changes in medication shall be noted on the MAR medication administration record by a licensed practical nurse, registered professional nurse, advanced practice nurse, pharmacist, physician, physician assistant, dentist, podiatrist, or certified optometrist and reported to the Nurse-Trainer ~~registered professional nurse in charge of the program~~ prior to the next dose. Upon the direct instruction of a Nurse-Trainer, authorized direct care staff may indicate on the MAR completion of the following actions:
- A) discontinuation of a medication;
- B) change in medication schedule; and/or

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C) application of a medication information label issued with a medication by a licensed pharmacy.

- 65) Individual refusal to take medications shall be noted in the MAR medication administration record. ~~Authorized~~ A progress note by authorized direct care staff shall ~~document~~ be written in the individual's ~~clinical~~ record indicating the reasons for refusal and notify the registered professional nurse, Nurse-Trainer, or person licensed to prescribe medication in Illinois to receive direction on any action to be taken. Refusal of medication by an individual is not considered a medication error. shall be notified.
- 76) For individuals who are independently self-administering medications, no MAR medication administration record shall be required. However, any medication that individuals take shall be listed in their ~~clinical~~ records, including dosage, frequency, and identity of the prescribing physician, physician assistant, dentist, podiatrist, or certified optometrist. Each agency shall develop and implement a quality assurance system to ensure that self-administered medications are taken in accordance with prescribed orders.
- c) In the event of a medication error, authorized direct care staff shall immediately report the error to the registered professional nurse, Nurse-Trainer or person licensed to prescribe medication in Illinois ~~advanced practice nurse, physician, physician assistant, dentist, podiatrist, or certified optometrist~~ to receive direction on any action to be taken. All medication errors shall be documented in the individual's ~~clinical~~ record and a medication error report shall be completed within eight hours or before the end of the shift in which the error was discovered, whichever is earlier. The medication error report shall be sent to the Nurse-Trainer ~~nurse-trainer~~ for review and further action within 7 calendar days after the occurrence. A copy of the medication error report shall be maintained as part of the agency's quality assurance program. Medication errors must be documented and reported to the DHS Bureau of Quality Enhancement (or the Illinois Department of Public Health Regional Office if an individual of an ICF/DD-16 is involved) in accordance with written instructions from the Department's Bureau of Quality Enhancement or DPH rules (77 Ill. Adm. Code 350). All medication errors are subject to review by DHS or DPH, whichever is applicable. Medication errors that meet the reporting criteria of DHS ~~pursuant to the Department's~~ rules on Office of Inspector General Investigations of Alleged Abuse or Neglect or

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Deaths in State-Operated and Community Agency Facilities (59 Ill. Adm. Code 50) shall be reported to the Office of Inspector General.

- d) In the event of suspected drug reaction, authorized direct care staff shall immediately report the signs and symptoms to the registered professional nurse, advanced practice nurse, physician, physician assistant, dentist, podiatrist, or certified optometrist to receive direction on any action to be taken. All adverse drug reactions shall be documented in the individual's ~~clinical~~ record and an adverse drug reaction report shall be completed within eight hours or before the end of the shift in which the reaction was discovered, whichever is earlier. The adverse drug reaction report shall be sent to the prescriber and the ~~Nurse-Trainernurse-trainer~~ for review and further action. A copy of the adverse drug reaction report shall be maintained as a part of the agency's quality assurance program.
- e) An inventory and a record of use of controlled substances shall be maintained by the registered professional nurse in the program, and each substance shall require a separate sheet indicating the:
- 1) name of the individual;
 - 2) name of the prescriber;
 - 3) ~~serial number of the~~ prescription number;
 - 4) name of the drug and strength;
 - 5) amount used;
 - 6) amount remaining;
 - 7) time and date administered;
 - 8) name of the individual who administered the medication; and
 - 9) documentation of a shift count done by authorized direct care staff. Any discrepancies shall be reported to the ~~Nurse-Trainernurse-trainer~~ for review and action in accordance with written policy.

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- A) A shift count must be completed when the responsibility for administering medications changes from one authorized direct care staff or nurse to another authorized direct care staff or nurse.
 - B) The authorized direct care staff or nurse passing on responsibility for medication administration will count the controlled substances with the authorized direct care staff or nurse assuming responsibility for medication administration.
 - C) The count completed when a controlled substance is administered is not considered a shift count.
- f) Host Family Community Integrated Living Arrangements as described in 59 Ill. Adm. Code 115 must develop a quality assurance procedure to ensure accurate inventory and record of use of controlled substances.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.80 Storage and Disposal of Medications

- a) All drugs shall be stored in locked compartments or within the locked medicine container, cabinet or closet.
- b) Access to medications shall be limited to licensed personnel and authorized direct care staff. Each program shall maintain an up-to-date list of authorized direct care staff on its premises.
- c) Each program shall have a written procedure for safeguarding medications kept in an individual's room or possession and shall require medications to be stored when individual safety cannot otherwise be assured.
- d) All medications shall be stored in their original containers.
- e) All prescription medications that are given to individuals at the direction of the physician, registered professional nurse, advanced practice nurse, pharmacist, physician assistant, dentist, podiatrist, or certified optometrist shall have a label with the same information as would appear on a pharmacy label in accordance with Section 22 of the Illinois Pharmacy Practice Act [225 ILCS 85] to show:

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- 1) the name and address of the pharmacy where the prescription is sold or dispensed;
- 2) the name or initials of the person authorized to practice pharmacy;
- 3) the date on which the prescription was filled;
- 4) the name of the patient;
- 5) the ~~prescription number~~serial number of the prescription as filed in the prescription files;
- 6) the last name of the practitioner who prescribed the prescription;
- 7) the directions for use as contained in the prescription; and
- 8) the proprietary name or names or the established name of the drugs, the dosage, and the quantity.

f) Disposal of all medications shall be in accordance with federal and State laws.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.90 Individual Health Supports and Assessment

- a) The registered professional nurse shall assess an individual's health status at least annually or more frequently at the discretion of the registered professional nurse.
- b) A physician, advanced practice nurse or physician assistant shall assess an individual's health status at least annually or more frequently at the discretion of the physician or at the request of the agency or the registered professional nurse.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 116.100 Quality Assurance

- a) A registered professional nurse, advanced practice nurse, licensed practical nurse, pharmacist or physician shall review the following for all individuals:

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- 1) medication orders;
- 2) medication labels and medications listed on the ~~MAR medication administration record~~ to ensure that they match physician orders; and
- 3) ~~MAR medication administration records~~ (for persons who are not self-medicating) to ensure that they are completed appropriately for:
 - A) medication administered as prescribed;
 - B) refusal by the individual; and
 - C) full signatures provided for all initials used.
- b) Reviews, as described in subsection (a), shall occur at least quarterly, but may be done more frequently at the discretion of the registered professional nurse and/or advanced practice nurse.
- c) ~~At least annually, the agency, inclusive of the Nurse-Trainer, shall summarize and analyze all medication errors to identify patterns and trends and establish corresponding corrective action. The analysis and corrective action must be documented and that documentation shall be retained by the agency for at least five years. A quality assurance review of medication errors for the purpose of monitoring and recommending corrective action shall be conducted within seven days after occurrence and included in the annual review.~~
- d) ~~Documentation of the review and the review date shall be retained for at least five years.~~
- de) All quality assurance records shall be confidential and may only be disclosed in accordance with ~~the provisions of Part 21 of~~ Article VIII, Part 21, of the Code of Civil Procedure [735 ILCS 5/8-2101 through 8-2105].
- f) ~~Nothing in this Part shall limit or restrict the reporting of medication errors as possible abuse or neglect or the investigation by the Office of Inspector General of possible abuse or neglect in accordance with the Department's rules on Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities (59 Ill. Adm. Code 50).~~

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 508
- 3) Section Number: 508.10 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-10(a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705]
- 5) A Complete Description of the Subjects and Issues Involved: Pending proposed amendments to 59 Ill. Adm. Code 116 include a process to revoke a nurse's Nurse-Trainer status that gives the nurse a right to appeal and have a hearing regarding the revocation of the nurse's Nurse-Trainer status. All hearings under 59 Ill. Adm. Code 116 are to be conducted in accordance with 89 Ill. Adm. Code 508. This rulemaking is necessary to update the applicability of 89 Ill. Adm. Code 508 to include 59 Ill. Adm. Code 116.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment

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within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICESPART 508
ADMINISTRATIVE HEARINGS

Section	
508.10	Authority – Applicability of This Part
508.20	Definitions
508.30	Appearance – Representation by Counsel
508.40	Emergency Action
508.50	Notice and Initiation of an Administrative Hearing
508.60	Motions
508.70	Filing
508.80	Service
508.90	Prehearing Conferences
508.100	Discovery
508.110	Hearings
508.120	Subpoenas
508.130	Administrative Law Judge's Report and Recommendations
508.140	Proposal for Decision
508.150	Final Orders
508.160	Records of Proceedings
508.170	Miscellaneous

AUTHORITY: Implementing and authorized by Sections 5-10(a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

SOURCE: Adopted by emergency rule at 23 Ill. Reg. 4468, effective April 2, 1999, for a maximum of 150 days; adopted at 23 Ill. Reg. 11157, effective August 24, 1999; amended at 28 Ill. Reg. 1122, effective December 31, 2003; amended at 40 Ill. Reg. _____, effective _____.

Section 508.10 Authority – Applicability of This Part

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- a) This Part on practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-10(a)(i)]. This Part shall apply to all administrative hearings of the Department of Human Services governed by the Department's rules at 59 Ill. Adm. Code 50 (Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies), 59 Ill. Adm. Code 101.75 (Conduct of Hearings and Appeals for Bogard et al. v Bradley et al. Consent Decree Class Members), 59 Ill. Adm. Code 115 (Standards and Licensure Requirements for Community-Integrated Living Arrangements), [59 Ill. Adm. Code 116 \(Administration of Medication in Community Settings\)](#), 59 Ill. Adm. Code 117 (Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities), 59 Ill. Adm. Code 119 (Minimum Standards for Certification of Developmental Training Programs), 77 Ill. Adm. Code 672 (WIC Vendor Management Code), 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), 89 Ill. Adm. Code 511 (Grants and Grant Funds Recovery), 89 Ill. Adm. Code 527 (Recovery of Misspent Funds) and 89 Ill. Adm. Code 530 (Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs). All contested cases and licensing actions therein that are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Part.
- b) Where a statute or rule prescribes certain alternative procedures or requirements for hearings, those procedures or requirements will be followed as though they were set forth in this Part. In the event there is a conflict between the statute or rule and this Part, the more specific rule or statute shall prevail.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Crossbow and Standing Vehicle Hunting Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3) Section Number: 760.21 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to remove the maximum draw limit and allow the use of field tips for small game animals.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect 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:

Daniel Nelson, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 760
CROSSBOW AND STANDING VEHICLE
HUNTING AUTHORIZATIONS

Section

760.10	Issuance of Permits
760.20	Crossbow Permits
760.21	Crossbow Equipment Requirements
760.22	Crossbow Hunting Rules
760.30	Standing Vehicle Permits
760.40	Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective November 21, 2001; amended at 32 Ill. Reg. 3294, effective February 25, 2008; amended at 34 Ill. Reg. 12862, effective August 20, 2010; emergency amendment at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 11152, effective July 3, 2012; amended at 40 Ill. Reg. _____, effective _____.

Section 760.21 Crossbow Equipment Requirements

Crossbows used in hunting shall meet all of the following specifications:

- a) shall use a bowstring to propel the bolt or arrow and have a minimum peak draw weight of 125 pounds ~~and a maximum peak draw weight of 200 pounds~~;
- b) have a minimum length (from butt of stock to front of limbs) of 24 inches;
- c) have a working safety;

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- d) be used with fletched bolts or arrows of not less than 14 inches in length (not including point) ~~with a broadhead. Broadheads may have fixed or expandable blades, but they must be a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint, chert or obsidian napped; broadheads with expandable blades must be metal.~~ All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal; and
- e) In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State-owned and -managed hunting areas for the taking of upland game.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
550.10	Amendment
550.20	Amendment
550.25	New Section
550.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.1, 2.2, 2.20, 2.30b, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5]
- 5) Effective Date of Rules: June 13, 2016
- 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 rules, 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*: 40 Ill. Reg. 1413; January 22, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 550.10(a), "Violation is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

Section 550.10(b), all text that was struck through has been reinstated.

Section 550.20(a)(2) and (3), "Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

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Section 550.20(a)(4), "Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

Section 550.20(b)(1), "Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated; subsection (b)(2), "Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, 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))." has been reinstated; subsection (c)(2), Hunting before ½ hour prior to 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, except when hours are unrestricted (see 520 ILCS 5/2.33(y)).; subsection (d)(2), Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). 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)).

Section 550.20(e)(3), has been changed to read: "Hunting hours: Season begins ½ hour before sunrise on opening date and ends ½ hour after sunset on closing date. Hours for hunting bobcat with a gun are not restricted during intervening dates of the open season, except as noted in Section 550.10(a). During the archery deer season, hours for hunting bobcat with a bow and arrow shall coincide with hours for hunting deer with a bow and arrow as specified in Section 2.26 of the Wildlife Code. Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise or after ½ hour after sunrise is a Class A misdemeanor with a minimum \$50 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y))."

Section 550.20(e)(4), "person" has been changed to "permittee"; "520 ILCS 5/" has been changed to "Section" and "of the Wildlife Code" has been added after "2.30"; "520 ILCS 5/" has been changed to "Sections" after "defined by"; "of the Wildlife Code" has been added after "3.21".

Section 550.25(a)(1) and (a)(7), "non-residents" has been changed to "nonresidents"; subsection (a)(5), "non-refundable" has been changed to "nonrefundable"; subsection (a)(6), "Part" has been deleted and "(2007)" has been added after the closing parenthesis;

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subsection (a)(8), after "on a" has been added after "offered" and "basis" has been added after "served".

Section 550.25(a)(10), "authority of 520 ILCS 5/" has been changed to "Section" and "of the Wildlife Code" has been added after "2.30".

Section 550.25(a)(11) and (b)(4), ". Violation is a Class B misdemeanor (see 520 ILCS 5/2.30(b)." has been added after "transferable".

Section 550.25(c)(1), "Violation is a Class B misdemeanor (see 520 ILCS 5/2.30b)." has been added after "manufacturer".

- 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 set zones, seasons, limits and permit and tagging requirements for bobcat hunting pursuant to PA 99-33; add hunting programs at IDNR sites and amend procedures at other state sites.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE,
[BOBCAT](#) AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10	General Regulations
550.20	Statewide Regulations
550.25	Permit and Tagging Requirements – Bobcat
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 12471, effective July 28, 2005; amended at 30 Ill. Reg. 12133, effective June 28, 2006; amended at 31 Ill. Reg.

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13106, effective August 30, 2007; amended at 32 Ill. Reg. 10093, effective June 30, 2008; amended at 33 Ill. Reg. 9680, effective June 26, 2009; amended at 34 Ill. Reg. 12808, effective August 20, 2010; amended at 35 Ill. Reg. 13137, effective July 26, 2011; amended at 37 Ill. Reg. 20642, effective December 12, 2013; amended at 39 Ill. Reg. 11360, effective August 3, 2015; amended at 40 Ill. Reg. 8549, effective June 13, 2016.

Section 550.10 General Regulations

- a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote, [bobcat](#) and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken by persons in possession of a valid unfilled firearms deer permit during hours and seasons specified in 17 Ill. Adm. Code 650.10 using hunting devices authorized by 17 Ill. Adm. Code 650.30. Violation is a Class B misdemeanor (see 520 ILCS 5/2.30).
- b) [Hound running areas licensed pursuant to Section 3.26 of the Wildlife Code \[520 ILCS 5/3.26\] are exempt from this Part.](#) Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are [also](#) exempt from ~~the provisions of~~ this Part.

(Source: Amended at 40 Ill. Reg. 8549, effective June 13, 2016)

Section 550.20 Statewide Regulations

- a) Raccoon, Opossum
 - 1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
 - 2) Northern Zone hunting dates: November 5 through the next following February 10, except as noted in Section 550.10(a) ~~of this Section~~. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 3) Southern Zone hunting dates: November 10 through the next following February 15, except as noted in Section 550.10(a). Hunting outside the set

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season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

- 4) Hunting hours: Season begins ½ hour before sunrise on opening date and ends ½ hour after sunset on closing date. Hours for hunting raccoon and opossum with a gun are not restricted during intervening dates of the open season, except as noted in Section 550.10(a). During the November 5 in the Northern Zone and November 10 in the Southern Zone open for hunting at sunrise; during archery deer season, hours for hunting raccoon and opossum with a bow and arrow ~~hours~~ shall coincide with hours for hunting the statewide archery deer with a bow and arrow, hunting hours as specified in Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]; ~~otherwise, hours are unrestricted.~~ Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, 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)).
 - 5) Daily limit and possession limit: None.
- b) Red fox and gray fox
- 1) Hunting dates: November 10 through the next following January 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 2) Hunting hours: Season begins ½ hour before sunrise on opening date and ends ½ hour after sunset on closing date. Hours for hunting red fox and gray fox with a gun are not restricted during intervening dates of the open season, except as noted in Section 550.10(a). During the Opens November 10 for hunting at sunrise; during archery deer season, hours for hunting red fox and gray fox with a bow and arrow ~~hours~~ shall coincide with the hours for hunting deer with a bow and arrow as specified in Section 2.26 of the Wildlife Code, statewide archery deer hunting hours; ~~otherwise, hours are unrestricted.~~ Hunting prior to sunrise on opening day is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise on opening day or during the archery deer season, or hunting after ½ hour after sunset during the archery deer season, is a

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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)).

- 3) Daily limit and possession limit: None.
- c) Coyote and Striped Skunk
- 1) Hunting dates: Year around except as noted in Section 550.10(a).
 - 2) Hunting hours: One-half hour before sunrise to ½ hour after sunset, except from the opening date of the red fox and gray fox hunting season through March 15, when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours, [as specified in Section 2.26 of the Wildlife Code](#). Hunting before ½ hour prior to 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, except when hours are unrestricted (see 520 ILCS 5/2.33(y)).
 - 3) Daily limit and possession limit: None.
- d) Woodchuck (groundhog)
- 1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a). Hunting outside the season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).
 - 2) Hunting hours: [One-half hour before sunrise to ½ hour after sunset. Sunrise to sunset](#). Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). 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)).
 - 3) Daily limit and possession limit: None.

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e) Bobcat

- 1) Closed Zone: Taking bobcats is prohibited inside an area bounded by the Indiana State border from Lake Michigan southward to U.S. Route 36 (New Route 36), westward on U.S. Route 36 to U.S. Route 51, northward on U.S. Route 51 to the Wisconsin State border, and eastward on the Wisconsin State border to Lake Michigan. Bobcats may be taken in the remainder of the State in accordance with this Section.
- 2) Hunting dates: November 10 through the next following January 31, except as noted in Section 550.10(a)
- 3) Hunting hours: Season begins ½ hour before sunrise on opening date and ends ½ hour after sunset on closing date. Hours for hunting bobcat with a gun are not restricted during intervening dates of the open season, except a.s noted in Section 550.10(a). During the archery deer season, hours for hunting bobcat with a bow and arrow shall coincide with hours for hunting deer with a bow and arrow as specified in Section 2.26 of the Wildlife Code. Hunting from ½ hour before sunrise to sunrise or from sunset to ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.30). Hunting prior to ½ hour before sunrise or after ½ hour after sunrise is a Class A misdemeanor with a minimum \$50 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- 4) Daily limit and possession limit: Not to exceed one bobcat per permittee per season for combined methods of take. Bobcats salvaged from roadways under authority of Section 2.30 of the Wildlife Code become part of the permittee's season limit and are subject to permit and tagging requirements. Possession limit for bobcat does not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by Sections 3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21 of the Wildlife Code.

(Source: Amended at 40 Ill. Reg. 8549, effective June 13, 2016)

Section 550.25 Permit and Tagging Requirements – Bobcata) Bobcat Hunting and Trapping Permit

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- 1) Applications from residents and nonresidents will be accepted online only at www.dnr.illinois.gov from September 1 through September 30 of the current year.
- 2) Each person may apply for one Bobcat Hunting and Trapping Permit per application period.
- 3) Bobcat Hunting and Trapping Permits will be allocated in a computerized random drawing.
- 4) The Department will mail Bobcat Hunting and Trapping Permits to successful applicants after the drawing is held.
- 5) A nonrefundable fee of \$5 will be charged for each application for a Bobcat Hunting and Trapping Permit.
- 6) The number of Bobcat Hunting and Trapping Permits that are made available each season will be determined by the Department in accordance with federal regulations (50 CFR 23.69)(2007).
- 7) No more than 5% of permits will be allocated to nonresidents.
- 8) If the number of available permits exceeds the number distributed to applicants during the lottery, remaining permits will be offered on a first-come, first-served basis at www.dnr.illinois.gov for \$5 each. Applicants who received a permit in the preceding lottery are ineligible to receive a second permit.
- 9) Hunters must possess a Bobcat Hunting and Trapping Permit before taking or attempting to take a bobcat.
- 10) Hunters must possess a Bobcat Hunting and Trapping Permit before salvaging a bobcat from roadways under [Section 2.30 of the Wildlife Code](#).
- 11) Bobcat Hunting and Trapping permits are not transferable. [Violation is a Class B misdemeanor \(see 520 ILCS 5/2.30b\)](#).

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- 12) Bobcat Hunting and Trapping Permits allow harvest of bobcats in all parts of the State that are not identified as closed in Section 550.20(e)(1).
- b) Bobcat Registration Permit
 - 1) Hunters must purchase a Bobcat Registration Permit within 48 hours after taking a bobcat.
 - 2) The cost of a Bobcat Registration Permit is \$5.
 - 3) Bobcat Registration Permits will be available for purchase online only at www.dnr.illinois.gov.
 - 4) Bobcat Registration Permits must be purchased by the same individual who took a bobcat and are not transferable. Violation is a Class B misdemeanor (see 520 ILCS 5/2.30b).
 - 5) The Department will issue a United States Convention on International Trade in Endangered Species (U.S. CITES) pelt tag to individuals who took a bobcat in accordance with this Part and purchased a Bobcat Registration Permit.
- c) Tagging Requirement
 - 1) A U.S. CITES pelt tag must be permanently affixed to the green hide of each bobcat and sealed before the green hide is exported from the United States or transferred to a fur buyer, fur tanner, taxidermist or manufacturer. Violation is a Class B misdemeanor (see 520 ILCS 5/2.30b).
 - 2) Unless an alternative method has been approved by the U.S. Fish and Wildlife Service, each green hide of a bobcat that is to be exported or re-exported must have a U.S. CITES tag permanently attached (50 CFR 23.69) (2007).
 - 3) It is unlawful to possess more unsealed U.S. CITES tags issued by the Department than green hides of bobcat in possession. Violation is a Class B misdemeanor (see 520 ILCS 5/2.30b).

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4) [Unsealed U.S. CITES tags are not transferable.](#)

(Source: Added at 40 Ill. Reg. 8549, effective June 13, 2016)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, [Bobcat](#) and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (1).
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Alvah Borah State Habitat Area (1)

Anderson Lake State Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park (1)

Banner Marsh State Fish and Wildlife Area (coyote only; coyotes can be

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taken with archery equipment when the site is open to archery deer hunting during archery shooting hours; coyotes can be taken with shotguns, no deer slugs allowed, on days when the site is open to upland hunting with upland shooting hours)

Big Bend State Fish and Wildlife Area (coyote season from August 1 through the following February 28)

Big River State Forest (1)

Cache River State Natural Area

Campbell Pond State Wildlife Management Area (1)

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

Carlyle Lake State Fish and Wildlife Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chauncey Marsh State Natural Area (1)

Clinton Lake State Recreation Area (1)

Coffeen Lake State Fish and Wildlife Area (coyote only; shotgun or bow and arrow; open only during the statewide fox season) (1)

Copperhead Hollow State Wildlife Area (1)

Crawford County State Fish and Wildlife Area (1)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Des Plaines State Fish and Wildlife Area (coyote may be taken with a shotgun (shotshells only) from the day after the archery deer season closes

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until February 28; pursuit of coyotes with dogs is prohibited; archery deer hunters may take coyotes during the archery deer season) (1)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (1)

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only) (1)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

[Embarras River Bottoms State Habitat Area \(1\)](#)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres State Historic Site (muzzleloading firearms or bow and arrow only)

Fox Ridge State Park (1)

Freeman Mine (1)

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise) (1)

Hamilton County State Conservation Area (1)

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hennepin Canal State Trail (archery only; coyote and raccoon only; season open only when the site archery deer season is open) (1)

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Hidden Springs State Forest (1)

Horseshoe Lake State Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

Horseshoe Lake State Park – Madison County – Gabaret, Mosenthein, Chouteau Island Units (1)

Iroquois County State Wildlife Management Area (season opens the day after permit pheasant season) (1)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk) (1)

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing) (1)

Kankakee River State Park (coyote, fox, skunk and opossum may be taken during their respective seasons that fall within the archery deer season by archery only; shotgun only hunting opens the day after the close of the site upland game season or archery deer season, whichever is later, and closes with the close of the statewide fox season) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kickapoo State Recreation Area (1)

Kinkaid Lake State Fish and Wildlife Area

Lincoln Trail State Park (season opens day after first firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only) (1)

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Marseilles State Fish and Wildlife Area (coyote only; November 5 through the first Thursday after January 10; hunting hours are 30 minutes before sunrise to 30 minutes after sunset; shotgun with shotshells only; use of dogs is prohibited; hunters must sign in/out and report harvest at check station; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters must enter the site only from designated parking lots)

Marshall State Fish and Wildlife Area (raccoon, opossum open to statewide regulations; skunk, red fox, gray fox, coyote and woodchuck open to archery during the archery deer season and statewide regulations after the close of archery deer season) (1)

Marshall State Fish and Wildlife Area – Duck Ranch Unit (raccoon and opossum only; opens the day after the close of duck season)

Matthiessen State Park (raccoon and opossum may be taken from 30 minutes after sunset until 30 minutes before sunrise except during firearm and muzzleloader deer seasons, when site is closed to furbearer hunting; coyote may be taken with a shotgun (shotshells only) from the date after the archery deer season closes until February 28; pursuit of furbearers with dogs is prohibited; archery deer hunters may take coyotes during the archery deer season) (1)

Mautino State Fish and Wildlife Area (archery only; coyote and raccoon only; season open only when the site archery deer season is open) (1)

Mazonia State Fish and Wildlife Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at the check station)

Meeker State Habitat Area (1)

Mermet Lake State Fish and Wildlife Area (hunting limited to upland game area; hunting hours ½ hour before sunrise to ½ hour after sunset) (1)

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Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed)

Momence Wetlands State Natural Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Moraine View State Park (coyote open concurrently with site archery deer hunting, archery only; raccoon opens the second Monday in December, night hunting only) (1)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit; shotgun or bow only; no deer slugs allowed; coyote season open from August 1 through the following February 28 and during the spring turkey season to hunters with a valid, unfilled turkey permit; use of dogs for hunting coyotes is prohibited)

Pyramid State Park (1)

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge) (1)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge) (1)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Rall Woods State Natural Area (1)

Randolph County State Conservation Area

Ray Norbut State Fish and Wildlife Area (1)

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Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (opens day after second firearm deer season) (1)

Rend Lake Project Lands and Waters

Rivers Project Office – Corps of Engineers Managed Lands (1)

Sahara Woods State Fish and Wildlife Area (1)

Saline County State Fish and Wildlife Area (1)

Sam Dale Lake State Fish and Wildlife Area (1)

Sam Parr State Park (1)

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season) (1)

Sangamon County State Conservation Area

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk) (1)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk, except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590) (1)

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Shelbyville State Fish and Wildlife Area (1)

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Sielbeck Forest State Natural Area

Siloam Springs State Park (raccoon only) (1)

Siloam Springs State Park – Buckhorn Unit (raccoon only) (1)

Silver Springs State Fish and Wildlife Area (coyote may be taken with a shotgun (shotshells only) from the day after the archery deer season closes until February 28; pursuit of coyotes with dogs is prohibited; archery deer hunters may take coyotes during the archery deer season; sign-in/sign-out and report of harvest required)

Skinner Farm State Habitat Area

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day; designated Waterfowl Rest Areas closed during open season for Canada goose) (1)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Walnut Point State Park (raccoon hunting only)
(1)

Washington County State Conservation Area

Weinberg-King State Park (raccoon only) (1)

Weinberg-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed) (1)

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Weinberg-King State Park – Spunky Bottoms Unit (1)

Wildcat Hollow State Forest (1)

Winston Tunnel State Natural Area (1)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery deer season at this site) (1)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only) (1)

Woodford County State Fish and Wildlife Area (raccoon, opossum only; season opens after duck season) (1)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the site; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Beaver Dam State Park (bow and arrow only; for hunters with a valid site issued archery deer permit only)

Horseshoe Lake State Park (Madison County) (coyote only, bow and arrow only; for hunters with a valid site issued archery deer permit only)

Ramsey Lake State Park

- h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 40 Ill. Reg. 8549, effective June 13, 2016)

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- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
570.15	New Section
570.20	Amendment
570.30	Amendment
570.31	New Section
570.35	Amendment
570.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5]
- 5) Effective Date of Rules: June 13, 2016
- 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*: 40 Ill. Reg. 1430; January 22, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
Section 570.20(e), language has been reinstated.

Section 570.30(b)(2), "520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21" has been stricken and "Section of the Wildlife Code (code) [520 ILCS 5]" has been added;

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"Having more river otter than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

Section 570.30(d)(2), "520 ILCS 5/" has been changed to "Section" and "of the Code" has been added after "2.30"; "520 ILCS 5/" has been changed to "Sections" and after "3.21", "of the Code" has been added. "Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

Section 570.30(f)(2), "authority of 520 ILCS 5/" has been changed to "Section" and after "2.30", "of the Code" has been added; the last "520 ILCS 5/" has been changed to "Sections"; after "3.21", "of the Code" has been added; "Having more river otter than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30)."; "Trapping before specified hours on opening day or after specified hours on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

Section 570.31(a), the following has been added:

"4) Failure to purchase a River Otter Registration Permit, failure to do so within the specified time limit and transfer of a River Otter Registration Permit are Class B misdemeanors (see 520 ILCS 5/2.30)."

Section 570.31(b)(1)(B), "salving" has been changed to "salvaging" and "authority of 520 ILCS 5/2.30." to "Section 2.30 of the Code."

Section 570.31(b)(1)(F), "Part" has been deleted after ".69" and "(2007)" has been added.

Section 570.31(e)(1), "and is a Class B misdemeanor (see 520 ILCS 5/2.30b)" has been added after "manufacturer"; 570.31(e)(2), "and is a Class B misdemeanor (see 520 ILCS 5/2.30b)" has been added after "possession"; 570.31(e)(3), "and is a Class B misdemeanor (see 520 ILCS 5/2.30b)" has been added after "transferable"; 570.31(e)(4), after "23.69", "(2007)" has been added.

Section 570.35, after "Identification", "(FOID)" has been added; "Firearm Owner's Identification" has been changed to "FOID"; "Use of any other rifle to kill trapped raccoon, opossum, striped skunk, red or gray fox, coyote or woodchuck during gun deer seasons is a Class B misdemeanor (see 520 ILCS 5/2.30)." has been reinstated.

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Section 570.40(f), "520 ILCS" has been stricken and "Section" has been added; "5/" has been stricken and "of the Code" has been added after "2.30".

- 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 set zones, seasons, limits and permit and tagging requirements for bobcat trapping pursuant to PA 99-33; adds trapping program at IDNR site and amends procedures at other sites, including use of guns to kill trapped animals during the firearm deer season (in accordance with PA 98-924)
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, RIVER OTTER, BEAVER, BOBCAT AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10	Statewide Zones
570.15	Closed Zone – Bobcat Trapping
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit, Permit and Tagging Requirements
570.31	Permit and Tagging Requirements
570.35	Use of 22 Rimfire Rifles, Pistols and Airguns by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999;

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amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. 13117, effective August 30, 2007; amended at 32 Ill. Reg. 10104, effective June 30, 2008; amended at 33 Ill. Reg. 9691, effective June 26, 2009; amended at 34 Ill. Reg. 12820, effective August 20, 2010; amended at 35 Ill. Reg. 13149, effective July 26, 2011; amended at 36 Ill. Reg. 14408, effective September 5, 2012; amended at 37 Ill. Reg. 20659, effective December 12, 2013; amended at 39 Ill. Reg. 11373, effective August 3, 2015; amended at 40 Ill. Reg. 8568, effective June 13, 2016.

Section 570.15 Closed Zone – Bobcat Trapping

Taking bobcats is prohibited inside an area bounded by the Indiana State border from Lake Michigan southward to U.S. Route 36 (New Route 36), westward on U.S. Route 36 to U.S. Route 51, northward on U.S. Route 51 to the Wisconsin State border, and eastward on the Wisconsin State border to Lake Michigan. Bobcats may be taken in the remainder of the State in accordance with Sections 570.20, 570.30, 570.31 and 570.35.

(Source: Added at 40 Ill. Reg. 8568, effective June 13, 2016)

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote, badger, [bobcat](#) and weasel
 - 1) Northern Zone: November 5 through the next following January 20.
 - 2) Southern Zone: November 10 through the next following January 25.
- b) Beaver and River Otter
 - 1) Northern Zone: November 5 through the next following March 31.
 - 2) Southern Zone: November 10 through the next following March 31.
- c) Woodchuck (Groundhog)

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Northern and Southern Zones: June 1 through the next following September 30.

- d) Muskrat and Mink (Extended Spring Season)
 - 1) Northern Zone: January 20 through the next following February 15.
 - 2) Southern Zone: January 25 through the next following February 15.
- e) Trapping outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 40 Ill. Reg. 8568, effective June 13, 2016)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit, ~~Permit and Tagging Requirements~~

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote and weasel
 - 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- b) Beaver and River Otter
 - 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None for beaver; not to exceed 5 river otters per person, per season. Possession limit for river otter does not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by [Section 520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21 of the Wildlife Code \(Code\) \[520 ILCS 5\]](#). River otters salvaged from roadways under [Section authority of 520 ILCS 5/2.30 of the Code](#) become part of

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the person's season limit of 5 river otters and are subject to permit and tagging requirements. Having more river otter than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).

3) ~~Permit Requirement~~

- ~~A) Trappers must purchase a River Otter Registration Permit within 48 hours after taking each otter that becomes part of their daily limit.~~
- ~~B) The cost of a River Otter Registration Permit is \$5.~~
- ~~C) River Otter Registration Permits must be purchased by the same individual who trapped a river otter and are not transferable.~~
- ~~D) Failure to purchase a River Otter Registration Permit, failure to do so within the specified time limit and transfer of a River Otter Registration permit are Class B misdemeanors (see 520 ILCS 5/2.30).~~

4) ~~Tagging Requirement~~

- ~~A) A United States Convention on International Trade in Endangered Species (U.S. CITES) pelt tag issued by the Department must be permanently affixed to the green hide of each river otter and sealed before the green hide is exported from the United States or transferred to a fur buyer, fur tanner, taxidermist or manufacturer.~~
- ~~B) It is unlawful to possess more unsealed U.S. CITES tags issued by the Department than green hides of river otters in possession.~~
- ~~C) Unsealed U.S. CITES tags are not transferable.~~
- ~~D) Failure to permanently affix and seal a U.S. CITES tag issued by the Department to the green hide of a river otter before transferring it to a fur buyer, fur tanner, taxidermist or manufacturer is a Class B misdemeanor (see 520 ILCS 5/2.30b). Possessing more unsealed U.S. CITES tags issued by the Department than green~~

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~~hides of river otter is a Class B misdemeanor (see 520 ILCS 5/2.30b). Transferring an unsealed U.S. CITES tag to another individual is a Class B misdemeanor. Unless an alternative method has been approved by the U.S. Fish and Wildlife Services, each fur skin to be exported or re-exported must have a U.S. CITES tag permanently attached (50 CFR 23.69) (August 23, 2007) (no incorporation in this Part includes later amendments or editions).~~

- c) Woodchuck (Groundhog)
- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
 - 2) Daily and possession limit: None
- d) Badger
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: not to exceed two badgers per season in the ~~Northern Zone~~northern zone and one badger per season in the Southern Zone. Badgers salvaged from roadways under authority of Section 2.30 of the Code become part of the person's season limit. Possession limits do not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by Sections 3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21 of the Code. Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).
- e) Muskrat and Mink (Extended Spring Season)
- 1) Trapping hours: January 20 in the Northern Zone and January 25 in the Southern Zone open for trapping at sunset; February 15 closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None

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- f) Bobcat
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone, open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone, closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: Not to exceed one bobcat per person, per season for combined methods of take. Bobcats salvaged from roadways under Section 2.30 of the Code become part of the person's season limit and are subject to permit and tagging requirements. Possession limits do not apply to fur buyers, fur tanners, taxidermists or manufacturers as defined by Sections 3.11, 3.12, 3.15, 3.16, 3.16a, 3.18 and 3.21 of the Code. Having more bobcat than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).
- g) Trapping before specified hours on opening day or after specified hours on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 40 Ill. Reg. 8568, effective June 13, 2016)

Section 570.31 Permit and Tagging Requirements

- a) Permit Requirement and Fee – River Otter
- 1) Trappers must purchase a River Otter Registration Permit within 48 hours after taking each otter that becomes part of their daily limit.
 - 2) The cost of a River Otter Registration Permit is \$5.
 - 3) River Otter Registration Permits must be purchased by the same individual who trapped or salvaged a river otter and are not transferable.
 - 4) Failure to purchase a River Otter Registration Permit, failure to do so within the specified time limit and transfer of a River Otter Registration Permit are Class B misdemeanors (see 520 ILCS 5/2.30).

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- b) Bobcat Hunting and Trapping Permit – Application, Lottery and Fee
- 1) Illinois residents and nonresidents will be accepted only online at www.dnr.illinois.gov from September 1 through September 30 of the current year.
 - 2) Each person may apply for one Bobcat Hunting and Trapping Permit per application period.
 - 3) Bobcat Hunting and Trapping Permits will be allocated in a computerized random drawing.
 - 4) The Department will mail Bobcat Hunting and Trapping Permits to successful applicants after the drawing is held.
 - 5) A non-refundable fee of \$5 will be charged for each application for a Bobcat Hunting and Trapping Permit.
 - 6) The number of Bobcat Hunting and Trapping permits that are made available each season will be determined by the Department in accordance with federal regulations (50 CFR 23.69 (2007)).
 - 7) No more than 5% of permits will be allocated to nonresidents.
 - 8) If the number of available permits exceeds the number distributed to applicants during the lottery, remaining permits will be offered first-come, first-served at www.dnr.illinois.gov for \$5 each. Applicants who received a permit in the preceding lottery are ineligible to receive a second permit.
- c) Bobcat Hunting and Trapping Permit – Requirements
- 1) Trappers must possess a Bobcat Hunting and Trapping Permit before taking a bobcat that becomes part of their daily limit.
 - 2) Trappers must possess a Bobcat Hunting and Trapping permit before salvaging a bobcat from roadways under [Section 2.30 of the Code](#).
 - 3) Bobcat Hunting and Trapping Permits are not transferable.

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- 4) [Bobcat Hunting and Trapping Permits allow harvest of bobcats in all parts of the State that are not identified as closed by Section 570.15.](#)
- d) [Bobcat Registration Permit – Fee and Requirements](#)
- 1) [Trappers must purchase a Bobcat Registration Permit within 48 hours after taking a bobcat that becomes part of their daily limit.](#)
 - 2) [The cost of a Bobcat Registration Permit is \\$5.](#)
 - 3) [Bobcat Registration Permits will be available for purchase online only at \[www.dnr.illinois.gov\]\(http://www.dnr.illinois.gov\).](#)
 - 4) [Bobcat Registration Permits must be purchased by the same individual who took a bobcat and are not transferable.](#)
 - 5) [The Department will issue a United States Convention on International Trade in Endangered Species \(U.S. CITES\) pelt tag to individuals who trapped a bobcat in accordance with this Part and purchased a Bobcat Registration Permit.](#)
- e) [Tagging Requirements](#)
- 1) [A U.S. CITES pelt tag issued by the Department must be permanently affixed to the green hide of each river otter or bobcat and sealed before the green hide is exported from the United States or transferred to a fur buyer, fur tanner, taxidermist or manufacturer and is a Class B misdemeanor \(see 520 ILCS 5/2.30b\).](#)
 - 2) [It is unlawful to possess more unsealed U.S. CITES tags issued by the Department than green hides of river otter or bobcat in possession and is a Class B misdemeanor \(see 520 ILCS 5/2.30b\).](#)
 - 3) [Unsealed U.S. CITES tags are not transferable and is a Class B misdemeanor \(see 520 ILCS 5/2.30b\).](#)

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- 4) [Unless an alternative method has been approved by the U.S. Fish and Wildlife Services, each green hide of bobcat or river otter to be exported or re-exported must have a U.S. CITES tag permanently attached \(50 CFR 23.69\) \(2007\).](#)

(Source: Added at 40 Ill. Reg. 8568, effective June 13, 2016)

Section 570.35 Use of ~~.22 Rimfire~~ Rifles, [Pistols and Airguns](#) by Trappers During Deer Gun Season

Licensed trappers in possession of valid Firearm Owners Identification ([FOID](#)) may use [guns with a caliber no larger than .22-rimfire rifles](#) to kill trapped raccoon, opossum, striped skunk, red fox, gray fox, coyote, [badger, bobcat](#) and woodchuck (groundhog) during seasons established by Section 570.20, including portions of ~~such~~ open seasons that coincide with hunting seasons for taking white-tailed deer with guns (17 Ill. Adm. Code 650.10, 660.10 and 680.10). [Licensed trappers in possession of valid FOID may use a firearm, pistol or airgun with a caliber of no larger than .22 to remove beaver, muskrat, mink, river otter and weasel from traps during seasons established by Section 570.20, including portions of open seasons that coincide with hunting seasons for taking white-tailed deer with guns \(see 17 Ill. Adm. Code 650.10, 660.10 and 680.10\).](#) Use of any other rifle to kill trapped raccoon, opossum, striped skunk, red or gray fox, coyote or woodchuck during gun deer seasons is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 40 Ill. Reg. 8568, effective June 13, 2016)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

- a) General Regulations
- 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 - 2) Trappers must stay within assigned areas.
 - 3) On sites where a drawing is required, it shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet Home Page at www.dnr.illinois.gov, provided to outdoor writers for

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newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area. Sites that require a drawing are followed by (1). Sites that require use of windshield cards by trappers as specified in 17 Ill. Adm. Code 510.10 are followed by (2).

- 4) All sites except Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Reports for sites that require use of windshield cards must be submitted online at the Department's website. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
 - 5) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
 - 6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
 - 7) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
 - 8) .22 caliber or smaller rimfire firearms permitted unless otherwise specified.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):
- Alvah Borah State Habitat Area (2)
 - Beall Woods State Park (water sets only) (1)
 - Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park

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headquarters) (1)

Crawford County State Fish and Wildlife Management Area (water sets only) (1)

Des Plaines Game Propagation Center (1)

Frank Holten State Park (water sets only; designated areas only)

Kinkaid Lake State Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24 (USFWS trapping permit required on U.S. Fish and Wildlife Service National Wildlife Refuges in Pools 21 and 24; Quincy Bay Waterfowl Management Unit closed to trapping during the regular duck season)

Ray Norbut State Fish and Wildlife Area (1)

Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (1)

Ray Norbut State Fish and Wildlife Area – East Hannibal Unit (1)

Rend Lake Project Lands and Waters (water sets only)

Sam Parr State Park (water sets only) (1)

Sielbeck Forest State Natural Area (water sets only) (2)

Siloam Springs State Park (1)

Siloam Springs State Park – Buckhorn Unit (1)

Siloam Springs State Park – Fall Creek Unit (1)

Snakeden Hollow State Fish and Wildlife Area (1)

Weinberg-King State Park (1) (2)

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Weinberg-King State Park – Scripps Unit (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (1) (2)

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Birkbeck Pheasant Habitat Area (2)

Buffalo Prairie Pheasant Habitat Area (season begins at sunrise on December 26) (1) (2)

Butterfield Trail State Recreation Area (1) (2)

Cache River State Natural Area (no snares allowed) (1)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands (1)

Carlyle Lake State Wildlife Management Area (1)

Clinton Lake State Recreation Area (1) (2)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area (1)

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only (1)

[Embarras River Bottoms State Habitat Area \(2\)](#)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area (1)

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Finfrock State Habitat Area (2)

Fort de Chartres Historic Site (1)

Hallsville Pheasant Habitat Area (2)

Harry "Babe" Woodyard State Natural Area (1) (2)

Herschel Workman Pheasant Habitat Area (2)

Hindsboro Pheasant Habitat Area (2)

Horseshoe Lake State Conservation Area (1)

I & M Canal State Park (1)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1) [\(2\)](#)

Kickapoo State Recreation Area (1) (2)

Kidd Lake State Natural Area (1)

Lake Murphysboro State Park (1)

Larry D. Closson State Habitat Area (2)

Lincoln Trail State Park (1) (2)

Lowden State Park – Kilbuck Creek Habitat Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Fish and Wildlife Area (1) (2)

Middle Fork State Fish and Wildlife Area (1) (2)

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Mississippi River State Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes) (1)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card) (1)

Moraine View State Park (no more than 2 persons may enter drawing on a single card) (1) (2)

Newton Lake State Fish and Wildlife Area (2)

Paul C. Burrus Habitat Area (2)

Peabody River King State Fish and Wildlife Area (east, west, and south subunits only) (1)

Perdueville Pheasant Habitat Area (2)

Pere Marquette State Park (1)

Pyramid State Park (1) (2)

Pyramid State Park – East Conant Unit (1) (2)

Pyramid State Park – Galum Unit (1) (2)

Randolph County State Conservation Area (1)

Red Hills State Park (2)

Sand Ridge State Forest (1) (2)

Sanganois State Fish and Wildlife Area (1) (2)

Saybrook Pheasant Habitat Area (2)

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Shelbyville State Fish and Wildlife Area (1) (2)

Sibley Pheasant Habitat Area (2)

South Shore State Park (1)

Ten Mile Creek State Fish and Wildlife Area (designated Waterfowl Rest Areas closed to trapping during open season for Canada goose) (2)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County State Fish and Wildlife Area (1)

Victoria Pheasant Habitat Area (season opens at sunrise on December 26)
(1) (2)

Walnut Point State Park (2)

Washington County State Conservation Area (1)

Willow Creek State Habitat Area (2)

Wise Ridge State Natural Area (1)

World Shooting and Recreation Complex (designated areas only) (1)

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake State Conservation Area (1)

Argyle Lake State Park (1) [\(2\)](#)

DEPARTMENT OF NATURAL RESOURCES

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Banner Marsh State Fish and Wildlife Area (1)

Beaver Dam State Park (1)

Big Bend State Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets) (1)

Coffeen Lake State Fish and Wildlife Area (1)

Coleta Ponds (1)

Copperhead Hollow State Wildlife Area (1) (2)

Dog Island State Wildlife Management Area (1) (2)

Double T State Fish and Wildlife Area (1)

Giant City State Park (1)

Hamilton County State Fish and Wildlife Area (closed during firearm deer season) (2)

Hanover Bluff State Natural Area (1)

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets) (1)

Hidden Springs State Forest (1) (2)

Horseshoe Lake State Park – Madison County (1)

Horseshoe Lake State Park (Gabaret, Mosenthein and Chouteau Island Units (Madison County)) (1)

DEPARTMENT OF NATURAL RESOURCES

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Ilo Dillin State Habitat Area (use of foothold traps prohibited during pheasant and quail season) (1)

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged) (1) (2)

Johnson-Sauk Trail State Park (no foothold water sets) (1)

Jubilee College State Park (1)

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed) (1)

Kishwaukee River State Fish and Wildlife Area (site trapping season ends on the last day of archery deer season) (1) [\(2\)](#)

Lake Le-Aqua-Na State Park (1)

Little Rock Creek State Habitat Area (1)

Mackinaw River State Fish and Wildlife Area (1)

Marshall County State Fish and Wildlife Area (1) [\(2\)](#)

Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets) (1)

Morrison Rockwood State Park (1)

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Pekin Lake State Fish and Wildlife Area (1)

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged) (1) (2)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged) (1) (2)

Ramsey Lake State Park (1)

Rice Lake State Fish and Wildlife Area (1)

Rock Cut State Park (1)

Saline County State Fish and Wildlife Area (1) (2)

Sam Dale Lake State Conservation Area (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sangchris Lake State Park (trapping rights for the opening day of the raccoon trapping season in the southern zone through January 25 are allocated by a drawing and restricted to designated areas; from February 1 through March 31, Sangchris Lake will be open to statewide trapping regulations) (1) (2)

Shabbona Lake State Park (1) [\(2\)](#)

Sparland State Fish and Wildlife Area (1)

Spoon River State Forest (1) (2)

Spring Lake State Fish and Wildlife Area (1)

Starved Rock/Matthiessen State Park (1)

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Stephen A. Forbes State Park (1) (2)

Trail of Tears State Forest (1)

Weldon Springs State Park (1) (2)

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
- 1) All regulations shall be according to species regulations as provided for in this Part.
 - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
 - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see [Section 520 ILCS 5/2.30 of the Code](#)).

(Source: Amended at 40 Ill. Reg. 8568, effective June 13, 2016)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Grant Program for Medical Assistants in Training
- 2) Code Citation: 23 Ill. Adm. Code 2742
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2742.10	New Section
2742.20	New Section
2742.30	New Section
2742.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 65.90 of the Higher Education Student Assistance Act [110 ILCS 947/65.90]
- 5) Effective Date of Rules: July 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, 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*: 40 Ill. Reg. 2195; January 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Only grammatical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules govern the administration of the Grant Program for Medical Assistants in Training. Rules for the program set forth the applicant eligibility requirements, program procedures and institutional procedures for an Illinois

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resident enrolled or accepted for a medical assistant program at an Illinois public community college that will lead to certification to work as a medical assistant. The Commission shall, each year, beginning with the 2016-2017 academic year through the 2020-2021 academic year, receive and consider applications for grant assistance under this Section. Grants are limited based on funding levels appropriated by the Illinois General Assembly.

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

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 18032
fax: 847/831-8299
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2742
GRANT PROGRAM FOR MEDICAL ASSISTANTS IN TRAINING

Section

2742.10	Summary and Purpose
2742.20	Applicant Eligibility
2742.30	Program Procedures
2742.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Section 65.90 of the Higher Education Student Assistance Act [110 ILCS 947/65.90].

SOURCE: Former Part repealed at 34 Ill. Reg. 8578, effective July 1, 2010; new Part adopted at 40 Ill. Reg. 8590, effective July 1, 2016.

Section 2742.10 Summary and Purpose

- a) The Grant Program for Medical Assistants in Training provides grant assistance to an individual enrolled in a medical assistant program at an Illinois public community college that will lead to certification to work as a medical assistant. The Commission shall, each year, beginning with the 2016-2017 academic year through the 2020-2021 academic year, receive and consider applications for grant assistance under this Section. Grants are limited based on funding levels appropriated by the Illinois General Assembly.
- b) This Part establishes rules that govern the Grant Program for Medical Assistants in Training. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2742.20 Applicant Eligibility

A qualified applicant shall be:

- a) a United States citizen or eligible noncitizen;

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- b) a resident of Illinois;
- c) enrolled at an Illinois public community college;
- d) enrolled or accepted for enrollment on at least a half-time basis in a medical assistant program leading to certification to work as a medical assistant;
- e) able to demonstrate financial need, as determined by ISAC; and
- f) making satisfactory academic progress as determined by the institution.

Section 2742.30 Program Procedures

- a) All applicants must file an application annually for the Grant Program for Medical Assistants in Training.
 - 1) Applications are available at ISAC's web site and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) All applicants must complete and file the form that the US. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) that is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
 - 3) ISAC shall select the recipients from among those who have submitted a complete application prior to the priority consideration date, as set by ISAC.
 - 4) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received at ISAC's Deerfield office.
 - 5) A qualified applicant must also submit any forms required for the receipt of the grant.

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- b) Benefits are limited to tuition and fees for 2 semesters in an academic year, except that no recipient may receive more than \$5,000 in a single academic year.
- c) Each qualified applicant who is selected to receive a grant shall be notified. Applicants not receiving the grant will be notified as well.
- d) The total number of grants awarded in a given fiscal year is contingent upon available funding. ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
 - 1) Expected Family Contribution (EFC), from the lowest to the highest.
 - 2) Recipients of assistance under this Part during the previous academic year may receive first priority consideration provided the recipient continues to meet the eligibility requirements.
- e) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application on the earliest date.

Section 2742.40 Institutional Procedures

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
 - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; if it does, the institution shall reduce one of the awards accordingly;
 - 2) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance for that institution. Any excess gift assistance is considered

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an overaward, and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent the overaward; and

- 3) If the recipient is eligible for assistance under MAP, the recipient might not be eligible for a full MAP grant because the grant for Medical Assistants in Training must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
- 1) Within the 30 days starting with the date of receiving payment, the institution shall credit the award toward the recipient's tuition and fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments, both payment data and actual funds, received through the Grant Program for Medical Assistants in Training and, as applicable, submit all necessary corrections to student records on a timely basis.
 - 3) Within 30 days after the end of an academic term during which the Grant Program for Medical Assistants in Training funds are credited to recipient's tuition and eligible fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
 - A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals;
 - B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

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- C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.
- 4) Any institution that determines that the amount of a claim applied to a student's tuition and fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all adjustments made to ISAC within 30 days following the end of the applicable term.
- 5) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
- 6) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.
- 7) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.
- 8) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
309.104	Amendment
309.201	Amendment
309.202	Amendment
309.203	Amendment
309.204	Amendment
309.242	Amendment
309.263	Amendment
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27]
- 5) Effective Date of Rules: June 13, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The text of the adopted rules is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 15103; November 20, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
- 11) Differences between Proposal and Final Version: In Section 309.201(b), "these discharges" was changed to "they" and the period at the end of that sentence in the same section was changed to a colon.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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- 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 amendments to Part 309 streamline the process for various processes relating to water pollution permitting. Specifically, the amendments allow IEPA to accept a renewal application for an NPDES permit at any time up to the expiration date of the existing permit and administratively continue the existing permit. The amendments also make explicit certain permitting exemptions that already exist in practice, create new exemptions for facilities that do not warrant technical review, and allow IEPA to grant lifetime operating permits for certain facilities that pose no likelihood of violating applicable water quality standards.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jason James
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6929
jason.james@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R15-24 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application – General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.120	Reopening the Record to Receive Additional Written Comment
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements

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309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring
309.157	Permit Limits for Total Metals
309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
309.191	Effective Date

SUBPART B: OTHER PERMITS

Section	
309.201	Preamble
309.202	Construction Permits
309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.221	Applications – Contents
309.222	Applications – Signatures and Authorizations
309.223	Applications – Registered or Certified Mail
309.224	Applications – Time to Apply
309.225	Applications – Filing and Final Action By Agency
309.241	Standards for Issuance
309.242	Duration <u>and Termination</u> of Permits Issued Under Subpart B
309.243	Conditions

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309.244	Appeals from Conditions in Permits
309.261	Permit No Defense
309.262	Design, Operation and Maintenance Criteria
309.263	Modification <u>or Renewal</u> of Permits
309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

309.APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 11287, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 202, effective December 20, 2002; amended in R03-19 at 28 Ill. Reg. 7310, effective May 7, 2004; amended in R07-9 at 32 Ill. Reg. 14995, effective September 8, 2008; amended in R08-09(D) at 39 Ill. Reg. 9433, effective June 26, 2015; amended in R15-24 at 40 Ill. Reg. 8597, effective June 13, 2016.

SUBPART A: NPDES PERMITS

Section 309.104 Renewal

- a) Any permittee who wishes to continue to discharge after the expiration date of ~~the~~his NPDES Permit ~~must timely~~shall apply for reissuance of the permit ~~not less than 180 days prior to the expiration date of the permit.~~

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- 1) A permittee has submitted a timely application for a new permit when:
 - A) The permittee submits:
 - i) an application 180 days prior to the expiration date of the existing permit; or
 - ii) a request for a waiver in writing to the Agency, the Agency grants a written waiver to submit the application less than 180 days prior to the expiration date of the existing permit, and the applicant submits an application within the timeframe listed in the waiver request. Such a waiver request must include the permittee's reasonably justifiable causes for not meeting the 180 day timeframe. A waiver of the 180 day submittal requirement must be filed a minimum of 60 days prior to expiration of the permit, and shall include the date by which the permittee will submit the application.
 - B) The Agency shall not grant a waiver for applications to be submitted later than the expiration date of the existing permit.
 - C) Any Agency decision to deny a waiver request must be made within 21 days after receipt of the waiver request.
 - 2) The terms and conditions of an expiring permit remain effective and enforceable against the discharger until the Agency takes final action on the pending permit application, only if:
 - A) the permittee has submitted a timely application pursuant to subsection (a)(1); and
 - B) the Agency, through no fault of the permittee, does not issue a new permit on or before the expiration date of the previous permit.
- b) All permittees that timely apply for an NPDES permit renewal must pay an annual NPDES discharge fee pursuant to Section 12.5 of the Act.

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- c) The Agency ~~must~~ circulate public notice and provide opportunity for public hearing, as provided for in this Subpart A, in the same manner as for a new permit application.

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

SUBPART B: OTHER PERMITS

Section 309.201 Preamble

- a) This Subpart B establishes basic rules for the issuance of permits for the construction, modification and operation of treatment works, pretreatment works, sewers, wastewater sources and other discharges ~~that~~ which are not required to have NPDES Permits.
- b) The following discharges are exempt from the operating permit requirement of this Subpart. However, they may be subject to the construction permit requirement:
- 1) discharges ~~Discharges~~ for which a pretreatment permit has been issued by the Agency pursuant to 35 Ill. Adm. Code 310;
 - 2) discharges for which a pretreatment permit has been issued by USEPA pursuant to the federal Clean Water Act; or
 - 3) discharges for which an authorization ~~to discharge~~ has been issued by a publicly owned treatment works (POTW) with a an approved pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA pursuant to federal law. ~~are exempt from the operating permit requirement of this Subpart. However, such discharges may be subject to the construction permit requirements.~~

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

Section 309.202 Construction Permits

Except for treatment works or wastewater sources which have or will have discharges for which

POLLUTION CONTROL BOARD

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NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

- a) No person shall cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer or wastewater source without a construction permit issued by the Agency, except as provided in subsections (c) and (d)~~paragraph (b)~~.
- b) For groundwater remediation systems, with or without pretreatment, a permit is required for construction of:
 - 1) a new sewer to a publicly owned or publicly regulated sanitary or combined sewer; or
 - 2) a wastewater source that discharges to a publicly owned or publicly regulated sanitary or combined sewer.
- c) Construction permits shall not be required for the following:
 - 1) ~~storm~~Storm sewers that transport only land runoff; ~~or~~
 - 2) ~~any~~Any treatment works, sewer or wastewater source designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day (5700 l/day) of domestic sewage and which will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer; ~~or~~
 - 3) ~~any~~Any sewer required by statute to secure a permit pursuant to Section 3 of the Mobile Home Park Act [210 ILCS 115]"An Act to provide for, license and regulate mobile homes and mobile home parks", P.A. 77-1472, (Ill. Rev. Stat. 1981, ch. 111½, par. 713); ~~or~~
 - 4) ~~any~~Any treatment works, pretreatment works, sewer or wastewater source that, on the effective date of this Subpart B, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; provided however, that all construction must be completed within four years from the effective date of this Subpart B; ~~or~~

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- 5) ~~privately~~Privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment works; ~~or-~~
- 6) cooling towers, oil/water separators, pH adjustment facilities without additional pretreatment, groundwater remediation system pretreatment, reverse osmosis treatment for industrial source water, multi-media filtration for industrial source water, disposable cartridge type (or similar) filtration systems, ion-exchange systems for industrial source waters, and all associated pipes, pumps, and appurtenances necessary for the installation and operation of these permit exempt treatment systems.
- de) No person ~~without a construction permit issued by the Agency~~ shall cause or allow the construction of any pretreatment works or cause or allow the modification of any existing pretreatment works without a construction permit issued by the Agency, unless exempt pursuant to Section 309.202(c) if ~~those such~~ pretreatment works, after construction or modification, will:
- 1) ~~discharge~~Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under ~~section~~Section 307 of the Clean Water Act (CWA); or
 - 2) ~~discharge~~Discharge 15% or more of the total hydraulic flow received by the treatment works; or
 - 3) ~~discharge~~Discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.;

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

Section 309.203 Operating Permits; New or Modified Sources

- a) No person shall cause or allow the use or operation of any treatment works, sewer, pretreatment works or wastewater source for which a construction permit is required under Section 309.202 without an operating permit issued by the Agency, except as may be authorized by the construction permit.

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- b) No operating permit is required under this Section for any discharge:
- 1) ~~for~~ ~~For~~ which an NPDES permit is required; ~~or~~
 - 2) ~~for~~ ~~For~~ which a pretreatment permit has been issued by the Agency, pursuant to 35 Ill. Adm. Code 310;
 - 3) for which a pretreatment permit has been issued by USEPA pursuant to federal law; or
 - 4) for which an authorization to discharge has been issued by a POTW with ~~an approved~~ pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

Section 309.204 Operating Permits; Existing Sources

- a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).
- b) No operating permit is required under this Section for any discharge:
- 1) ~~for~~ ~~For~~ which an NPDES permit is required; ~~or~~
 - 2) ~~for~~ ~~For~~ which a pretreatment permit has been issued by the Agency pursuant to 35 Ill. Adm. Code 310;
 - 3) for which a pretreatment permit has been issued by USEPA pursuant to federal law; or
 - 4) for which an authorization to discharge has been issued by a POTW with ~~an approved~~ pretreatment program approved by the Agency, pursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.
- c) Operating permits are not required for treatment works and wastewater sources

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that are designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day 5 (5700 1/day) of domestic sewage and ~~that which~~ will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer.

- d) Operating permits are not required for those pretreatment works or wastewater sources discharging to a sewer tributary to a treatment works, or directly to a treatment works, that which will not:
- 1) ~~discharge~~Discharge toxic pollutants, as defined in ~~section~~Section 502(13) of the CWA, or pollutants ~~that which~~ may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under ~~section~~Section 307 of the ~~Clean Water Act (CWA); or~~
 - 2) ~~discharge~~Discharge 15% or more of the total hydraulic flow received by the treatment works; or
 - 3) ~~discharge~~Discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

Section 309.242 Duration and Termination of Permits Issued Under Subpart B

- a) Construction permits for sewers and wastewater sources ~~must shall~~ require that construction be completed within two years. Construction permits for treatment works and pretreatment works ~~must shall~~ require that construction be completed within three years. In situations ~~in which~~where the magnitude and complexity of the project require it, the Agency may issue a construction permit, requiring completion within a period not to exceed five years.
- b) Except as indicated in subsection (c), no~~No~~ operating permit shall have duration in excess of five years. ~~All operating permits other than those issued under Section 309.203 for newly constructed sewers shall have a duration not to exceed five years.~~The Agency may issue operating permits for as short a period of time as may be necessary in order to facilitate basin planning, to coordinate operating permits with future compliance deadlines, to maintain intensive control over new

POLLUTION CONTROL BOARD

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or experimental processes and to provide for emergency situations.

- c) The Agency may issue operating permits under Section 309.203 for sewers, wastewater sources, and pretreatment works for the lifetime of the sewer or the pretreatment works.
- d) Notwithstanding subsections (b) and (c), any operating permit subject to this Subpart must expire upon the issuance of a modified or renewed permit issued by the Agency.
- e) A permittee may request termination of a permit by submitting the request in writing to the Agency in a format prescribed by the Agency. The Agency must send written confirmation of the termination to the permittee by certified or registered mail. Termination is effective on the date of written confirmation from the Agency.
- f) A permit may be terminated by the Agency upon determination that a facility is no longer in operation or existence. The Agency must send written notice via certified or registered mail to the last known address on the permit stating that the permitted system appears no longer in operation or existence. The permit must terminate 60 days after the date of notification unless the permittee communicates the desire for the permit to stay in effect.

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

Section 309.263 Modification or Renewal of Permits

- a) Any permit issued by the Agency under this Subpart B may be modified or renewed to make its provisions compatible with any new regulation adopted by the Board.
- b) Persons with operating permits for pretreatment works subject to this Subpart must obtain a modified permit prior to any of the following changes at the facility:
 - 1) a modification of permitted wastewater characteristics, quantity, or quality;
 - 2) a change in facility ownership, name, or address, so that the application or

POLLUTION CONTROL BOARD

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existing permit is no longer accurate; or

3) a change in operations that will result in the permittee's noncompliance with the Act, a Board Regulation, or an existing permit condition.

c) The Agency may require the modification or renewal of any operating permit subject to this Subpart for reasons including, but not limited to:

1) a change in the requirements applicable to the permittee;

2) the information on the permittee's application is inaccurate; or

3) information that the permittee may not be in compliance with the Act, a Board regulation, or an existing permit condition.

(Source: Amended at 40 Ill. Reg. 8597, effective June 13, 2016)

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO
JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

1. Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, and Woodchuck (Groundhog) Hunting
2. Code Citation: 17 Ill. Adm. Code 550
3.

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
550.10	Amendment
550.20	Amendment
550.25	New Section
550.30	Amendment
4. Date Proposed Rulemaking published in the *Illinois Register*: January 2, 2016; 40 Ill. Reg. 1413
5. Date the Joint Committee on Administrative Rules Statement of Recommendation to Proposed Rulemaking published in the *Illinois Register*: May 27, 2016; 40 Ill. Reg. 7862
6. Summary of Action Taken by the Agency: At its meeting on June 10, 2016, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department of Natural Resources limit the number of bobcat hunting and trapping permits issued and limit the geographical area open to hunting and trapping, considering the fact that the bobcat has recently been removed from protected status.

In response to this Recommendation, the Department's response is as follows:

The total allowable harvest in Illinois for the first year will be 500 bobcats (which is based on a maximum population estimate of 5000 animals and a harvest rate of 10%). Knick (1990) and Roberts (2010) estimated that a harvest rate of 14-20% of the fall population was sustainable. Nielsen's (2009) work suggested a more conservative rate of harvest (less than or equal to 10%) was appropriate for Illinois' goal of allowing the bobcat population to continue to grow, albeit at a slower rate. That recommendation was consistent with harvest goals specified or implied by other state agencies (New York State Department of Environmental Conservation 2012, Rolley et al. 2013). We are making 500 permits available for the first year. The number of bobcats actually

harvested in Illinois during 2016-2017 will be less than 500 because a success rate of 100% is not realistic. We will evaluate harvest success after the first year and amend the number of permits available accordingly.

The rules currently contain a "no hunting or trapping" zone for bobcats. In setting proposed zone boundaries, the Department considered distribution of suitable habitat, timing of colonization by bobcats, consistency with existing zones used for fur hunting and trapping (e.g., Route 36 divides north and south zones), ability of fur harvesters and enforcement officers to easily recognize boundaries, and concerns expressed by Humane Society of the United States, Illinois Chapter of the Sierra Club, and Illinois Environmental Council prior to rulemaking. Zones will be evaluated and expanded, reduced, or eliminated based on the best available science.

Illinois' bobcat population has prospered under our oversight. Compliance with State and Federal laws regarding harvest of bobcats will maintain a healthy population while allowing a modest take by hunters and trappers. The Department's policy is to "develop hunting and fishing regulations which are designed to conserve the State's fish and wildlife resources, protect public safety, and encourage responsible behavior." Similar to other hunting and trapping programs, harvest levels will be evaluated annually. Sources of information used in the Department's evaluation include (1) total take, as determined by sales of Bobcat Registration Permits, (2) pelt values, as determined by the Fur Harvest Survey – Federal Aid in Wildlife Restoration Project W-99-R, (3) geographic distribution of harvest as determined by mandatory reporting (4) success rates, as determined by sales of Bobcat Hunting and Trapping Permits and sales of Bobcat Registration Permits, and (5) scientific studies conducted periodically under the Federal Aid in Wildlife Restoration Program – sub-grants to Universities. Estimates of bobcat abundance will be updated periodically and harvest goals will be adjusted accordingly.

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO
JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

1. Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping
2. Code Citation: 17 Ill. Adm. Code 570
3.

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
570.15	New Section
570.20	Amendment
570.30	Amendment
570.31	New Section
570.35	Amendment
570.40	Amendment
4. Date Proposed Rulemaking published in the *Illinois Register*: January 2, 2016; 40 Ill. Reg. 1430
5. Date the Joint Committee on Administrative Rules Statement of Recommendation to Proposed Rulemaking published in the *Illinois Register*: May 27, 2016; 40 Ill. Reg. 7863
6. Summary of Action Taken by the Agency: At its meeting on June 10, 2016, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department of Natural Resources limit the number of bobcat hunting and trapping permits issued and limit the geographical area open to hunting and trapping, considering the fact that the bobcat has recently been removed from protected status.

In response to this Recommendation, the Department's response is as follows:

The total allowable harvest in Illinois for the first year will be 500 bobcats (which is based on a maximum population estimate of 5000 animals and a harvest rate of 10%). Knick (1990) and Roberts (2010) estimated that a harvest rate of 14-20% of the fall population was sustainable. Nielsen's (2009) work suggested a more conservative rate of harvest (less than or equal to 10%) was appropriate for Illinois' goal of allowing the bobcat population to continue to grow, albeit at a slower rate. That recommendation was

consistent with harvest goals specified or implied by other state agencies (New York State Department of Environmental Conservation 2012, Rolley et al. 2013). We are making 500 permits available for the first year. The number of bobcats actually harvested in Illinois during 2016-2017 will be less than 500 because a success rate of 100% is not realistic. We will evaluate harvest success after the first year and amend the number of permits available accordingly.

The rules currently contain a "no hunting or trapping" zone for bobcats. In setting proposed zone boundaries, the Department considered distribution of suitable habitat, timing of colonization by bobcats, consistency with existing zones used for fur hunting and trapping (e.g., Route 36 divides north and south zones), ability of fur harvesters and enforcement officers to easily recognize boundaries, and concerns expressed by Humane Society of the United States, Illinois Chapter of the Sierra Club, and Illinois Environmental Council prior to rulemaking. Zones will be evaluated and expanded, reduced, or eliminated based on the best available science.

Illinois' bobcat population has prospered under our oversight. Compliance with State and Federal laws regarding harvest of bobcats will maintain a healthy population while allowing a modest take by hunters and trappers. The Department's policy is to "develop hunting and fishing regulations which are designed to conserve the State's fish and wildlife resources, protect public safety, and encourage responsible behavior." Similar to other hunting and trapping programs, harvest levels will be evaluated annually. Sources of information used in the Department's evaluation include (1) total take, as determined by sales of Bobcat Registration Permits, (2) pelt values, as determined by the Fur Harvest Survey – Federal Aid in Wildlife Restoration Project W-99-R, (3) geographic distribution of harvest as determined by mandatory reporting (4) success rates, as determined by sales of Bobcat Hunting and Trapping Permits and sales of Bobcat Registration Permits, and (5) scientific studies conducted periodically under the Federal Aid in Wildlife Restoration Program – sub-grants to Universities. Estimates of bobcat abundance will be updated periodically and harvest goals will be adjusted accordingly.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 7, 2016 through June 13, 2016. The rulemakings are scheduled for review at the Committee's July 12, 2016 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
7/20/16	<u>Illinois Health Facilities and Services Review Board</u> , Health Facilities and Services Review Operational Rules (77 Ill. Adm. Code 1130)	12/28/15 39 Ill. Reg.16277	7/12/16
7/23/16	<u>Office of the State Fire Marshal</u> , Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)	4/1/16 40 Ill. Reg.5366	7/12/16
7/23/16	<u>Office of the State Fire Marshal</u> , Carbon Monoxide Alarms and Detectors (41 Ill. Adm. Code 112)	3/25/16 40 Ill. Reg.5165	7/12/16

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 850.

1) Rulemaking:

- A) Description: This amendment is necessary to reflect the current organizational structure of the Department.
- B) Statutory Authority: 730 ILCS 3-2-2 and 3-2-5
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None.
- F) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 851

1) Rulemaking:

- A) Description: This amendment is necessary to bring DOC FOIA rulemaking into compliance with current FOIA legislation.

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

- B) Statutory Authority: 5 ILCS 100/5-15 and 140/1
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Reimbursement for Expenses, 20 Ill. Adm. Code 110.
- 1) Rulemaking:
- A) Description: This amendment is necessary to provide corrected language for sentence credit as set forth by PA 97-697.
- B) Statutory Authority: 730 ILCS 5/3-7-6 and 3-2-2.
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
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1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Rules of Conduct, 20 Ill. Adm. Code 120

1) Rulemaking:

- A) Description: This amendment is necessary correct the language requiring an employee authorized to carry a firearm, who has been admitted as an inpatient in a mental health hospital, to produce a waiver from lifting the prohibition to possess a firearm or ammunition in accordance with 430 ILCS 65/10(c).
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-7-1, 5 ILCS 430/5-15, 10-10, 10-15, and 20-70, 18 USC 922 and 720 ILCS 5/24-3.1(4)
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): School District #428, 20 Ill. Adm. Code 405
- 1) Rulemaking:
- A) Description: Amendments are required to update the Rulemaking in accordance with the division between IDOC and IDJJ as IDOC is governed by the regulations of the Illinois Community College Board (ICCB), not the Illinois State Board of Education (ISBE).
- B) Statutory Authority: Implementing 730 ILCS 5/3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2, and 3-12-3] and 105 ILCS 5/13-40 through 13-45 and authorized by 730 ILCS 5/3-2-2 and 3-7-1
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

F) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Health Care, 20 Ill. Adm. Code 4151) Rulemaking:

A) Description: This amendment is necessary to comply with PA 97-323.

B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6

C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before July 1, 2017

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency Contact Person for Information:

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1301 Concordia Court
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Springfield IL 62794-9277

DEPARTMENT OF CORRECTIONS

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217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Assignment of Committed Persons, 20 Ill. Adm. Code 420.1) Rulemaking:A) Description: This rulemaking is necessary to provide corrected language for sentence credit as set forth by PA 97-697 and to ensure proper awards for successful completion of programs and assignments.B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-3, 3-8-3, and 3-10-3C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.D) Date Agency anticipates First Notice: On or before July 1, 2017E) Affect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CORRECTIONS

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- h) Part (Heading and Code Citation): Chaplaincy Services and Religious Practices, 20 Ill. Adm. Code 425
- 1) Rulemaking:
- A) Description: This rulemaking is required to comply with current law and practice as it relates to accommodations for religious diets.
- B) Statutory Authority: 730 ILCS 5/3-7-1
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Work Release Programs, 20 Ill. Adm. Code 455
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to provide that, for permanent party residents assigned as cooks, a food service sanitation certificate is preferred but not required.

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

- B) Statutory Authority: 730 ILCS 5/3-7-1
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None.
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Release of Committed Persons, 20 Ill. Adm. Code 470.
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to include the requirement for notification of no less than 14 days prior to release of any offender released early due to an award of supplemental sentence credit.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-14-1, 3-14-2, and 3-14-3
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or

DEPARTMENT OF CORRECTIONS

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during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before July 1, 2017

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Security, 20 Ill. Adm. Code 501

1) Rulemaking:

A) Description: This amendment is necessary to implement the Director's position that only persons of the same gender as the offender may perform or observe strip searches of offenders and to clarify that canine searches can not be performed on humans.

B) Statutory Authority: 720 ILCS 5/7-1, 7-3, 7-9, and 31A-1.1; 725 ILCS 5/103-1 et seq.; and 730 ILCS 5/3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1, 3-8-7, 3-8-8, and 3-10-8

C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before July 1, 2017

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- l) Part (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 504
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to provide corrected language for sentence credit as set forth by PA 97-697 and to incorporate standardized procedures/considerations for disciplinary action when the offender is found to be mentally in accordance with the settlement agreement of Rasho et al. v. Baldwin, et al., Case No. 07-1298 in USDC CDIL
- B) Statutory Authority: 42 USC 12101 et seq., and 730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9
- C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before July 1, 2017
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

F) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Nonem) Part (Heading and Code Citation): Rights and Privileges, 20 Ill. Adm. Code 5251) Rulemaking:

A) Description: This rulemaking is necessary to comply with PA 96-1513

B) Statutory Authority: 730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9

C) Scheduled Meeting/Hearing Date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before July 1, 2017

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency Contact Person for Information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

DEPARTMENT OF CORRECTIONS

JULY 2016 REGULATORY AGENDA

217/558-2200, extension 6507

- G) Related rulemakings and other pertinent information: None

PROCLAMATION

2016--170**Flag Lowering – Honoring Victims of the Orlando Terrorist Attack
Immediately – Sunset, Thursday, June 16, 2016**

WHEREAS, the people of Illinois stand united with the people of Orlando and the State of Florida; and,

WHEREAS, the nation and State of Illinois are deeply saddened by the senseless acts of violence that took place in Orlando on June 12, 2016; and,

WHEREAS, the people of Illinois and this great nation mourn the loss of so many lives by this ruthless act of terrorism, perpetrated by a cowardly enemy; and,

WHEREAS, the targeting of a community in celebration is deplorable and is an attack on freedom and the values we hold dear; and,

WHEREAS, the victims of this horrific attack will forever be remembered, and our thoughts and prayers remain with their families;

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 immediately until sunset on June 16, 2016, in honor and remembrance of the victims of the terrorist attack in Orlando, Florida.

Issued by the Governor June 13, 2016
Filed by the Secretary of State June 13, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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