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August 19, 2016 Volume 40, Issue 34

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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

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
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
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
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
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
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 AMENDMENT

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Number: 676.30                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking affects the Home Services Program. The proposed amendment adds the definitions of "individual provider," "overtime," "pay period," "travel time," and "work week" and revises the definition of "customer." Companion amendments are also being proposed to 89 Ill. Adm. 677, 89 Ill. Adm. Code 684 and 89 Ill. Adm. Code 686.
- 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 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

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: Individual Providers for the HSP
- B) Reporting, bookkeeping or other procedures required for compliance: The additional forms required by this rulemaking include Home Services Program Overtime Qualification form (IL488-1051), Home Services Program Overtime Justification form (IL488-1052), Home Services Program Travel Agreement form (IL488-2260) and Home Services Program Travel Time Sheet form (IL488-2261).
- C) Types of professional skills necessary for compliance: None

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676  
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
676.10	Program Purpose and Types
676.20	General Program Accessibility
676.30	Definitions
676.40	Service Description

SUBPART B: CASE MANAGEMENT

Section	
676.100	Case Files (Repealed)
676.110	Sharing of Customer Information Between HSP and Other DHS Programs
676.120	Documentation of Information
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676.140	Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
676.150	Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section	
676.200	Vendor Payment
676.210	Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DoA)

Section	
676.300	Criteria for Referral to DoA
676.310	Disposition of Cases not Appropriate for Referral to DoA

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445, effective May 17, 1999; amended at 23 Ill. Reg. 13874, effective November 8, 1999; amended at 24 Ill. Reg. 2681, effective February 2, 2000; amended at 28 Ill. Reg. 6445, effective April 8, 2004; amended at 31 Ill. Reg. 12602, effective August 16, 2007; emergency amendment at 35 Ill. Reg. 12105, effective July 15, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 15626, effective September 15, 2011 for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 6453, effective February 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16958, effective July 25, 2014; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROGRAM PROVISIONS

**Section 676.30 Definitions**

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

- a) Activities of Daily Living or ADLs – those tasks an individual must do, or that an individual must have provided for him/her, in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).
- b) CMMS – the federal Centers for Medicare & Medicaid Services (formerly HCFA, the federal Health Care Financing Administration).
- c) Customer
  - 1) A Customer~~customer~~ is anyone who:
    - A) has been referred to HSP for a determination of eligibility for services;
    - B) has applied for services through HSP;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- C) is receiving services through HSP; or
- D) has received services through HSP.
- 2) If the ~~Customer~~customer is unable to satisfy any of his/her obligations under the HSP, including, without limitation, the obligation to serve as the employer of the IP or PA, the ~~Customer's~~customer's parent, family member, guardian, or duly authorized representative may act on behalf of the ~~Customer~~customer and is included within the definition of "~~Customer~~customer", as used throughout this Part.
- 3) For purposes of the IP or PA services performed pursuant to the HSP, the ~~Customer~~customer shall serve as the employer of the IP or PA. In this capacity, the ~~Customer~~customer is responsible for ~~controlling all~~ aspects of the employment relationship between the ~~Customer~~customer and the IP or PA, including, without limitation, locating and hiring the IP or PA, training the IP or PA, directing, evaluating and otherwise supervising the work performed by the IP or PA, imposing (when, in the opinion of the ~~Customer~~customer, it is appropriate or necessary) disciplinary action against the IP or PA, and terminating the employment relationship between the ~~Customer~~customer and the IP or PA.
- ~~de~~) Counselor – the ~~DHS-DRS~~DHS-ORS staff person or contractual Case Manager who helps to ensure that the funds available under the HSP are properly distributed in accordance with the Service Plan, any applicable waiver programs, and all applicable laws.
- ~~ed~~) Determination of Need or DON – the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.
- ~~fe~~) DHS – Illinois Department of Human Services.
- ~~fd~~) ~~DPA – Illinois Department of Public Aid.~~
- g) Family – any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close

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## NOTICE OF PROPOSED AMENDMENT

inter-personal relationship and who resides with the individual.

- h) Family Unit – for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.
- ~~i)~~ ~~HCFA – the federal Health Care Financing Administration.~~
- i) HFS – Illinois Department of Healthcare and Family Services.
- j) Home Services Program or HSP – a State and federally funded program designed to allow Illinois residents, who are at risk of unnecessary or premature institutionalization, to receive necessary care and services in their homes, as opposed to being placed in an institution.
- k) Home – a private residence where the ~~Customer~~~~customer~~ lives that is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which funding is provided by, the Illinois Department of Human Services, ~~Division~~~~Office~~ of Mental Health and ~~Division~~~~Office~~ of Developmental Disabilities as defined at 59 Ill. Adm. Code 120. For the purposes of this Subchapter, the term "home" shall include domestic violence shelters as defined in Section 1(c) of the Domestic Violence Shelter Act [20 ILCS 2210/1(c)] and publicly or privately administered shelters designed to provide temporary living accommodations for persons who are homeless.
- l) Individual Provider or IP – an individual selected and supervised by the Customer to provide services that are identified on the Customer's approved HSP Service Plan. An Individual Provider may be a Personal Assistant, Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Occupational Therapist, Physical Therapist or Speech Therapist.
- ~~m)~~ Intermediate Care Facility or ICF – a nursing facility that provides regular health related care to its residents, as well as those services necessary for safe and adequate living.
- ~~n)~~ Legally Responsible Family Member – a spouse, parent of a child who is under age 18 or a legal guardian of an individual who is under age 18.

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- on) Medicaid – the Medicaid program administered by HFS under the Public Aid Code [305 ILCS 5/11].
- po) Medicaid Waiver – the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for that care. The Medicaid Waiver is overseen at the federal level by CMMSHCFA.
- q) Overtime – the time worked by an Individual Provider for an HSP Customer or Customers that exceeds 40 hours in a work week.
- r) Pay Period – a semi-monthly period that runs from either the first day of the month through the 15<sup>th</sup> day of the month or from the 16<sup>th</sup> day of the month through the last day of the month.
- sp) Personal Assistant or PA or Individual Provider or IP – an individual employed by the Customer to provide varied HSP services.
- te) Personal Assistant or Individual Provider Backup Plan – the plan developed by the Customer and designed to ensure that the Customer receives the necessary care and services under the HSP in the event that his or her regular PA or IP is unavailable or unwilling to perform his/her obligations under the HSP. The Customer is responsible for designating the backup personal assistant or backup individual provider.
- uf) Physician – a licensed doctor of medicine (M.D.) or doctor of Osteopathy (D.O.) licensed pursuant to the Medical Practice Act [225 ILCS 60].
- vs) Prescreening – an assessment to determine an individual's need for institutional care at the ICF or SNF level and to ensure Medicaid payment for such a placement is appropriate, and the assessment of whether HSP services are an appropriate alternative to institutional care for the individual.
- wf) Service Cost Maximum or SCM – the maximum monthly amount that may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.

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- xu) Service Plan – specifically, the Home Services Program Service Plan (IL 488-1049), Home Services Program Service Plan Addendum (IL 488-1050) or the Interim Agreement (IL 488-2344) forms, on which all services to be provided to an individual through HSP are listed.
- yv) Services – the necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing the unnecessary institutionalization of the individual.
- zw) Skilled Nursing Facility or SNF – a facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and adequate living.
- aa) Travel Time – the time an Individual Provider spends traveling between two or more different HSP Customer addresses on the same work day.
- 1) An IP will not be paid travel time for any trip to or from his or her home; if an IP lives with an HSP Customer, he or she cannot be paid for travel time to another Customer's home if the trip begins or ends at the Individual Provider's home.
  - 2) Travel time does not include the time an IP spends traveling on personal business between Customer work visits (e.g., lunch, breaks, errands, etc.).
- bb) Work Week – a work week begins each Sunday at 12:00 a.m. (midnight) and ends each Saturday at 11:59 p.m.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Customer Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 677
- 3) Section Number: 677.200                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking affects the Home Services Program. The proposed amendment updates language regarding the Customer's compliance with all program requirements including the Customer's assurance that his or her Individual Provider(s) comply with 89 Ill. Adm. Code 686. The rulemaking also updates language pertaining to Individual Providers' use of overtime. Companion amendments are also being proposed to 89 Ill. Adm. 676, 89 Ill. Adm. Code 684 and 89 Ill. Adm. Code 686.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment 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

## NOTICE OF PROPOSED AMENDMENT

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: Individual Providers for the HSP
- B) Reporting, bookkeeping or other procedures required for compliance: The additional forms required by this rulemaking include Home Services Program Overtime Qualification form (IL488-1051), Home Services Program Overtime Justification form (IL488-1052), Home Services Program Travel Agreement form (IL488-2260) and Home Services Program Travel Time Sheet form (IL488-2261).
- C) Types of professional skills necessary for compliance: None

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 677  
CUSTOMER RIGHTS AND RESPONSIBILITIES

SUBPART A: CUSTOMER RIGHTS

- Section
- 677.10 Assurance of Customer Rights
- 677.20 Nondiscrimination
- 677.30 Confidentiality of Information
- 677.40 Freedom of Choice
- 677.50 Referral
- 677.60 Application
- 677.70 Notice of Action
- 677.80 Appeal of an Action Taken by DHS
- 677.90 Repayment of Assistance

SUBPART B: CUSTOMER RESPONSIBILITIES

- Section
- 677.200 ~~Customer~~Consumer Responsibilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5056, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 5072, effective April 12, 1999; amended at 28 Ill. Reg. 6449, effective April 8, 2004; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: CUSTOMER RESPONSIBILITIES

**Section 677.200 ~~Customer~~Consumer Responsibilities**

It is the responsibility of each ~~Customer~~customer of HSP to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- a) provide ~~that~~ information that is necessary for HSPDHS to process the Customer's referral ~~of that individual~~ for HSP services;
- b) provide a current valid ~~mailing and~~ street address, ~~along with directions to the individual's home sufficient for the DHS counselor to locate the individual;~~
- c) provide a current telephone number ~~if the individual has a telephone;~~
- d) sign all required forms for an application, if the customer wishes a determination of eligibility to be made for HSP services ~~service~~;
- e) assist HSPDHS' staff ~~with~~ gathering ~~the~~ information that is necessary to determine eligibility;
- f) sign all required forms ~~that which~~ are necessary to comply with program requirements, applicable federal law or the provisions of the Medicaid Waiver, or that are necessary to process payment through the Comptroller's Office;
- g) comply with all program requirements related to enrollment, employment and management of an Individual Provider. If a Customer utilizes an Individual Provider for services, the Customer must comply with all program requirements pertaining to Individual Provider overtime and ensure all Individual Providers providing services to the Customer comply with program requirements in 89 Ill. Adm. Code 686A ~~customer receiving services from a personal assistant (PA) must sign the Employment Agreement between customer and PA to acknowledge his/her understanding of the nature of their employment relationship. The customer as the employer of his/her PA is responsible for controlling all aspects of the employment relationship with the PA, including without limitation, locating and hiring the PA and, if necessary, disciplining and terminating the employment of the PA;~~
- h) sign the Individual Provider Payment Policies form (IL 488-2252), which is available at HSP local offices. Signing the form acknowledges the Customer's understanding of the nature of the employment relationship with the Individual Provider. The Customer, as the employer, is responsible for certain aspects of the employment relationship with the Individual Provider, such as locating, hiring and disciplining, and may, as necessary, terminate the Individual Provider;
- i) report all changes in circumstances ~~that which~~ may affect ~~effect~~ eligibility or

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## NOTICE OF PROPOSED AMENDMENT

continued eligibility for HSP services ~~to DHS~~, as soon as they are known. ~~These~~Such changes include changes in:

- 1) address;
  - 2) living arrangement;
  - 3) income or assets;
  - 4) services provided to the individual at no cost to HSP~~DHS~~;
  - 5) service needs;
  - 6) medical and/or psychological condition;
  - 7) ~~services~~services providers;
  - 8) absence of the individual from his or her~~his/her~~ home that affects service provision; and
  - 9) residency or citizenship status;
- ji) apply for any and all other financial and service benefits that the ~~Customer~~customer may be ~~expected to be~~ eligible to receive, including any benefits that may affect HSP~~insofar that eligibility for these services may affect HSP eligibility~~, level of services required by the individual and cost of services to HSP~~DHS~~;
- kj) cooperate with HSP projects conducted for the purpose of obtaining or validating general program information or operations when those~~where such~~ projects are not related to Customer~~customer~~-specific eligibility;
- lk) cooperate with service providers, HSP~~DHS~~ staff, and representatives in complying with HSP service plans, reassessments of eligibility and other administrative rules related to HSP~~established in this Subchapter~~; and
- ml) cooperate with the Department of Human Services~~DPA~~ in applying for, receiving, maintaining and recertifying eligibility for Medicaid.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Service Planning and Provision
- 2) Code Citation: 89 Ill. Adm. Code 684
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
684.10	Amendment
684.20	Amendment
684.30	Amendment
684.40	Amendment
684.50	Amendment
684.100	Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking affects the Home Services Program. The proposed amendments update and revise language regarding the Customer's role in procuring an Individual Provider, the list of individuals who cannot be paid through HSP to be a Customer's service provider, the content of the Customer's Service Plan and the denial and/or termination of HSP services. Companion amendments are also being proposed to 89 Ill. Adm. 676, 89 Ill. Adm. Code 677 and 89 Ill. Adm. Code 686.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 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
- 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 rulemaking

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED 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: Individual Providers for the HSP
- B) Reporting, bookkeeping or other procedures required for compliance: The additional forms required by this rulemaking include Home Services Program Overtime Qualification form (IL488-1051), Home Services Program Overtime Justification form (IL488-1052), Home Services Program Travel Agreement form (IL488-2260) and Home Services Program Travel Time Sheet form (IL488-2261).
- C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: July 2015

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAMPART 684  
SERVICE PLANNING AND PROVISION

## Section

684.10	Service Plan
684.20	Procuring an Appropriate Service Provider
684.30	Family Members as Service Providers
684.40	Distribution of the Service Plan
684.50	Service Plan Content
684.60	Provision of Services
684.70	Service Planning Limitations
684.75	Required Physician's Certification of HSP Service Plan (Repealed)
684.80	Interim Services
684.90	Coordination of HSP and Other Services
684.100	Denial or Termination of HSP Services

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. 12644, effective October 4, 1999; amended at 24 Ill. Reg. 2687, effective February 2, 2000; amended at 24 Ill. Reg. 10220, effective June 27, 2000; emergency amendment at 28 Ill. Reg. 15188, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 29 Ill. Reg. 16504, effective October 17, 2005; amended at 31 Ill. Reg. 433, effective December 29, 2006; emergency amendment at 35 Ill. Reg. 12113, effective July 15, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 15634, effective September 15, 2011, for the remainder of the 150 days; emergency expired February 11, 2012; emergency amendment at 38 Ill. Reg. 6468, effective February 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16973, effective July 25, 2014; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 684.10 Service Plan**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) All services to be provided to a Customer through HSP must be necessary to meet an unmet care need of the individual or to provide relief to the caregiver for Customers eligible for respite care services and listed on an HSP Service Plan that is developed for the Customer and agreed to and signed by the Customer and counselor.
- b) Services provided through HSP to a Customer must be:
- 1) safe and adequate;
  - 2) cost effective; ~~and~~
  - 3) the most economical in terms of the Customer's needs, unless a service is not available at the most economical level. In these instances, the next higher service level may be used as long as services remain within the Service Cost Maximum (SCM) established for the Customer. Documentation of an ongoing effort to locate services at the appropriate level must be in the Customer's case file; ~~and-~~
  - 4) in compliance with all program requirements and regulations.

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

**Section 684.20 Procuring an Appropriate Service Provider**

- a) The counselor ~~is responsible for identifying~~ has the responsibility to identify the appropriate level of service provider based on the Customer's level of service need, his or her ability to manage service delivery and the Customer's approval of the initial Service Plan ~~service plan~~.
- b) When a Customer seeks to hire an Individual Provider, the following requirements must be met: ~~A customer has complete discretion in which Personal Assistant he/she wishes to hire, as long as the PA meets the conditions of Section 684.30. A customer is responsible for all stages of the interview and selection process, including the decision of which candidates to interview, the scope of the interview, whether to request a conviction background check, and the timing of the selection decisions. If requested by the customer, the counselor shall assist in identifying available resources for referral of Personal Assistant candidates for the customer to interview.~~

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- 1) The Customer must have the ability to manage the Individual Provider in all aspects of the employment relationship.
    - A) If the Customer is determined to be able to manage an Individual Provider, he or she is responsible for identifying, interviewing, hiring, managing, disciplining and ending the employment relationship with the Individual Provider.
    - B) The Customer must meet all program requirements, including those outlined in 89 Ill. Adm. Code 686, Subpart P (Individual Provider Overtime and Travel Time).
  - 2) The Individual Provider must meet program requirements outlined in Section 684.30 and 89 Ill. Adm. Code 686.
  - 3) The Individual Provider must meet the requirements of the Illinois Medicaid Program Advanced Cloud Technology (IMPACT) system administered by the Illinois Department of Healthcare and Family Services (HFS).
- c) HSP retains the right to:
- 1) amend the Customer's Service Plan if it is determined the Customer is unable to manage an Individual Provider or the Customer is not compliant with program requirements; or
  - 2) no longer fund an Individual Provider if it is determined:
    - A) the Customer is unable to manage an Individual Provider;
    - B) the Individual Provider is not compliant with program requirements; or
    - C) a substantiated or verified case of abuse, neglect, fraud or other illegal acts against the Customer or Department of Human Services has been made by the Department on Aging under 89 Ill. Adm. Code 270; by the Home Services Program under 89 Ill. Adm. Code 527 and 684.100(g); or a law enforcement agency.

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

**Section 684.30 Family Members as Service Providers**

The following individuals shall not be paid through HSP to be a Customer's~~customer's~~ service provider.

- a) The Customer's~~customer's~~ legally responsible family members (89 Ill. Adm. Code 676.30), including the Customer's spouse, a parent of a child who is under age 18 or a legal guardian of an individual who is under age 18;
- b) The Customer's~~customer's~~ minor child (under age 18);
- c) The Customer's~~customer's~~ foster parents if the Customer~~customer~~ is under age 18; or
- d) The Customer's~~customer's~~ stepparents, if the Customer~~customer~~ is a minor child (under age 18).

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

**Section 684.40 Distribution of the Service Plan**

A copy of the approved HSP Service Plan for the Customer~~customer~~ must be given to the Customer~~customer~~ and each service provider, and a copy must be retained for the Customer's case file.

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

**Section 684.50 Service Plan Content**

The HSP Service Plan shall include: ~~the type of service(s) to be provided to the customer, the specific tasks involved, the frequency with which the specific tasks are to be provided, the number of hours each task is to be provided per month, the rate of payment for the service(s), and, if the customer is receiving PA services, the customer's plan for backup if the usual PA is not available to provide the services and the next planned date for redetermination.~~

- a) the type of services to be provided to the Customer;

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- b) the specific tasks involved;
- c) the frequency with which the specific tasks are to be provided;
- d) the number of hours each task is to be provided per month;
- e) the rate of payment for the services;
- f) for a Customer receiving Individual Provider services, the number of Individual Providers that are necessary to cover the weekly hours on the Service Plan as required by 89 Ill. Adm. Code 686.1520 and sufficient backup Individual Providers to cover those events when a regularly-scheduled Individual Provider is unavailable or unable to provide services as required under 89 Ill. Adm. Code 686.1520; and
- g) the next planned date for redetermination of eligibility.

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

**Section 684.100 Denial or Termination of HSP Services**

HSP services shall be denied or terminated and case closure initiated at any time the Customer~~customer~~:

- a) moves from the State of Illinois or cannot be located or contacted;
- b) is determined to have a projected service cost above that of the projected cost of institutionalization, with the exceptions found at 89 Ill. Adm. Code ~~682.500(a)~~, 682.520, ~~and 684.70(c)~~;
- c) refuses services or further services;
- d) dies;
- e) is institutionalized and not expected to be released for a period to exceed 60 calendar days;
- f) has been referred to another agency for the same or similar services and no longer

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requires or is eligible for HSP services;

- g) fails to conduct ~~himself or herself~~himself/herself in an appropriate manner (e.g., commits physical, sexual or repeated verbal abuse ~~by a customer~~ against a DHS employee, provider or agent providing services through HSP; knowingly provides false information; or performs illegal activity that would ~~have a direct~~directly and negative effect on the Home Services Program~~adversely affect the HSP~~);
- h) is not, or is no longer, at risk of institutionalization due to improvement of his or her~~his/her~~ condition;
- i) fails to meet other eligibility criteria ~~as~~ found at 89 Ill. Adm. Code 682 as a result of an initial determination of eligibility or redetermination of eligibility;
- j) fails to cooperate (e.g., refuses to complete and sign necessary forms, fails to keep appointments, fails to maintain adequate providers); ~~or~~
- k) cannot have a safe and adequate Service Plan~~service plan~~ developed for him or her~~him/her~~ as a result of the original determination of eligibility or redetermination of eligibility; ~~or~~;
- l) fails to comply with program requirements.

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

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- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
686.1500	New Section
686.1510	New Section
686.1520	New Section
686.1530	New Section
686.1540	New Section
686.1550	New Section
686.1560	New Section
686.1570	New Section
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking affects the Home Services Program (HSP) and is being proposed due to a change in overtime requirements in 29 C.F.R. 552. The proposed amendments add a new Subpart titled Individual Provider Overtime and Travel Time. The new Subpart requires that an Individual Provider working for a Customer under HSP shall not work more than 40 hours in a work week unless the Customer qualifies for an approved exception under this Subpart. In addition, an Individual Provider working for more than one Customer may be paid for their time spent traveling between two different Customer addresses on the same work day. Companion amendments are also being proposed to 89 Ill. Adm. 676, 89 Ill. Adm. Code 677 and 89 Ill. Adm. Code 684.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 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: Individual Providers for the HSP
  - B) Reporting, bookkeeping or other procedures required for compliance: The additional forms required by this rulemaking include Home Services Program Overtime Qualification form (IL488-1051), Home Services Program Overtime Justification form (IL488-1052), Home Services Program Travel Agreement form (IL488-2260) and Home Services Program Travel Time Sheet form (IL488-2261).
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686  
PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section	
686.10	Personal Assistant (PA) Requirements
686.20	Services That May Be Provided by a PA
686.25	Criminal Background Check
686.30	Annual Review of PA Performance
686.40	Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section	
686.100	Adult Day Care (ADC) Provider Requirements
686.110	Services That Must Be Provided by ADC Providers
686.120	Compliance Review of ADC Providers
686.130	Appeal of Compliance Review for ADC Providers
686.140	Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section	
686.200	Homemaker Service Provider Requirements
686.210	Services That Must Be Provided by Homemaker Service Providers
686.220	Compliance Review of Homemaker Service Providers
686.230	Appeal Rights of Homemaker Service Providers
686.235	Enhanced Rate for Health Insurance Costs
686.240	Payment Information for Homemaker Service Providers
686.250	Financial Reporting of Homemaker Service Providers
686.260	Unallowable Expenses for Homemaker Service Providers
686.270	Minimum Homemaker Costs for Homemaker Service Providers
686.280	Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

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Section	
686.300	Electronic Home Response Services (EHRS) Provider Requirements
686.310	Services Which Must Be Provided by EHRS Providers
686.320	Minimum Specifications for EHRS Equipment
686.330	Compliance Review of EHRS Providers
686.340	Appeal of Compliance Review for EHRS Providers
686.350	Rate of Payment for EHRS Services

## SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section	
686.400	Maintenance Home Health Provider Requirements
686.410	Rate of Payment for Maintenance Home Health Services

## SUBPART F: HOME DELIVERED MEALS

Section	
686.500	Home Delivered Meals Provider Requirements
686.510	Rate of Payment for Home Delivered Meals

## SUBPART G: ENVIRONMENTAL MODIFICATION

Section	Description
686.600	Criteria for the Provision of Environmental Modifications
686.605	Environmental Modification Provider Requirements
686.608	Environmental Modification Provider Requirements
686.610	Cost of Environmental Modification (Repealed)
686.615	Environmental Modification Bidding Procedures and Requirements
686.620	Permanency of Environmental Modification
686.630	Reason for Denial of Environmental Modification
686.640	Verification of Environmental Modification

## SUBPART H: ASSISTIVE EQUIPMENT

Section	Description
686.700	Criteria for the Purchase, Rental, or Repair of Assistive Equipment
686.705	Criteria for the Purchase, Rental, or Repair of Assistive Equipment
686.708	Purchase, Rental, or Repair of Assistive Equipment

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- 686.710 Provision of Assistive Equipment (Repealed)
- 686.715 Assistive Equipment Provider Requirements
- 686.720 Verification of Receipt of Assistive Equipment (Repealed)
- 686.722 Assistive Equipment Bidding Procedures and Requirements
- 686.730 Verification of Receipt of, and Customer Satisfaction with, Assistive Equipment

SUBPART I: RESPITE CARE

- Section
- 686.800 Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

- Section
- 686.900 Program Overview
- 686.910 Case Management Provider Responsibilities
- 686.920 Provider Staffing Requirements, Qualifications, and Training
- 686.930 Monitoring and Liability of Provider
- 686.940 Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES  
TO PERSONS WITH BRAIN INJURIES

- Section
- 686.1000 Program Overview
- 686.1010 Case Management Provider Responsibilities
- 686.1020 Case Manager Staffing Requirements, Qualifications and Training
- 686.1025 Provisional Case Manager
- 686.1030 Monitoring and Liability
- 686.1040 Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES  
FOR PERSONS WITH BRAIN INJURIES

- Section
- 686.1100 Behavioral Services Provider Requirements
- 686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES

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## FOR PERSONS WITH BRAIN INJURIES

## Section

686.1200 Day Habilitation Services Provider Requirements  
686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES  
FOR PERSONS WITH BRAIN INJURIES

## Section

686.1300 Prevocational Services Provider Requirements  
686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES  
FOR PERSONS WITH BRAIN INJURIES

## Section

686.1400 Supported Employment Service Provider Requirements  
686.1410 Rate of Pay for Supported Employment Services

SUBPART P: INDIVIDUAL PROVIDER OVERTIME AND TRAVEL TIMESection

686.1500 Definitions  
686.1510 General Overview  
686.1520 Hiring Individual Providers and Backup Individual Providers  
686.1530 Overtime Exceptions  
686.1540 Customer and Individual Provider Responsibilities  
686.1550 Individual Providers Working for Multiple Customers  
686.1560 Travel Time  
686.1570 Unjustified Overtime and Sanctions

686.APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to

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the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. 6282, effective May 15, 2001; amended at 26 Ill. Reg. 3994, effective February 28, 2002; amended at 28 Ill. Reg. 6453, effective April 8, 2004; amended at 29 Ill. Reg. 16508, effective October 17, 2005; amended at 31 Ill. Reg. 14238, effective September 27, 2007; emergency amendment at 33 Ill. Reg. 7017, effective May 5, 2009, for a maximum of 150 days; emergency expired October 1, 2009; emergency amendment at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 11519, effective May 15, 2014; amended at 38 Ill. Reg. 16978, effective July 25, 2014; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART P: INDIVIDUAL PROVIDER OVERTIME AND TRAVEL TIMESection 686.1500 Definitions

Definitions for this Part can be found at 89 Ill. Adm. Code 676.30.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 686.1510 General Overview

- a) An Individual Provider working for a Customer under HSP shall not work more than 40 hours in a work week, unless the Customer is approved under Category A or Category B as described in Section 686.1530.
- b) An Individual Provider working for multiple Customers shall not work more than 40 hours in a work week, unless a Customer is approved under Category A or Category B as described in Section 686.1530. The Individual Provider shall apply the following calculations:
  - 1) Add the hours worked for each Customer together; the combined total shall not exceed 40 hours for the work week.
  - 2) Add the time spent traveling to the combined total of work time in subsection (b)(1) if the Individual Provider is approved to receive reimbursement for travel time under Section 686.1560. The combined

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total of work time and travel time shall not exceed 40 hours for the work week.

(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1520 Hiring Individual Providers and Backup Individual Providers**

- a) Customers must hire sufficient Individual Providers to cover the weekly hours on their Service Plans. Customers with Service Plans over 35 hours per work week shall utilize the chart below to calculate the number of Individual Providers needed to support the Customer's weekly Service Plan.

<u>Weekly Hours on Service Plan</u>	<u>Number of Individual Providers</u>
<u>1-35</u>	<u>1</u>
<u>36-70</u>	<u>2</u>
<u>71-105</u>	<u>3</u>
<u>106-140</u>	<u>4</u>
<u>141-175</u>	<u>5</u>

- b) The Customer is required to hire a backup Individual Provider or Providers to cover those times when a regularly-scheduled Individual Provider is unable to work or provide services.
- c) Before services can be provided to a Customer, all Individual Providers, including backup Individual Providers, must:
  - 1) meet program requirements for HSP;
  - 2) complete all required that are available through the HSP local offices;
  - 3) be enrolled in the program's electronic timekeeping system; and
  - 4) be enrolled in the Department of Healthcare and Family Services' IMPACT (Illinois Medicaid Program Advanced Cloud Technology) system.

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(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1530 Overtime Exceptions**

An Individual Provider working under HSP shall not work more than 40 hours in a work week, unless the Customer is approved under Category A or Category B as described in this Section.

- a) Category A: Customers in Category A have the highest care needs due to the nature of their disability and/or their medical needs.
- 1) Customers are approved for Category A when they meet the following requirements:
- A) the Customer completes a Home Services Program Overtime Qualification form (IL488-1051) and submits it to the HSP local office where he or she is served. The Qualification form is available through the HSP local offices or on the Department's website at <http://www.dhs.state.il.us/>;
- B) the Customer's Service Plan has Being Alone hours documented on it; and
- C) the Customer has one of the following:
- i) an Exceptional Care Rate;
- ii) a Determination of Need score of 70 or higher; or
- iii) a court-ordered Service Plan that exceeds HSP service costs.
- 2) The Customer will be notified in writing if he or she is approved under Category A. The Customer has the right to appeal the determination under 89 Ill. Adm. Code 510.
- 3) A Customer approved under Category A must complete a Home Services Program Overtime Justification form (IL488-1052) for each work week that overtime is used (see Section 686.1540).

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- 4) A Customer approved under Category A is required to hire a sufficient number of providers and backup providers to provide the hours in his or her Service Plan (see Section 686.1520).
- b) Category B: Customers in Category B are individuals who are not approved under Category A, but who may have an extraordinary circumstance that requires the use of overtime because of a health and safety issue. Individuals under this category must follow the requirements of Sections 686.1540 and 686.1550.

(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1540 Customer and Individual Provider Responsibilities**

- a) The Customer and the Individual Provider are responsible for monitoring work hours to ensure the Individual Provider does not work more than 40 hours in a work week unless approved under Category A or B in Section 686.1530. Individual Providers who do not comply risk becoming no longer funded by the program and no longer permitted to serve Customers. Continued noncompliance by a Customer or Individual Provider may result in a change in the Customer's service to a different Individual Provider or to an agency provider.
- b) When a Customer has an overtime situation occur, he or she must complete a Home Services Program Overtime Justification form (IL488-1052) for each work week that overtime occurs. This requirement applies to all Customers, including Customers in Category A and Category B. The Home Services Program Overtime Justification form is available through the HSP local offices or on the Department's website at <http://www.dhs.state.il.us/>.
- 1) All Justification forms must be completed in their entirety and signed by the Individual Provider.
- 2) The Individual Provider must submit the completed Justification form with the HSP Time Sheet (IL488-2251) to the HSP local office where the Customer is served. Incomplete, illegible or unsigned Justification forms will be considered an unjustified use of overtime.
- 3) The HSP time sheet and the Justification form must be submitted by the due date for the pay period when overtime occurred. Justification forms

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that are not submitted by the pay period due date or submitted during an incorrect pay period will be considered an unjustified use of overtime.

- c) The Individual Provider and the Customer will be notified in writing of any final determination of overtime found to be unjustified.
- 1) If time worked in excess of 40 hours is found to be an unjustified use of overtime, Section 686.1570 will apply.
- 2) Overtime usage will be monitored for abuse or fraud. Allegations of fraud will be referred to law enforcement authorities for review and/or prosecution.

(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1550 Individual Providers Working for Multiple Customers**

- a) When an Individual Provider serves multiple Customers, the Individual Provider is responsible for monitoring the number of hours that he or she works in a work week. As indicated in Section 686.1510(b), Individual Providers working for multiple Customers shall not work more than 40 hours in a work week unless a Customer is approved under Category A or Category B as described in Section 686.1530.
- b) An Individual Provider working for multiple Customers must add together the hours worked for each Customer with the time he or she claims for traveling between Customers on the same work day. The combined total of work time and travel time shall not exceed 40 hours for the work week unless a Customer is approved under Category A or Category B as described in Section 686.1530.

(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1560 Travel Time**

- a) An Individual Provider working for more than one Customer may be paid for travel time. Travel time is the time spent traveling between two different Customer addresses on the same work day that meets the requirements defined in 89 Ill. Adm. Code 676.30.

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- b) An Individual Provider will not be paid travel time for any trip to or from his or her home. If an Individual Provider lives with a Customer, he or she cannot be paid for travel time to another Customer's home if the trip begins or ends at the Individual Provider's home.
- c) The combined total of travel time and work time cannot exceed 40 hours per work week unless a Customer is approved under Category A or Category B as described in Section 686.1530.
- d) If an Individual Provider works for more than one Customer and chooses to claim travel time, he or she must complete the Home Services Program Travel Agreement form and the Home Services Program Travel Time Sheet form as applicable; the forms are available through the HSP local offices or on the Department's website at <http://www.dhs.state.il.us/>.
- 1) The Individual Provider must submit the Home Services Program Travel Agreement form (IL488-2260) to the HSP local office where the first Customer on the form is served. The Individual Provider will be notified of the final determination in writing.
- 2) An Individual Provider with an approved Travel Agreement must complete a Home Services Program Travel Time Sheet form (IL488-2261) for each work week that travel between Customers occurs on the same work day.
- A) The completed Travel Time Sheet form must be attached to the HSP Time Sheet and both forms must be submitted to the HSP local office where the first Customer is served as stated in subsection (d)(1).
- B) Incomplete forms will not be considered for reimbursement under this Section.
- C) Approved travel time will be processed and paid on the next available pay date.
- e) The Individual Provider is responsible for monitoring work time and travel time to ensure he or she does not work unjustified overtime.

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(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

**Section 686.1570 Unjustified Overtime and Sanctions**

- a) The Customer is required to manage his or her Individual Provider and both the Customer and the Individual Provider are required to comply with all HSP program requirements. This shall include monitoring of the Individual Provider's work time by both the Customer and the Individual Provider to ensure unjustified overtime does not occur.
- b) Appropriate action will be taken when unjustified overtime occurs or when a Customer and/or Individual Provider does not comply with program requirements. Unjustified overtime will result in a documented occurrence of noncompliance (i.e., more than 40 hours worked in a work week not approved under Category A or B in Section 686.1530).
- 1) An Individual Provider will be given a written warning for the first two occurrences of unjustified overtime or noncompliance.
- 2) When a third occurrence of unjustified overtime or noncompliance occurs, the Individual Provider will be notified that he or she can no longer work under HSP and funding for his or her services will end.
- 3) The Customer will be notified of each Individual Provider's occurrence of unjustified overtime or noncompliance and, on the third occurrence, his or her Individual Provider will no longer be funded and the Customer's Service Plan will be reviewed.
- A) The Customer will have the opportunity to replace the Individual Provider with a different Individual Provider or he or she may change to an agency provider.
- B) If a Customer has multiple Individual Providers who become no longer funded under this Subpart, his or her Service Plan may be amended to an agency provider.
- C) A Customer who has continued noncompliance with other program requirements in addition to the overtime noncompliance may have his or her Service Plan amended to an agency provider.

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- 4) A Service Notice with the effective date of the change will be issued. The Customer has the right to appeal the action under 89 Ill. Adm. Code 510.

(Source: Added at 40 Ill. Reg.\_\_\_\_\_, effective\_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Regional Poison Control Center Code
- 2) Code Citation: 77 Ill. Adm. Code 215
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
215.150	New Section
215.200	Amendment
215.300	Amendment
215.400	Amendment
215.800	Amendment
215.Appendix A	Repealed
- 4) Statutory Authority: Poison Control System Act [410 ILCS 47]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update the Regional Poison Control Center Code with respect to the number of poison centers that can be designated by the Director, remove the requirements of a poison control center to coordinate with EMS Systems to assure that all ALS vehicles are equipped with poison antidotes and have 2-way communication with EMS vehicles, and change the membership of the advisory committee.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 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 rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:  
  
Elizabeth Paton  
Assistant General Counsel  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th floor  
Springfield IL 62761  
  
271/782-2043  
dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 215  
REGIONAL POISON CONTROL CENTER CODE

## Section

215.100	Definitions
<a href="#">215.150</a>	<a href="#">Incorporated and Referenced Material</a>
215.200	Rights and Obligations of Regional Poison Control Centers
215.300	Application for Designation as a Regional Poison Control Center
215.400	Operation of a Regional Poison Control Center
215.500	Staffing
215.600	Quarterly Data Submission
215.700	Misrepresentation
215.800	Advisory Committee

215.APPENDIX A American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center ([Repealed](#))

AUTHORITY: Implementing and authorized by the Poison Control System Act [410 ILCS 47].

SOURCE: Adopted at 23 Ill. Reg. 4446, effective April 15, 1999; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**[Section 215.150 Incorporated and Referenced Material](#)**

a) [The following materials are incorporated in this Part:](#)

[Accreditation of Poison Control Centers 2014 standards, which may be obtained from the American Association of Poison Control Centers \(AAPCC\), 515 King Street, Suite 510, Alexandria VA 22314. AAPCC can be contacted at 703-894-1859 or emailed at info@aapcc.org.](#)

b) [State of Illinois statutes referenced in this Part:](#)

1) [Emergency Medical Services Systems Act \[210 ILCS 50\]](#)

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- 2) [Hospital Licensing Act \[210 ILCS 85\]](#)
  - 3) [Pharmacy Practice Act \[225 ILCS 85\]](#)
  - 4) [Medical Practice Act of 1987 \[225 ILCS 60\]](#)
  - 5) [Nurse Practice Act \[225 ILCS 65\]](#)
  - 6) [State Employee Indemnification Act \[5 ILCS 350\]](#)
- c) [All incorporations by reference of standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.](#)

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 215.200 Rights and Obligations of Regional Poison Control Centers**

- a) *The Director or his [or her](#) designee shall designate at least ~~one~~ and no more than three Regional Poison Control Centers. (Section 15 of the Act)*
- b) Human poison control centers wishing to be designated as a Regional Poison Control Center shall submit an application in accordance with Section 215.300.
- c) If there are more than three applicants for designation as a Regional Poison Control Center or there is more than one applicant for the same geographic service area, the Director shall consider the following criteria in selecting an applicant for designation:
  - 1) Whether the applicant has previously served as a Department-approved Regional Poison Control Center ~~prior to January 1, 1993~~;
  - 2) Whether the applicant is affiliated with a medical school, school of nursing, [school of pharmacy](#) or other health care professional teaching program; ~~and~~
  - 3) How quickly the applicant can establish [24 hours](#) operations in [full compliance with the American Association of Poison Control Centers' Accreditation of Poison Control Centers standards](#) ~~Criteria for Certification~~

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~~as a Regional Poison Center (Appendix A of this Part) and the requirements of this Part; and-~~

- 4) The applicant's prior experience in providing poison control consultation services.
- d) Applicants shall be notified, in writing, if they have or have not been designated as a Regional Poison Control Center.
- e) Regional Poison Control Centers shall comply with the American Association of Poison Control Centers' Accreditation of Poison Control Centers standards~~Criteria for Certification as a Regional Poison Center (Appendix A of this Part)~~ *within two years after designation unless the Center has been granted an extension by the Department.* (Section 15 of the Act) The extension shall be provided in writing.
  - 1) The Department's decision to grant an extension shall be based on, but not limited to, the following circumstances:
    - A) The applicant has experienced hardship~~difficulty~~ in hiring staff, for reasons other than level of compensation; or
    - B) The applicant is waiting until designation to appoint a Medical or Managing Director, ~~and needs six months to fill the position;~~
  - 2) An application for an extension shall contain the following information:
    - A) A description of how the applicant has attempted to comply with this Section;
    - B) The reasons for noncompliance;
    - C) A detailed plan for achieving compliance. The detailed plan shall include specific timetables;
    - D) The period of time for which the extension is being sought; and
    - E) An explanation of how the extension will not reduce the quality of poison control services provided by the applicant.~~The applicant is waiting to establish a toll free telephone number and conduct~~

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~~community outreach activities to promote public awareness of the toll-free telephone number.~~

- f) *A Regional Poison Control Center shall maintain its designation unless it voluntarily closes, giving the Department at least a 90-day prior written notice of the intent to close, or the Department revokes or suspends the designation, in writing, for the Center's failure to comply with the Act and this Part. (Section 15 of the Act) Proceedings to revoke or suspend a Center's designation shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).*
- g) *Poison Control Centers shall cooperate to reduce the cost of operations, collect information on poisoning exposures, and provide education to the public and health professionals. (Section 15 of the Act)*
- h) *Regional Poison Control Centers shall be considered State agencies for purposes of the State Employee Indemnification Act [5 ILCS 350]. (Section 15 of the Act)*
- i) Poison Control Centers shall create and then maintain all business, patient contact and financial records for no less than four years. All records shall be available to the Department for inspection or copying during normal business hours upon request. Information specific to any particular patient or caller shall be considered strictly confidential and shall not be subject to FOIA or otherwise released to the public.

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

**Section 215.300 Application for Designation as a Regional Poison Control Center**

- a) The applicant may be a hospital licensed by the Department, or a non-hospital-based entity that has an agreement with a hospital licensed by the Department to provide clinical expertise.
- b) All applicants shall submit a written program plan to the Department that includes a description of the geographic area to be served by the proposed Regional Poison Control Center and the following information about the licensed hospital:
- 1) Hospital name and address;

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- 2) Number of adult intensive care beds;
  - 3) Number of pediatric intensive care beds;
  - 4) Number of medical/surgical beds;
  - 5) Laboratory capabilities;
  - 6) Psychiatric service capabilities;
  - 7) Renal dialysis capabilities;
  - 8) Affiliation with a medical school, school of nursing, [school of pharmacy](#) or other health care professional teaching program (see Section 215.200(c)(2) of this Part); and
  - 9) Location of the applicant in relation to the proposed geographic service area.
- c) All applicants shall submit a written application to the Department documenting detailed information on the methods and time frames for complying with Section 215.500 of this Part if designation is granted, including the following information:
- 1) Name and qualifications of the proposed Poison Center's Medical Director;
  - 2) Availability of a comprehensive poison information resource file, in accordance with Section 215.400(b);
  - 3) Adequately trained and supervised poison information specialists, in accordance with Section 215.500(b); [and](#)
  - 4) Toll-free telephone number that does not impose a direct fee to members of the public and health care providers calling for poison information; ~~and~~
  - 5) ~~Coordination with each EMS System to assure that all ALS vehicles are equipped with some poison antidotes.~~

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

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**Section 215.400 Operation of a Regional Poison Control Center**

- a) The Center shall be in operation and have toll-free telephone availability on a 24-hour-a-day, 365-days-a-year basis to both the general public and health care providers.
- b) The Center staff shall have immediate access during all hours of operation to comprehensive poison information, which shall include:
  - 1) Current toxicology information resources available at the telephone answering site;
  - 2) A comprehensive set of ~~referencetexts~~ covering both general and specific aspects of acute poison management, available at the telephone answering site;
  - 3) Primary information resources (reprint files, systems, etc.) and access to a major medical library and/or information system; and
  - 4) Poison specialty consultants available on an on-call basis.
- c) The Center shall have written management protocols for responding to calls that provide a consistent ~~pre-hospital~~ approach to evaluation and treatment of toxic exposures and that are approved by the Center's Managing Director and Medical Director. These protocols shall be followed ~~and, shall~~ be available at the telephone answering site, ~~and shall include direction on follow-up, including written and oral poison prevention information.~~
- d) The Center shall have a health education component that includes, at a minimum:
  - 1) Instruction in prevention, care, and management of poisonings for health care professionals, ~~which may include EMS personnel, nurses, pharmacists, physicians and other providers; including coordination with the EMS Medical Directors of each EMS System to assure that all EMTs are trained in initial poison management;~~
  - 2) Outreach education for the general public concerning poison prevention and first response; and

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- 3) Cooperation with medical toxicology fellowship programs.
- e) ~~The Center shall have two-way communication capabilities with ambulances and other BLS or ALS vehicles in the service area (e.g., cellular telephone capability).~~
- ef) The Center shall have a data management system that is kept current and:
  - 1) Maintains patient confidentiality;
  - 2) Provides a sufficient narrative to allow for peer review and medical and legal audit; and
  - 3) Collects data elements to allow for prompt filing of quarterly reports in accordance with Section 215.600.
- fg) The Center shall provide services to all patients regardless of ability to pay or source of payment.

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

**Section 215.800 Advisory Committee**

- a) The Director of Public Health shall appoint an advisory committee ~~that, which~~ shall advise the Department concerning the regulation of Regional Poison Control Centers under the Poison Control System Act.
- b) The composition of the advisory committee shall be as follows:
  - 1) Two board-certified toxicologists;
  - 2) Three emergency department physicians, one of whom is an EMS Medical Director and one of whom is a pediatric emergency physician;
  - 3) An EMS Coordinator;
  - 4) A pharmacist;
  - 5) A consumer;

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- 6) A representative of the Illinois Department of Healthcare and Family Services~~Public Aid~~;
  - 7) The chief of the Department's~~Department's~~ Division of Emergency Medical Services and Highway Safety;
  - 8) A representative from a health care professional society~~hospital administrator~~; ~~and~~
  - 9) The Managing Director of a Regional Poison Control Center; ~~and~~
  - 10) The Medical Director of a Regional Poison Control Center.
- c) The Department shall provide travel expenses to the advisory committee members pursuant to State travel rules (80 Ill. Adm. Code 2800 and 3000).

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

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**Section 215.APPENDIX A American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center (Repealed)****Introduction**

~~The purpose of this document is to establish criteria by which poison centers can be recognized as possessing the qualities needed to adequately serve a significant population. Poison centers function primarily to provide poison information, telephone management and consultation, collect pertinent data, and deliver professional and public education. Poison treatment facilities function primarily to provide medical control for pre-hospital emergency medical services and to deliver health care to poisoned patients. Cooperation between Regional Poison Centers and poison treatment facilities is a key feature of any poison center program and is essential for achieving the ultimate goal of optimal health care for the poisoned patient.~~

**I. ~~Determination of Region~~**

- ~~**A. Geographical characteristics.** A Regional Poison Center may serve a single state, a multi-state area, or only a portion of a state. The region should be determined by state authorities in conjunction with local health agencies and health care providers. In instances where multiple states are involved, designation from each state will be necessary. Documentation of state designations must be in writing and must clearly delineate the region to be served, the services to be provided, and the exclusivity of the designation. In instances where a state declines in writing to designate any poison center, designation by other political or health jurisdictions (e.g., county, health district) may be an acceptable alternative. In instances where more than one center is designated to serve the same area, evidence of cooperative arrangements must be provided.~~
- ~~**B. Population base.** In the absence of compelling reasons to the contrary, a Regional Poison Center program should serve a population base of no fewer than one million people. It is unlikely that a single Regional Poison Center could adequately serve more than 10 million people. The center must provide evidence that it adequately serves its entire region. In addition, the center must receive at least 10,000 human exposure calls per year.~~

**II. ~~Regional Poison Information Service~~**

- ~~**A. The Regional Poison Center shall provide information 24 hours/day, 365**~~

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~~days/year to both health professionals and the public.~~ This criterion will be considered to be met if the center has at least one specialist in poison information in the center at all times, sufficient additional staff to promptly handle the center's incoming calls and the availability of the Medical Director or qualified designee, on-call by telephone, at all times.

- B.** ~~The Regional Poison Center shall be readily accessible by telephone from all areas within the region.~~ This criterion will be considered to be met if the center has a direct incoming telephone system that is extensively publicized throughout the region to both health professionals and the public. The center must maintain sufficient telephone lines to assure ready access. In the absence of a toll-free system, the center must demonstrate that the lack of a toll-free service is not an impediment to public use of the center.
- C.** ~~The Regional Poison Center shall maintain comprehensive poison information resources.~~ This criterion will be considered to be met if the center maintains:
1. ~~One or more comprehensive toxicology information resources, immediately available at the central telephone answering site.~~
  2. ~~Current comprehensive texts covering both general and specific aspects of acute and chronic poisoning management immediately available at the central telephone answering site.~~
  3. ~~Primary information resources and ready availability of a major medical library.~~
  4. ~~A list of poison center specialty consultants who are available on an on-call basis (see H.E.5. below).~~
- D.** ~~The Regional Poison Center shall maintain written operational guidelines that provide a consistent approach to evaluation and management of toxic exposures.~~ This criterion will be considered to be met if the center provides written operational guidelines that include but are not limited to the follow-up of all potentially toxic exposures and appropriate criteria for patient disposition. These guidelines must be available in the center at all times and must be approved in writing by the Medical Director of the program.

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**E. ~~Staff qualifications for the Regional Poison Center.~~**

1. ~~**Medical Director.** The Medical Director shall be board certified or board eligible in medical toxicology. The Medical Director must have a medical staff appointment at a comprehensive poison treatment facility and must be involved in the management of poisoned patients. The Medical Director should devote at least 50% of his/her professional activities to toxicology. In addition to clinical, academic teaching and research activities, the Medical Director must formally commit at least 10 hours per week to poison center operational activities involving staff training, development of medical guidelines and quality assurance activities.~~
2. ~~**Managing Director.** The Managing Director of a regional poison center must be a registered nurse, pharmacist, physician or hold a degree in a health science discipline. This individual may also be the Medical Director. This individual should be certified or eligible for certification by the American Board of Medical Toxicology for physicians or by the American Board of Applied Toxicology for non-physicians. In the absence of certification, the Managing Director must be able to demonstrate on-going interest and expertise in toxicology as evidenced by publications, research and meeting attendance. The Managing Director must be able to clearly demonstrate full-time commitment to poison center related activities, including the areas of clinical toxicology, education, research and administration.~~
3. ~~**Specialists in poison information.** Specialists in poison information must be registered nurses, pharmacists or physicians, or be currently certified by the Association as a specialist in poison information. Specialists in poison information must be qualified to understand and interpret standard poison information resources and to transmit that information in a logical, concise, and understandable way to both health professionals and the public. All specialists in poison information must complete a training program approved by the Medical Director and must be certified by the Association as a specialist in poison information within two examination administrations of their initial eligibility for the certification process. Specialists in poison information must spend an annual average of 16 hours per week in poison center related activities, including providing telephone consultation, teaching, or public education, or in poison center operations. All specialists in poison information,~~

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~~whether full-time or part-time, must be 100% dedicated to poison center activities during periods when they are assigned to the center.~~

4. ~~**Poison center specialty consultants.** Poison center specialty consultants should be qualified by training or experience to provide sophisticated toxicology or patient care information in their area(s) of expertise. These consultants should be available on-call, with an expressed commitment to provide consultation services on an on-call, as needed basis. The list of consultants should reflect the type of poisonings encountered in the region.~~
  5. ~~**Administrative staff.** Poison center administrative personnel should be qualified by training and/or experience to supervise finances, operations, personnel, data analysis, and other administrative functions of the poison center.~~
  6. ~~**Education staff.**
    - a. ~~**Professional education.** Professional education personnel should be qualified by training or experience to provide quality professional education lectures or materials to health professionals. This role will be supervised by the Medical Director.~~
    - b. ~~**Public education.** Public education personnel should be qualified by training or experience to provide public-oriented poison center awareness, poison prevention and first aid for poisoning presentations. They must be capable of providing verbal presentations to public audiences, and have sufficient understanding of the material to accurately answer public questions. They may be full-time, part-time or volunteer staff.~~~~
- ~~**F. The Regional Poison Center shall have an ongoing quality assurance program.** This criterion will be considered to be met if the center has regularly scheduled staff inservices, morbidity and mortality conferences, case reviews and audits (such as chart, process or outcome audits).~~

~~**III. Regional Treatment Capabilities**~~

- ~~**A. The Regional Poison Center shall identify the treatment capabilities of the**~~

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~~treatment facilities of the region.~~ As a minimum, Regional Poison Centers shall identify analytical toxicology, emergency and critical care, and extracorporeal capabilities within the region for adults and children.

- ~~B. The Regional Poison Center should have a working relationship with all poison treatment facilities in its region.~~
- ~~C. The Regional Poison Center should understand the analytical toxicology services in its region and how to interface with them.~~
- ~~D. The Regional Poison Center should understand how the region's prehospital transportation system is structured and how to interface with it.~~

**IV. Regional Data Collection System**

- ~~A. The Regional Poison Center shall keep records of all cases handled by the center in a form that is acceptable as a medical record.~~ This criterion will be considered to be met if the center completes a record that contains data elements and sufficient narrative to allow for peer review and medical and/or legal audit, and such records are kept on file in compliance with standards for hospital recordkeeping in the region.
- ~~B. The Regional Poison Center shall submit all its human exposure data to the Association's National Data Collection System meeting specified submission deadlines and quality requirements and including all required data elements.~~
- ~~C. The Regional Poison Center shall tabulate its experience for regional program evaluation on at least an annual basis.~~ This criterion will be considered to be met if the center completes an annual report summarizing its own experience.

**V. Professional and Public Education Programs**

- ~~A. The Regional Poison Center shall provide information on the management of poisoning to the health professionals throughout the region who care for poisoned patients.~~ This criterion will be considered to be met if the center continually offers information about poison center services/availability and updates on new and important advances in poisoning management to the health professionals throughout the region.

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**B.** ~~The Regional Poison Center shall provide a public education program aimed at educating both children and adults about poisoning dangers and other necessary concepts related to poison control. This criterion will be considered to be met if the center continually offers through lectures, public media (newspapers, radio, television), printed educational materials, or through other instructional modalities, information describing the following:~~

- ~~1. Services and availability of the poison center.~~
- ~~2. Poison prevention measures.~~
- ~~3. First aid measures for poisoning management.~~

~~This information must be offered to all parts of the region.~~

**~~VI. Association Membership~~**

~~The applicant center must be an institutional member in good standing of the American Association of Poison Control Centers.~~

(Source: Repealed at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Automated External Defibrillator Code
- 2) Code Citation: 77 Ill. Adm. Code 525
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
525.200	Amendment
525.300	Amendment
- 4) Statutory Authority: Automated External Defibrillator Act [410 ILCS 4]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update the incorporated references of this Part and clarify the requirements for submitting a complaint against a CPR course.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking. None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy 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 rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

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

217/782-2043  
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 525  
AUTOMATED EXTERNAL DEFIBRILLATOR CODE

## Section

525.100	Definitions
525.200	Incorporated and Referenced Materials
525.300	<del>Recognized</del> <a href="#">Approval of</a> Training Programs
525.400	Recognition of Trained AED Users
525.500	Reports of AED Use
525.600	Maintenance and Oversight of Automated External Defibrillators
525.700	Quality Assurance (Repealed)

AUTHORITY: Implementing and authorized by the Automated External Defibrillator Act [410 ILCS 4].

SOURCE: Adopted at 24 Ill. Reg. 6409, effective April 1, 2000; amended at 26 Ill. Reg. 8914, effective June 21, 2002; amended at 35 Ill. Reg. 4213, effective February 22, 2011; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 525.200 Incorporated and Referenced Materials**

- a) The following private and professional organization standards are incorporated in this Part:
- 1) American Heart Association  
~~2015~~[2005](#) AHA Guidelines for CPR and ECC  
208 South LaSalle St.  
Suite 900  
Chicago, Illinois 60604-1197
  - 2) American Red Cross  
American Red Cross First Aid/CPR/AED for the  
Workplace (2006)  
311 W. John Gwynn Avenue

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Peoria, Illinois 61605-2566

- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes are referenced in this Part:
- 1) Federal statutes:  
21 USC 360(k): Registration of producers of drugs or devices; report preceding introduction of devices into interstate commerce.
  - 2) State of Illinois statutes:
    - A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
    - B) Medical Practice Act of 1987 [225 ILCS 60]
  - 3) State of Illinois rules:  
Emergency Medical Services, ~~and~~ Trauma Center, [Primary Stroke Center and Emergent Stroke Ready Hospital](#) Code (77 Ill. Adm. Code 515)

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

**Section 525.300 [Recognized Approval of Training Programs](#)**

The Department ~~will~~[shall](#) recognize programs established to train individuals as AED users, in accordance with the following:

- a) *The curriculum of any program to train individuals shall include complete training in cardiopulmonary resuscitation (CPR) prepared according to nationally recognized guidelines (see Section 525.200(a)(1) and(2)). (Section 15 of the Act)*
- b) The Instructors shall have successfully completed an instructor training course for AED courses listed in Section 525.200(a)(1) and (2) ~~of this Part~~, or equivalent curriculum that follows nationally recognized guidelines.
- c) Instructors shall renew qualification every two years and shall meet the following

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criteria:

- 1) Maintain provider status;
  - 2) Teach the number of courses required by the American Red Cross or American Heart Association, or other nationally recognized guidelines; and
  - 3) Complete an update on new information regarding course content.
- d) The Department recognizes courses that meet the course objectives of [the American Heart Association or American Red Cross](#) or other nationally recognized courses as appropriate training curriculum designed to train AED users.
- e) The Department will investigate any complaints against a course that allegedly does not adhere to the requirements set forth in this Section. Complaints shall be in writing and include the name, address and telephone number of the complainant. [The complaint must include the contact information of the accused course instructor or the business where the course was held.](#) Written complaints shall be submitted to the Illinois Department of Public Health at the following address:

Illinois Department of Public Health  
Division of EMS and Highway Safety  
422 South 5<sup>th</sup> Street, 3<sup>rd</sup> floor  
Springfield IL 62701

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1001.442	Amendment
1001.444	Amendment
- 4) Statutory Authority: Sections 2-104, 6-205, 6-206 and 6-208.1 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-205, 6-206, 6-208.1
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking sets forth an earlier deadline (September) for BAIID providers to submit their renewal application, requires providers to have online access to images taken by a BAIID, requires submission of a certificate of good standing, limits the number of field tests to three, clarifies providers responsibilities to seek reimbursement for providing services to indigent offenders, requires offenders seeking to submit a tax return as evidence of indigency to submit a transcript of the return and eliminates an out-dated provision requiring an opt-out form to be filed with the court.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Brenda Glahn  
Legal Advisor

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

298 Howlett Building  
Springfield IL 62756

217/785-3094  
bglahn@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: BAID providers
  - B) Reporting, bookkeeping or other procedures required for compliance: Submission of a certificate of good standing from the Business Services Department of the Secretary of State; earlier deadline for submission of renewal application to continue to provide BAID services; requires online access to images taken by a BAID
  - 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 most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

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PROCEDURES AND STANDARDS

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## 1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

**AUTHORITY:** Authorized by Section 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)(3) and 6-208 of the Illinois Vehicle Code [625 ILCS 5].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015;

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amended at 40 Ill. Reg. 6158, effective March 23, 2016; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 1001.442 BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider**

- a) Certification Required to Provide BAIID Services. No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than ~~September~~November 1 of each year.
- b) Who May Provide BAIID Services. BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.
- c) Information Required in Application for Certification. Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time. An application for certification or recertification as a BAIID provider shall include all of the following information:
  - 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;

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- 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
- 3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;
- 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. The proof may include a letter (composed on letterhead stationery), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
- 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit reports to the Secretary electronically within the time frames established by this Subpart D;
- 6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;
- 7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;
- 8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;

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- 9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;
  - 10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;
  - 11) Examples of images taken by the BAIID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification;
  - 12) [Proof that the applicant is in good standing with the Illinois Secretary of State, Business Services Department.](#)
- d) The Secretary shall notify the applicant, in writing, of his or her decision regarding the application for certification or recertification as a BAIID provider.
  - e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial or the date of the final order of the hearing officer upholding the denial if the decision is reviewed in a formal administrative hearing. Prior to denying an application based on de minimis errors, including

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but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.

- f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs, whether the applicant's license or certification to manufacture, distribute, install or service BAIIDs has ever been suspended, revoked, denied, cancelled or withdrawn and whether the applicant has applied to operate as a BAIID provider in another state and was denied.
- g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.
- h) **Services that Must be Provided.** After certification or recertification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
  - 1) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;
  - 2) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
  - 3) Any BAIID provider that sells, rents and/or leases BAIIDs in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAIID permittee's name and driver's license number, the installer, the installer's location, the make and

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serial number of the BAIID, and the make, model and VIN of the vehicle in which the BAIID is installed;

- 4) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 5) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID. Copies of all materials used in this course of training shall be provided to the Secretary;
- 6) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID is required to be installed in a motor vehicle;
- 7) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID and how the BAIID functions;
- 8) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;
- 9) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (h)(10), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is

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brought in, an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely;

- 10) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary evidence of tampering or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;
- 11) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to records of calibrations, maintenance checks and usage records on BAIIDs placed in service in Illinois;
- 12) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;
- 13) The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID manufacturer or installer becomes unable to produce, supply, service, repair, maintain or monitor BAIIDs in compliance with this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;

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- 14) With the exception of mobile installations authorized by Section 1001.442(n), the BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDS may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;
- 15) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined to be indigent by the Secretary who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary;
- 16) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in IVC Section 6-206.1 and Section 1001.444. [Images taken by the BAIID must be available to the Secretary via online account access;](#)
- 17) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;
- 18) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (m)(2);
- 19) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any BAIIDs and calibration equipment present at the time of the inspection, to

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determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify, in writing, and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary, in writing, of any corrective action taken;

- 20) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes;
  - 21) Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days, including those BAIIDS that are read remotely;
  - 22) Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;
  - 23) BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.
- i) Criteria for Certification of BAIIDs. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders. Certification of a BAIID shall be based on the following criteria:
- 1) A review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by the International Standards Organization (ISO). The evaluation and test results must affirm

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the BAIID's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 78 Fed. Reg. 89, May 8, 2013, except for:

- A) 1.4.S, Power, if the BAIID is not designed to be operated from the battery;
  - B) 1.5.2.S, Extreme Operating Range, if the BAIID is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
  - C) 2.3.S, Warm Up, if the BAIID is not designed to be operated below  $-20^{\circ}$  C;
  - D) 2.5.S, Temperature Package, if the BAIID is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
- 2) The BAIID provider must certify that the BAIID:
- A) Does not impede the safe operation of a vehicle;
  - B) Minimizes opportunities to bypass the BAIID;
  - C) Performs accurately and reliably under normal conditions;
  - D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC, i.e.,  $P \geq 0.025$ ;
  - E) Satisfies the requirements for certification set forth in this Section;
  - F) Has a camera that takes clear and accurate images of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID;
  - G) Provides calibration stability for a period of no less than 67 days;

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- 3) No BAIID shall be certified if it demonstrates an accuracy rate  $\geq 0.01$  in unstressed conditions or  $\geq 0.02$  in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (i)(1);
- 4) Any BAIID to be certified shall be designed and constructed with an alcohol setpoint of 0.025;
- 5) Any BAIID to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
- 6) Any BAIID to be certified shall be designed and constructed to immediately begin blowing the horn if:
  - A) The running retest is not performed;
  - B) The BrAC reading of the running retest is 0.05 or more; or
  - C) Tampering or circumvention attempts are detected;
- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.
  - A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:
    - i) Every instance in which the BAIID registers 3 BrAC readings of .05 or more within a 30 minute period;
    - ii) Any attempted tampering or circumvention;
    - iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;

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- iv) Every 60 days after the initial monitor report;
  - v) For MDDP offenders, 5 violations within the 60 day monitoring period;
  - vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;
- B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
- C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;
- 8) The BAIID shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;
- 9) Certification of a BAIID may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the BAIID's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each BAIID to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, tampering, and testing for all specifications listed in this Subpart D. [An](#)

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applicant or provider is limited to 3 field tests per BAIID model as part of the certification process. If a BAIID model of an applicant or provider fails 3 field tests, the applicant or provider shall not be certified unless the applicant or BAIID provider has another BAIID model that has been certified by the Secretary;

- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:
  - A) A detailed description of the BAIID, including complete instructions for installation, operation, service, repair and removal of the BAIID;
  - B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, imaging and environmental features;
- 12) Any BAIID that is not certified may be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
- 13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;
- 14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive or positive>negative air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (i), these technologies shall be included with the previously mentioned anti-circumvention

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technologies as acceptable for use by BAIID providers. In addition to these anti-circumvention methods, all BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015, shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor while the BAIID is installed in the vehicle and for 3 years after removal and shall be made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;

- 15) After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).

j) BAIID Installers

- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;
- 2) All service centers and mobile installation units shall have all tools, test equipment and manuals needed to install BAIIDs and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) The installer shall provide adequate security measures to prevent access to the BAIIDs (tamper seals or installation instructions);

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- 4) The installer shall appropriately install BAIIDs on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;
- 5) The installer shall not install BAIIDs in a manner that could adversely affect the performance of the BAIID or impede the safe operation of the motor vehicle;
- 6) After the BAIID has been installed in the motor vehicle, the installer shall verify that the BAIID is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure that he or she is familiar with the operation of the BAIID. At that same time, the installer shall verify that the camera is operational and that a reference image of the BAIID permittee or MDDP offender has been taken;
- 7) The installer shall restore a motor vehicle to its original condition when a BAIID is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
- 8) When the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate portion of the BAIID to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;

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- 9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.
- k) Suspension and Decertification of BAIID Providers. The Secretary may suspend or decertify a BAIID provider from providing BAIID services in Illinois. The Secretary shall provide written notification to the BAIID provider regarding any violation of this Section that may lead to suspension or decertification. The BAIID provider will be given a 30 day opportunity to come into compliance. The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action. If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the violations that led to the notice following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months. The following are considered actions warranting suspension or decertification:
- 1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID to the BAIID provider, or sent the appropriate portion of the BAIID to the BAIID provider for a monitor report in a timely manner, a request for the monitor report shall be sent to the BAIID provider. If the information is not received within 30 days, the BAIID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification;
  - 2) Failure to maintain liability insurance as required;
  - 3) Failure to install certified BAIIDs within the time requirements of this Subpart D;
  - 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
  - 5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;

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- 6) Failure to submit a required surcharge to the Secretary for deposit in the Indigent BAIID Fund as required in IVC Section 6-206.1 and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be decertified unless the BAIID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary;
- 7) Failure to work with BAIID permittees or MDDP offenders in a professional manner. Complaints from BAIID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;
- 8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;
- 9) Installing BAIIDs not certified by the Secretary;
- 10) Failure to report installations and deinstallations to the Secretary within 7 days;
- 11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;
- 12) Failure to provide services to indigent MDDP offenders;
- 13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);
- 14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;
- 15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;
- 16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;

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- 17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;
  - 18) Failing to use or make secure or appropriate wiring connections as specified in this Section;
  - 19) Installing a BAIID in a vehicle that does not have an operable horn;
  - 20) Failing to maintain the calibration equipment and solutions as specified in this Section;
  - 21) Invalidation of an installer's Illinois driver's license;
  - 22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes.
- l) Notification of Decertification or Decision Not to Recertify. Upon a decision not to recertify a BAIID provider, or upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders. The notification shall be sent not less than 30 days after the decision or, if the BAIID provider requests a formal administrative hearing within that 30 day period to review the decision, notification shall not be sent until the entry of a final order of the hearing officer upholding the decision.
- m) Designation of Installation Sites
- 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in subsection (n);
  - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID

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provider other than the one selected previously and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (m)(2).

- n) Mobile Installation Sites
- 1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.
  - 2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.
  - 3) At the installation location, the installer must have a copy of the permittee's/offender's request to have a BAIID installed and show it to the permittee/offender upon request.
  - 4) A provider may, but is not required to, provide an identification card for mobile installers that includes, but is not limited to, the name of the installer and the provider for which the installer works. The identification card may also contain a photo of the installer.
  - 5) Providers shall provide the Secretary with a schedule of mobile installs 24 hours before the install occurs. The schedule shall contain the name and address of the permittee/offender and the location where the install will occur. The Secretary reserves the right to attend and inspect mobile installations.
- o) An applicant whose application for certification or recertification as a BAIID provider has been denied, or a BAIID provider who has been suspended or decertified, shall have the right to have that decision reviewed at a formal administrative hearing. In the case of a decision not to recertify or to suspend or decertify, that decision shall not be implemented until at least 30 days after the notice of the decision has been sent to the applicant or provider or, if the applicant or provider requests a hearing within that 30 day period, until the entry of a final order of the hearing officer upholding the decision. The hearings held under this

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Subpart D shall be conducted in accordance with all of the rights, privileges, and procedures set forth in Subpart A. A request for a hearing to contest a decision to deny certification or recertification or to decertify must be in writing and must be sent to one of the following locations:

- 1) Office of the Secretary of State, Department of Administrative Hearings, 17 North State Street, Suite 1200, Chicago, Illinois 60602, 312/793-3722;
- 2) Office of the Secretary of State, Department of Administrative Hearings, Michael J. Howlett Building, Room 207, Springfield, Illinois 62756, 217/524-0124.

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

**Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions**

- a) Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required
  - 1) The Secretary shall notify a first offender (MDDP offender), as defined in IVC Section 11-500, that he or she will be issued an MDDP ~~unless the Secretary receives, from the court of venue, an opt-out form, prescribed by the Secretary, that has been signed by the offender and filed with the court.~~ The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by IVC Section 6-206.1. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in IVC Section 6-206.1, an MDDP offender must pay a non-refundable fee in an amount equal to \$30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20<sup>th</sup> day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.
  - 2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in IVC Section 6-206.1 and who applies for and

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obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.

- 3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.
- 4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender, including an MDDP holder that surrendered his or her MDDP prior to the suspension, revocation, cancellation or invalidation of driving privileges, may petition, at a formal hearing conducted pursuant to IVC Section 2-118, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.
- 5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under IVC Section 6-206.1(c-1), may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.
- 6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may

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also resume participation by notifying the BAIID Division in writing, but may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.

- b) Compliance – Installation of BAIID/Notification to the Secretary
- 1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed solely for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. The MDDP holder must be the individual who takes the vehicle to the installer to have the BAIID installed and must have a reference image taken by the installer at the time of installation. Failure to comply with this requirement will result in the cancellation of the MDDP issued.
  - 2) The Installer/BAIID Provider. A BAIID provider or installer must:
    - A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442;
    - B) Within 7 days after the date of the installation of the BAIID, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender;
    - C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder;
    - D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.

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- c) Compliance – Driving with BAIID. Any MDDP offender receiving an MDDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.
  - 2) Except when a BAIID has been installed that may be read remotely, either take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the BAIID to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.
  - 3) If a BAIID has been installed that permits the MDDP offender to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, bring the vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention.
  - 4) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID, installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer as instructed for a monitor report.
  - 5) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.

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- 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
  - 7) Shall not have a BAIID removed or deinstalled from a vehicle prior to notifying the Secretary and surrendering the MDDP to the Secretary or the Secretary's designee.
  - 8) Shall not commit any of the violations listed in subsection (d).
- d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:
- 1) A conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1);
  - 2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID, including the use of any product intended to prevent accurate readings by the BAIID;
  - 3) A violation of IVC Section 6-206.2;
  - 4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;
  - 5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;
  - 6) A BrAC reading of 0.05 or more;
  - 7) Failing a running retest, or failing to take a running retest;
  - 8) Removing the BAIID without authorization from the Secretary;
  - 9) Failing to utilize the BAIID as required;

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- 10) Failing to submit a BAIID for a monitor report in a timely manner;
  - 11) Failing to bring a vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention;
  - 12) Preventing the camera from taking clear and accurate images of the permittee blowing into the mouthpiece, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
- e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:
- 1) For a conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1), or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the BAIID, immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
  - 2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the BAIID, or who fails to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), send the MDDP holder a letter asking for an explanation of the failure to bring the vehicle in for an inspection or an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the

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Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAID. If the summary suspension is already terminated prior to the MDDP holder failing to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), or prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the RDP.

- 3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.
- 4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the

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monitor report showing the violation, the Secretary shall re-suspend for 3 months.

- 5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.
- 6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the BAIID in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(1).
- 8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months, except as provided in subsection (e)(10).

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- 9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.
  - 10) When an image shows that the MDDP permittee has utilized any product that allows the permittee to avoid blowing directly into the mouthpiece of the BAIID, or when any step has been taken to prevent a clear and accurate image of the driver and mouthpiece, the Secretary shall extend the summary suspension for 3 months.
- f) **Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension.** Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the \$50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.
- g) **MDDPs – Content.** Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:
- 1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;
  - 2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;
  - 3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;
  - 4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).
- h) **Use of Monitor Reports.** The Secretary shall gather all available monitor reports and images, and any other information relative to the MDDP holder's

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performance and compliance with the BAIID requirements under this Subpart D. The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

- i) **Modification or Waiver of BAIID.** Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. When an MDDP holder provides a report from a physician stating that the MDDP holder is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the MDDP holder to install a BAIID that operates with a lower breath sample requirement. When an MDDP holder is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the MDDP holder must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.
- j) **Employment Exemption from BAIID Requirements.** In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in IVC Section 6-206.1, the following shall apply:
  - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
  - 2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];
  - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the MDDP holder's primary employment;

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- 4) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;
  - 5) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have a BAIID installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the MDDP;
  - 6) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);
  - 7) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.
- k) Decertification of BAIID Provider or BAIID and Denial of BAIID Provider Certification or BAIID Certification. The Secretary must notify the MDDP holder of the decertification or denial of certification of a BAIID provider or of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a

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BAIID provider or a BAIID shall be paid by the MDDP holder, unless the Secretary has deemed the MDDP holder indigent.

- 1) Indigent BAIID Fund
  - 1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.
    - A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.
    - B) The surcharge shall be submitted to the Secretary by the 15<sup>th</sup> of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID provider.
    - C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.
  - 2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). A provider must submit an invoice to the Secretary by the 15<sup>th</sup> of the month following the end of each quarter of the Secretary of State's fiscal year, which must include the name and driver's license number of each indigent client, as well as a brief description of the services provided and the date those services were rendered.~~The request must be in a form and in the manner prescribed by the Secretary.~~ The Secretary will authorize payments in accordance with IVC Section 6-206.1(o). No payment may be authorized if the provider fails to submit an invoice within the time set forth in this subsection (1)(2). If a provider has submitted an invoice to the Secretary that under-reports the number of

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indigent clients served in the previous quarter, the provider may not submit a subsequent invoice seeking reimbursement for services provided to the unreported indigent clients.

- 3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- 4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a certified transcript copy of the United States or State of Illinois tax return for the most recently completed calendar year.
  - A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:
    - i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;
    - ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.
  - B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is 150% or less of the federal poverty guidelines.
- 5) An MDDP holder's indigency status shall be valid for the length of the MDDP. Any MDDP holder whose summary suspension is extended

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beyond the length of the MDDP, who wishes to continue participation in the MDDP program and wishes to be declared indigent, must submit current documentation as set forth in subsection (1)(4).

- m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.61                      Adopted Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: August 2, 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 any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 10667; August 7, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The \$60 personal needs allowance was only legislated for State FY15. This amendment makes the necessary changes to show the applicable personal needs allowance rate for FY15 and after.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mollie Zito  
General Counsel

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance

120.11 Eligibility for Pregnant Women and Children

120.12 Healthy Start – Medicaid Presumptive Eligibility Program for Pregnant Women (Repealed)

120.14 Presumptive Eligibility for Children (Repealed)

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 FamilyCare Assist

120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)

120.40 Exceptions To Use Of MANG Income Standard (Repealed)

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases

120.61 Long Term Care

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643 (Repealed)

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Repealed)

120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- Income (MAGI) Methodology  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)  
Licensed Community – Integrated Living Arrangements (Repealed)  
120.66 Healthy Start – Medicaid Presumptive Eligibility for Pregnant Women  
120.67 Presumptive Eligibility for Children  
120.68 Hospital Presumptive Eligibility (HPE) under the Affordable Care Act

## SUBPART D: MEDICARE PREMIUMS

- Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income  
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified  
Individuals-1 (QI-1) Income Standards  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

- Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

- Section  
120.90 Migrant Medical Program (Repealed)  
120.91 Income Standards (Repealed)

## SUBPART G: AID TO THE MEDICALLY INDIGENT

- Section  
120.200 Elimination Of Aid To The Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Resources
- 120.381 Exempt Resources
- 120.382 Resource Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spenddown of Resources
- 120.385 Factors Affecting Eligibility for Long Term Care Services
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
- 120.388 Property Transfers Occurring On or After January 1, 2007
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
- 120.395 Payment Levels for MANG (Repealed)
- 120.399 Redetermination of Eligibility
- 120.400 Twelve Month Eligibility for Persons under Age 19

## SUBPART I: SPECIAL PROGRAMS

- Section
- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
- 120.510 Health Benefits for Workers with Disabilities
- 120.520 SeniorCare (Repealed)
- 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
- 120.540 Illinois Healthy Women Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest

120.TABLE B Life Expectancy (Repealed)

**AUTHORITY:** Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory

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amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988;

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emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill.

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Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125

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of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2925, effective January 10, 2014, for a maximum of 150 days; emergency amendments effective January 1 and January 10, 2014 repealed by emergency rule at 38 Ill. Reg. 7368, effective March 24, 2014, for the remainder of the 150 day effective periods of each of the emergency rules; amended at 38 Ill. Reg. 5967, effective February 26, 2014; emergency amendment at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 15646, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16214, effective July 17, 2014; amended at 38 Ill. Reg. 18432, effective August 19, 2014; amended at 38 Ill. Reg. 23595, effective December 2, 2014; amended at 39 Ill. Reg. 4376, effective March 11, 2015; amended at 40 Ill. Reg. 2784, effective January 20, 2016; amended at 40 Ill. Reg. 11174, effective August 2, 2016.

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

**Section 120.61 Long Term Care**

This Section applies to persons residing in long term care facilities or State-certified, State-licensed, or State-contracted residential care programs who, as a condition of eligibility for

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medical assistance, are required to pay all of their income, less certain protected amounts, for the cost of their own care.

- a) The term "long term care facility" refers to:
  - 1) an institution (or a distinct part of an institution) that meets the definition of a "nursing facility" as that term is defined in 42 USC 1396r;
  - 2) licensed Intermediate Care Facilities (ICF and ICF/DD), licensed Skilled Nursing Facilities (SNF and SNF/Ped) and licensed hospital-based long term care facilities (see 89 Ill. Adm. Code 148.50(c)); and
  - 3) Supportive Living Facilities (SLF) and Community Integrated Living Facilities (CILF).
- b) The eligibility period shall begin with:
  - 1) the first day of the month of application;
  - 2) up to three months prior to the month of application for any month in which the person meets both financial and non-financial eligibility requirements. Eligibility will be effective the first day of a retroactive month if the person meets eligibility requirements at any time during that month; or
  - 3) the first day of a month, after the month of application, in which the person meets non-financial and financial eligibility requirements.
- c) Eligibility Without Spenddown
  - 1) A one-month eligibility period will be used. If a person's nonexempt income available during the eligibility period is equal to or below the applicable income standard and nonexempt resources are not in excess of the applicable resource disregard (see Section 120.382), the person is eligible for medical assistance from the first day of the eligibility period without a spenddown.
  - 2) A person eligible under this subsection (c) is responsible for reporting any changes that occur during the eligibility period that might affect eligibility

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for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, resources or family composition occur that would make the person a spenddown case, a spenddown obligation will be determined and subsection (d) will apply. A redetermination of eligibility shall be made at least every 12 months.

- d) Eligibility with Spenddown
- 1) If countable income available during the eligibility period exceeds the applicable income standard and/or nonexempt resources exceed the applicable resource disregard, a person has a spenddown obligation that must be met before financial eligibility for medical assistance can be established. The spenddown obligation is the amount by which the person's countable income exceeds the applicable income standard or nonexempt resources exceed the applicable resource disregard.
  - 2) A person meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation. Medical expenses shall be applied to the spenddown obligation as provided in Section 120.60(c).
  - 3) Projected expenses for services provided by a long term care facility that have not yet been incurred, but are reasonably expected to be, may also be used to meet a spenddown obligation. The amount of the projected expenses is based on the private pay rate of the long term care facility at which the person resides or is seeking admission.
  - 4) A person who has both an income spenddown and a resource spenddown cannot apply the same incurred medical benefits to both. Incurred medical expenses are first applied to an income spenddown.
- e) Post-eligibility Treatment of Income. If non-financial and financial eligibility is established, a person's total income, including income exempt and disregarded in determining eligibility, must be applied to the cost of the person's care, minus any applicable deductions provided under subsection (f).
- f) Post-eligibility Income Deductions. From a person's total income that is payable for a person's care, certain deductions are allowed. Allowed deductions shall

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increase the amount paid by the Department for residential services on behalf of the person, up to the Department's payment rate for the facility. Deductions shall be allowed for the following amounts in the following order:

- 1) SSI benefits paid under 42 USC 1382(e)(1)(E) or (G) and, for residents of Supportive Living Facilities, the minimum current SSI payment standard for an individual (or a couple, if spouses reside together), less the personal needs allowance specified in subsection (f)(2)(C) of this Section, shall be deducted for room and board charges (see 89 Ill. Adm. Code 146.225(c) and (d));
- 2) a personal needs allowance:
  - A) for persons other than those specified in subsections (f)(2)(B) through (F), \$30 per month;
  - B) for spouses residing together, \$60 per couple per month (\$30 per spouse);
  - C) for persons or spouses residing in Supportive Living Facilities, \$90;
  - D) for persons residing in Community Integrated Living Arrangements (see 59 Ill. Adm. Code 115); ~~\$60 per month, with dates of service beginning on or after 9/1/14;~~
    - i) \$50 per month, for dates of service prior to 9/1/14;
    - ii) \$60 per month, for dates of service on or after 9/1/14 through 6/30/15;
    - iii) \$50 per month, for dates of service on or after 7/1/15;
  - E) for veterans who have neither a spouse nor dependent child, or surviving spouses of veterans who do not have a dependent child, and whose monthly veterans' benefits are reduced to \$90, a \$90 income disregard is allowed in lieu of a personal allowance deduction. Persons allowed the \$90 per month income disregard are not also permitted the \$30 per month personal allowance; or

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- F) for persons residing in an Intermediate Care Facility for Individuals with Developmental Disabilities (ICF/DD) licensed under the ID/DD Community Care Act [210 ILCS 47]; ~~\$60 per month, with dates of service beginning on or after 9/1/14;~~
- i) \$30 per month, for dates of service prior to 9/1/14;
  - ii) \$60 per month, for dates of service on or after 9/1/14 through 6/30/15;
  - iii) \$30 per month, for dates of service on or after 7/1/15;
- 3) a community spouse income allowance pursuant to Section 120.379(e);
- 4) a family allowance pursuant to Section 120.379(e)(2);
- 5) an amount to meet the needs of qualifying children (as defined in 26 USC 152) under age 21 who do not reside with either parent, who do not have enough income to meet their needs and whose resources do not exceed the resource limit. To determine needs and resource limits:
- A) the MANG(C) and applicable resource disregard are used (see Sections 120.30 and 120.382); and
  - B) any payments made on medical bills for the children can be deducted from the person's income;
- 6) amounts for incurred expenses for certain Medicare and health insurance cost sharing that are not subject to payment by a third party, limited to:
- A) Medicare premiums, deductibles, or coinsurance charges not paid by Medicaid or another third party payor;
  - B) Other health insurance premiums, deductibles or coinsurance (cost sharing) charges provided the insurance meets the definition of a "health benefit plan" and is approved for providing that insurance in Illinois by the Illinois Department of Insurance.

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- i) "Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA (Multiple Employer Welfare Arrangement) or plan provided by another benefit arrangement.
  - ii) Health benefit plan does not mean accident only, credit, or disability insurance; long-term care insurance (except for the month of admission to a long term care facility); dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance;
- 7) Expenses Not Subject to Third Party Payment for Necessary Medical Care Recognized under State Law, but Not a Covered Service under the Medical Assistance Program. "Necessary medical care" has the meaning described in Section 2 of the Comprehensive Health Insurance Plan Act [215 ILCS 105/2] and must be proved as such by a prescription, referral or statement from the patient's doctor or dentist. The following are allowable deductions from a person's post-eligibility income for medically necessary services:
- A) expenses incurred within the six months prior to the month of an application, provided those expenses remain a current liability to the person and were not used to meet a spenddown. Medical expenses incurred during a period of ineligibility resulting from a penalty imposed under Section 120.387 or 120.388 are not an allowable deduction;
  - B) expenses incurred for necessary medical services from a medical provider (subject to reasonable dollar limits on specific services) so long as the provider was not terminated, barred or suspended

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from participation in the Medical Assistance Program (pursuant to 89 Ill. Adm. Code 140.16, 140.17 or 140.18) at the time the medical services were provided; and

- C) expenses for long term care services, subject to the limitations of this subsection (f)(7) and provided that the services were not provided by a facility to a person admitted during a time the facility was subject to the sanction of non-payment for new admissions (see 305 ILCS 5/12-4.25(I)(3));
- 8) Amounts to maintain a residence in the community for up to six months when:
- A) the person does not have a spouse and/or dependent children in the home;
  - B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months;
  - C) the amount of the deduction is based on:
    - i) the rent or property expense allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.248); and
    - ii) the utility expenses that would be allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.249).

(Source: Amended at 40 Ill. Reg. 11174, effective August 2, 2016)

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
250.30	Amendment
250.50	Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Rules: August 4, 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 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. 345; January 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several technical changes have been made during the First and Second Notice Periods. First Notice changes included: a technical change to add the word "or" back in Section 250.30(b)(6); removed the protective occupation area from the out-of-state residency in Section 250.50((b)(6); and based on a comment the agency received, added a statement to Section 250.50(i) regarding the State Records Act.

Since the First Notice changes, the Second Notice changes included: in Sections 250.30(b)((2) and 250.30(h) changed the word "classification" to "class"; in Section 250.30(c) changed the "Merit Board" to "University System"; added an "s" to the Building and Grounds Services work area in Section 250.30(g)(7); in Section 250.50(d)(2) changed the word "classifications" to "classes"; in Section 250.50(b)(2) deleted the wording "in addition", "and" and changed the last sentence to "An employee who obtains a passing score will have his/her"; in Section 250.50(b)(6) place the word "or" before 03 managerial; in Section 250.50(d)(6) deleted "original entry or promotional"; in Section

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250.50(f)(2) deleted "original entry; and in Section 250.50(i) replace the brackets with parentheses.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.119	New Section	40 Ill. Reg. 7537; May 20, 2016

- 15) Summary and Purpose of Rulemaking: The primary changes are being adopted based on comments the agency received from JCAR in 2015 and agreed upon to publish new rulemaking defining job categories currently administered and to update Part 250 to conform the rules to the agency's current practice for occupational categories. Also, changes have been added to include provisions outlining its weighting of exam policies, grading criteria, minimum acceptable scores for being placed on an employment register, and a listing of the type of testing methods employed, as well as some technical changes.
- 16) Questions or requests for information about these adopted rules shall be directed to:

David DeThorne  
Legal Counsel  
State Universities Civil Service System  
1717 Philo Road, Suite 24  
Urbana IL 61802

217/278-3150; ext. 226  
email: [davidd@succs.illinois.gov](mailto:davidd@succs.illinois.gov)

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

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250  
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

**AUTHORITY:** Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

**SOURCE:** Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016.

**Section 250.30 The Classification Plan**

- a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the University System Merit Board, except those exempted by Section 36e of the State Universities Civil Service Act (Act) [110 ILCS 70] Statute. Exemptions under Section 36e(3) of the Act Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until ~~thesuch~~ exemption is terminated by the Merit Board. The Executive Director shall publish guidelines for ~~thesuch~~ exemptions, as approved by the Merit Board. This classification plan shall apply to all positions subject to Section 250.20(a) of this Part.
- b) Class Specifications:
  - 1) The University System shall maintain written specifications, ~~as approved by the Merit Board~~, for each class in the classification plan. ~~TheSuch~~ specifications shall include the class title, class code number, length of probationary period, function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by state or federal laws, ~~and~~ additional desirable qualifications, and, as applicable, promotional line, occupational area and work area.
  - 2) The University System employer shall provide notification to all employers post notice of the addition of a new classification class or of the reactivation of a former class, together with a copy of the class specification. ~~Except, at each appropriate place of employment for a period of at least ten calendar days prior to the date a position of the new, or of the reactivated, class is filled, except that,~~ for status employees affected by reclassification or reallocation of their positions, as provided in subsections Section 250.30(j)(1) and 250.30(j)(2), this Section does

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not apply. The ~~notification~~notice of the addition of a new class or of the reactivation of a former class, as provided for in this Section, shall be through the University System website and, if necessary for the course of recruitment, also posted in all public places allocated for Civil Service employment information, including electronic means such as official employer websites.

- c) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but ~~that such~~ functional title cannot be a title approved by the Merit Board as a Civil Service class title.
- d) Use of Class Code Number. The class code number is the number that is assigned to each class title in the classification plan.
- e) Use of Promotional Line within a Class Specification Series. Each class specification series is assigned a promotional line. The promotional line can be found on the class specification.
- f) Occupational Areas within a Class Specification. Each class in the classification plan shall be assigned an occupational area. There are 16 occupational areas within the classification plan as follows:
- 1) 01 professional;
  - 2) 02 semi-professional;
  - 3) 03 managerial;
  - 4) 04 clerical;
  - 5) 05 stores;
  - 6) 06 aeronautical;
  - 7) 07 agricultural;
  - 8) 08 custodial services;

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- 9) 09 domestic services;
  - 10) 10 food services;
  - 11) 11 heat, light, and power services;
  - 12) 12 medical services;
  - 13) 13 protective;
  - 14) 14 skilled trades;
  - 15) 15 semi-skilled trades; and
  - 16) 16 unskilled trades.
- g) Work Areas within a Class Specification. Each class in the classification plan shall be assigned a work area as follows:
- 1) 000 Special Group
  - 2) 001 Admissions and Records Services
  - 3) 004 Aeronautical Services
  - 4) 007 Agricultural Services
  - 5) 010 Architectural Services
  - 6) 013 Automotive Services
  - 7) 017 Building and Grounds Service
  - 8) 021 Communication Services
  - 9) 023 Crafts and Trade Services
  - 10) 026 Custodial Services

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- 11) 029 Electronic Services
- 12) 035 Fiscal Services
- 13) 038 Food Services
- 14) 041 Heat, Light, and Power Services
- 15) 044 Hospital and Health Services
- 16) 047 Housing Services
- 17) 048 Instructional Services
- 18) 050 Laboratory Services
- 19) 053 Laundry Services
- 20) 056 Legal Services
- 21) 059 Office Services
- 22) 060 Museum and Exhibit Services
- 23) 063 Personnel Services
- 24) 066 Printing, Press and Related Arts Services
- 25) 069 Safety and Security Services
- 26) 071 Social Services
- 27) 072 Statistical and Research Services
- 28) 073 Information Technology
- 29) 075 Stores Services

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30) 078 Student Activity and Program Services

- hd) Allocation of New Positions. When a new position is established, the employer shall allocate that position~~recommend in writing to the Director its allocation~~ to an appropriate classification class, ~~and the Director shall act upon such recommendation.~~
- ie) Reallocation or Reclassification of Existing Positions-
- 1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall reallocate or reclassify~~recommend to the Director in writing the reallocation or reclassification of~~ the position to its appropriate class, ~~and the Director shall review the request, shall act upon it, and shall notify the employer of his action.~~
  - 2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that ~~the~~no such change shall not be made for the purpose of separating an employee from employment in a position in his/her class.
  - 3) In order to maintain a sound classification program, the employers, working with the staff of the University System, shall carry on continuous classification studies.
- if) Status of an Employee Whose Position is Reallocated or Reclassified-
- 1) An employee, whose position is reallocated or reclassified, shall be eligible for continued employment in the position ~~that~~which is reallocated or reclassified, provided ~~the employee~~he establishes eligibility for ~~the~~such a new class. An employee~~He~~ may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified, and by passing an examination for the new class. The employee~~He~~ must complete a probationary period in the position in the new class.
  - 2) A status employee in a position ~~that~~which is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new

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class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section 250.60(b)(1).

- 3) An employee, serving a probationary period in a position ~~that~~which is reallocated or reclassified, who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which his/her position has been reallocated or reclassified, shall have his/her name placed by the employer on the register from which he/she was certified to a position in the former class in accordance with Section 250.60(b)(2) or ~~Section 250.60(b)(3)~~. If ~~the employee~~he has completed a probationary period in a position in a lower class in the same promotional line as that of his/her former position, ~~the employee's~~his name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).

(Source: Amended at 40 Ill. Reg. 11192, effective August 4, 2016)

**Section 250.50 Examinations**

- a) Kinds of Examinations. Each classification shall have a designated examination. Each examination may have multiple components. A candidate who obtains a score on the examination that is deemed to be passing will have his/her score placed on either an original entry register or a promotional register. Examinations ~~shall be of two kinds: original entry and promotional. Both kinds~~ shall be open and continuous competitive examinations. For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- b) Eligibility to Compete in Examinations
  - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to the examination. ~~For classes requiring valid licenses or certificates, an applicant must show possession of the license or certificate at, or prior to, time of taking the examination.~~ Out-of-state applicants may also be admitted for examination in

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accordance with conditions outlined in subsection (b)(6).

- 2) A ~~promotional examination shall be open to a~~ status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line, and who, ~~in addition,~~ is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from ~~that~~ such a position, or is on layoff from ~~that~~ such a position shall be admitted to an examination. An employee who obtains a passing score will have his/her score placed on a promotional employment register, ~~or is on layoff from such a position.~~
- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications, that in the opinion of the Executive Director, are considered to be compensatory, shall be admitted to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.
- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) In accordance with the Americans With Disabilities Act (ADA) (42 USC 12101), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. These accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act ~~[110 ILCS 70]~~ and this Part, and other applicable policies at each employment location.
- 6) For classes within the 01 professional, 02 semi-professional, 03 or managerial occupational areas for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered. In these instances, when the Illinois

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citizenship or residency requirement is waived, out-of-state candidates must establish Illinois residency within 180 calendar days after any employment offer or final appointment.

- 7) Any applicant may ~~complete~~rewrite an examination for a class ~~four~~three times within any ~~12~~twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State Universities Civil Service Act ~~[110 ILCS 70/36f]~~ and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, abuses intoxicating substances, uses illegal drugs or narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment ~~by an employer under the University System~~, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that, in the judgment of the Executive Director, disqualifies him/her for employment.
- d) Character of Examinations
- 1) ~~All examinations within the classification plan~~Examinations shall consist of one or more of the following: ~~cognitive or knowledge test; typing test; written test; performance test;~~ oral board test; physical fitness test; ~~credential assessment test; or modified education and experience test or other similar examinations as authorized by the Executive Director~~aptitude test; practical test; ~~other appropriate tests; a rating of experience and training.~~
- 2) ~~A cognitive or knowledge test may be utilized for certain examinations and consist of one or more of the following components: essay, multiple choice, true/false, or short answer questions. A typing test may be required for certain examinations that would require an applicant to perform this skill. Oral board and physical fitness tests are components for the Police Series examinations. A credential assessment test may be~~

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utilized for certain classifications. That test consists of a review of the applicant's resume or employment application, professional certification, licenses, or other education or experience deemed relevant. A modified education and experience test is a rating of an applicant's training and experience based on the applicant completing a prescribed examination form provided by the University System. For classifications requiring valid licenses or certifications, an applicant must show possession of the license or certificate prior to taking the examination.

- 32) All examination content shall be provided by the staff of the University System.
- 43) All examination supplies and materials and all examinations are the property of the University System.
- 54) An ~~original entry or promotional~~ examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.
- 65) Upon approval of the Executive Director, the character or weighting of sections of an ~~original entry or promotional~~ examination may be changed, provided there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument and the current examination has been in use for a period of at least one year. At least 30 calendar days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice ~~in writing~~ to each candidate on an original entry or promotional register by score and shall further communicate the notice ~~in writing~~ to any applicant who applies for an ~~original entry or promotional~~ examination during the ~~30-day~~ notice period. During the ~~30-day~~ notice period, qualified applicants and candidates whose names are already on the register by score ~~may~~ will be scheduled for the examination upon his/her request. At the end of the ~~notice 30-day~~ period, the previous original entry register or promotional register of candidates by score will be voided, and a new original entry register or promotional register by score shall be established on the basis of the new examination.

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- e) Security and Confidentiality Requirements in the Examination Development Process
- 1) The examination development process requires all subject matter experts, and any other participant in the development process, to exercise discretion and maintain the confidentiality and security of ALL examination materials in their possession. Any person, including but not limited to a University System staff member, Designated Employer Representative/Human Resources employee, subject matter expert, union representative, or incumbent/volunteer involved in any step of the examination development process who willfully or corruptly discloses, distributes, or fails to secure and maintain materials used in the development of an examination instrument shall be considered in violation of the Act.
  - 2) Following the final development of the examination questions, all electronic/paper copies of questions, along with all reference sources for these questions, must be deleted from emails, computers, external hard drives, etc. Any hand written notes that contain examination data elements or comments must be returned to the University System.
  - 3) All persons must be aware that any violation of the Act is a criminal offense and is punishable under Section 46 of the Act.
  - 4) If a security breach is discovered, the University System will contact the Illinois Inspector General's Office and the State's Attorney of the county where the offense occurred for investigation and prosecution. The offending party may be held liable for costs incurred by the security breach and the position held by the party will become vacant upon conviction. Additionally, universities and agencies may be forced to freeze all registers and discontinue all employment actions in the affected classification or classifications.
- f) Administration of Examinations
- 1) As approved by the Executive Director, examinations shall be scheduled and administered by the employer. The examinations shall be conducted on an open and continuous basis. Upon request by the employer and approval by the Executive Director, examinations to original entry

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registers at each place of employment may be closed up to six calendar months when a sufficient number of candidates on the register has been established and further recruitment and testing is not required for a period of time.

- 2) In making the determination to close an ~~original entry~~ examination, the Executive Director will consider requests by the employer based on the number of positions in the class, projected new positions, and annual turnover rate. The employer shall be responsible for the security of all examination materials in the employer's custody and access to any electronic examination process, as provided to the employer by the University System.

gf) Rating of Examinations

- 1) The Executive Director and the staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
- 2) Each examination shall contain a rating or grading form for employers to utilize in the grading of an examination. Each examination will have its own rating form and is developed by the University System at the time of a new or revised examination. The rating form provides a breakdown of how points are awarded in each area of the examination.
- 32) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
- 43) The passing score for eligibility for certification shall be 70~~determined by the Executive Director~~. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System. The, and the change shall be applicable uniformly to all

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examinations for the class. The passing score shall be made known to all those taking the examination.

- 54) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
- 65) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded ~~off~~ to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.

hg) Notification and Review of Scores

- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
- 2) All requests by applicants for formal review of examination scores shall be submitted to the Executive Director.

ih) Filing of Examination Records. All examinations, and all examination components, administered by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy and in accordance with the State Records Act [5 ILCS 160].

(Source: Amended at 40 Ill. Reg. 11192, effective August 4, 2016)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE Y      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table Y to reflect two Memoranda of Understanding (MOUs) between the State of Illinois and the American Federation of State, County and Municipal Employees RC-063 bargaining unit signed July 7, 2016. In the MOUs, only 12-month alternative and maximum security rates are assigned to the titles. Both titles in the two MOUs were established as approved by the Civil Service Commission effective April 1, 2016.  
  
The first Memorandum of Understanding (MOU) is for the Juvenile Justice School Counselor title (title code 21970). Effective June 2, 2016, rates are assigned to the Juvenile Justice School Counselor title.  
  
The second MOU is for the Special Education Resources Coordinator title (title code 41680). Effective June 2, 2016, rates are assigned to the Special Education Resources Coordinator title.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: August 5, 2016
- 7) A Complete Description of the Subjects and Issues Involved: In the table of contents, the heading for Section 310.Appendix A Table Y is changed to incorporate the Juvenile Justice School Counselor and Special Education Resources Coordinator titles. In Section 310.Appendix A Table Y, the heading for Section 310.Appendix A Table Y is changed to incorporate the Juvenile Justice School Counselor and Special Education Resources Coordinator titles. The Juvenile Justice School Counselor title and its title code 21970, and the Special Education Resources Coordinator title and its title code 41680 are added

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to the title table. A rate table with the rates effective June 2, 2016 is added for each title respectively after the Notes.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: August 5, 2016
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes
- 12) Are there any other rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objective: The amendments to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory rule shall be directed to:

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate (Repealed)
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO  
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN  
COLLECTIVE BARGAINING UNIT AGREEMENTS

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## Section

310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
310.660	Effective Date (Repealed)
310.670	Negotiated Rate (Repealed)
310.680	Trainee Rate (Repealed)
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educator, <del>Educators and</del> Educator Trainees, <a href="#">Juvenile Justice School Counselors and Special Education Resources Coordinators</a> , AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)

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310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239,

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effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20

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Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000;

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peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective

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July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23,

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2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016.

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**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE Y RC-063 (Educator, ~~and~~ Educator Trainees, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>
Educator	13100	RC-063
Educator Trainee	13148	RC-063
<u>Juvenile Justice School Counselor</u>	<u>21970</u>	<u>RC-063</u>
<u>Special Education Resources Coordinator</u>	<u>41680</u>	<u>RC-063</u>

NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours which would otherwise qualify them for premium pay under this provision.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more

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years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

Educator

Effective July 1, 2014

Table with columns: 12-Month Lane, Educational Level, Pay Plan Code, and STEPS (1c, 1b, 1a, 1, 2, 3, 4, 5, 6, 7, 8). Rows include BA, BA + 8 Hours, and BA + 16 Hours for plans E, L, and P.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

4	BA + 24 Hours	E	4568	4719	4868	5018	5270	5567	5861	6162	6460	7020	7300
4	BA + 24 Hours	L	4634	4787	4940	5093	5349	5649	5947	6255	6555	7120	7407
4	BA + 24 Hours	P	4715	4871	5027	5182	5433	5734	6030	6343	6641	7212	7499
5	MA	E	4685	4839	4994	5148	5420	5730	6035	6354	6649	7230	7520
5	MA	L	4751	4908	5064	5221	5500	5813	6123	6445	6754	7337	7633
5	MA	P	4833	4992	5151	5310	5585	5898	6207	6531	6839	7424	7720
6	MA + 16 Hours	E	4770	4927	5084	5241	5549	5854	6161	6480	6783	7377	7670
6	MA + 16 Hours	L	4839	4998	5158	5317	5626	5938	6250	6579	6882	7486	7784
6	MA + 16 Hours	P	4917	5079	5241	5403	5715	6024	6342	6664	6973	7566	7870
7	MA + 32 Hours	E	4916	5078	5240	5402	5705	6020	6333	6646	6956	7554	7856
7	MA + 32 Hours	L	4988	5152	5316	5480	5790	6107	6428	6749	7058	7661	7969
7	MA + 32 Hours	P	5066	5235	5401	5568	5875	6195	6513	6837	7144	7751	8061

## Effective July 1, 2014

9- Month Lane	Educational Level	Pay Plan Code	S T E P S										
			1c	1b	1a	1	2	3	4	5	6	7	8
1	BA	M	3137	3240	3344	3447	3636	3835	4024	4231	4428	4858	5051
1	BA	O	3137	3240	3344	3447	3636	3835	4024	4231	4428	4858	5051
2	BA + 8 Hours	M	3234	3342	3448	3555	3746	3951	4155	4371	4579	5016	5217
2	BA + 8 Hours	O	3234	3342	3448	3555	3746	3951	4155	4371	4579	5016	5217
3	BA + 16 Hours	M	3319	3428	3537	3647	3861	4077	4290	4495	4722	5181	5388
3	BA + 16 Hours	O	3319	3428	3537	3647	3861	4077	4290	4495	4722	5181	5388
4	BA + 24 Hours	M	3412	3524	3636	3749	3975	4198	4420	4650	4872	5347	5563
4	BA + 24 Hours	O	3412	3524	3636	3749	3975	4198	4420	4650	4872	5347	5563
5	MA	M	3517	3632	3749	3864	4090	4318	4550	4787	5014	5503	5724
5	MA	O	3517	3632	3749	3864	4090	4318	4550	4787	5014	5503	5724
6	MA + 16 Hours	M	3600	3718	3837	3956	4184	4415	4648	4888	5110	5609	5831
6	MA + 16 Hours	O	3600	3718	3837	3956	4184	4415	4648	4888	5110	5609	5831
7	MA + 32 Hours	M	3708	3831	3953	4075	4304	4537	4774	5011	5242	5745	5976
7	MA + 32 Hours	O	3708	3831	3953	4075	4304	4537	4774	5011	5242	5745	5976

## Educator Trainee

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

**Effective July 1, 2014**

<b>12-Month Lane</b>	<b>Educational Level</b>	<b>Pay Plan Code</b>	<b>Hired on or after May 20, 2013</b>	<b>Hired before May 20, 2013</b>
1	BA	E	3893	4278
1	BA	L	3950	4341
1	BA	P	4021	4419
2	BA + 8 Hours	E	3893	4278
2	BA + 8 Hours	L	3950	4341
2	BA + 8 Hours	P	4021	4419
3	BA + 16 Hours	E	3996	4391
3	BA + 16 Hours	L	4053	4454
3	BA + 16 Hours	P	4125	4533
4	BA + 24 Hours	E	4087	4491
4	BA + 24 Hours	L	4145	4555
4	BA + 24 Hours	P	4218	4635
5	MA	E	4179	4592
5	MA	L	4242	4661
5	MA	P	4315	4741
6	MA + 16 Hours	E	4286	4711
6	MA + 16 Hours	L	4349	4779
6	MA + 16 Hours	P	4426	4864
7	MA + 32 Hours	E	4364	4795
7	MA + 32 Hours	L	4430	4868
7	MA + 32 Hours	P	4502	4947

**Effective July 1, 2014**

<b>9-Month Lane</b>	<b>Educational Level</b>	<b>Pay Plan Code</b>	<b>Hired on or after May 20, 2013</b>	<b>Hired before May 20, 2013</b>
1	BA	M	2957	3249
1	BA	O	2957	3249

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

2	BA + 8 Hours	M	3050	3351
2	BA + 8 Hours	O	3050	3351
3	BA + 16 Hours	M	3128	3437
3	BA + 16 Hours	O	3128	3437
4	BA + 24 Hours	M	3215	3533
4	BA + 24 Hours	O	3215	3533
5	MA	M	3314	3641
5	MA	O	3314	3641
6	MA + 16 Hours	M	3393	3728
6	MA + 16 Hours	O	3393	3728
7	MA + 32 Hours	M	3497	3842
7	MA + 32 Hours	O	3497	3842

**Juvenile Justice School Counselor****Effective June 2, 2016**

<u>12- Month Lane</u>	<u>Educational Level</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>5</u>	<u>MA</u>	<u>L</u>	<u>4751</u>	<u>4908</u>	<u>5064</u>	<u>5221</u>	<u>5500</u>	<u>5813</u>	<u>6123</u>	<u>6445</u>	<u>6754</u>	<u>7337</u>	<u>7633</u>
<u>5</u>	<u>MA</u>	<u>P</u>	<u>4833</u>	<u>4992</u>	<u>5151</u>	<u>5310</u>	<u>5585</u>	<u>5898</u>	<u>6207</u>	<u>6531</u>	<u>6839</u>	<u>7424</u>	<u>7720</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>L</u>	<u>4839</u>	<u>4998</u>	<u>5158</u>	<u>5317</u>	<u>5626</u>	<u>5938</u>	<u>6250</u>	<u>6579</u>	<u>6882</u>	<u>7486</u>	<u>7784</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>P</u>	<u>4917</u>	<u>5079</u>	<u>5241</u>	<u>5403</u>	<u>5715</u>	<u>6024</u>	<u>6342</u>	<u>6664</u>	<u>6973</u>	<u>7566</u>	<u>7870</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>L</u>	<u>4988</u>	<u>5152</u>	<u>5316</u>	<u>5480</u>	<u>5790</u>	<u>6107</u>	<u>6428</u>	<u>6749</u>	<u>7058</u>	<u>7661</u>	<u>7969</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>P</u>	<u>5066</u>	<u>5235</u>	<u>5401</u>	<u>5568</u>	<u>5875</u>	<u>6195</u>	<u>6513</u>	<u>6837</u>	<u>7144</u>	<u>7751</u>	<u>8061</u>

**Special Education Resources Coordinator****Effective June 2, 2016**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

<u>12- Month Lane</u>	<u>Educational Level</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
			<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>1</u>	<u>BA</u>	<u>L</u>	<u>4311</u>	<u>4453</u>	<u>4594</u>	<u>4737</u>	<u>4955</u>	<u>5178</u>	<u>5417</u>	<u>5694</u>	<u>5958</u>	<u>6463</u>	<u>6721</u>
<u>1</u>	<u>BA</u>	<u>P</u>	<u>4386</u>	<u>4531</u>	<u>4676</u>	<u>4821</u>	<u>5046</u>	<u>5260</u>	<u>5500</u>	<u>5778</u>	<u>6047</u>	<u>6548</u>	<u>6810</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>L</u>	<u>4428</u>	<u>4574</u>	<u>4721</u>	<u>4866</u>	<u>5088</u>	<u>5315</u>	<u>5594</u>	<u>5880</u>	<u>6161</u>	<u>6683</u>	<u>6949</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>P</u>	<u>4506</u>	<u>4653</u>	<u>4802</u>	<u>4951</u>	<u>5177</u>	<u>5402</u>	<u>5681</u>	<u>5968</u>	<u>6248</u>	<u>6766</u>	<u>7036</u>
<u>3</u>	<u>BA + 16 Hours</u>	<u>L</u>	<u>4530</u>	<u>4680</u>	<u>4829</u>	<u>4979</u>	<u>5216</u>	<u>5481</u>	<u>5773</u>	<u>6052</u>	<u>6358</u>	<u>6896</u>	<u>7172</u>
<u>3</u>	<u>BA + 16 Hours</u>	<u>P</u>	<u>4608</u>	<u>4760</u>	<u>4911</u>	<u>5063</u>	<u>5302</u>	<u>5569</u>	<u>5860</u>	<u>6138</u>	<u>6447</u>	<u>6982</u>	<u>7262</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>L</u>	<u>4634</u>	<u>4787</u>	<u>4940</u>	<u>5093</u>	<u>5349</u>	<u>5649</u>	<u>5947</u>	<u>6255</u>	<u>6555</u>	<u>7120</u>	<u>7407</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>P</u>	<u>4715</u>	<u>4871</u>	<u>5027</u>	<u>5182</u>	<u>5433</u>	<u>5734</u>	<u>6030</u>	<u>6343</u>	<u>6641</u>	<u>7212</u>	<u>7499</u>
<u>5</u>	<u>MA</u>	<u>L</u>	<u>4751</u>	<u>4908</u>	<u>5064</u>	<u>5221</u>	<u>5500</u>	<u>5813</u>	<u>6123</u>	<u>6445</u>	<u>6754</u>	<u>7337</u>	<u>7633</u>
<u>5</u>	<u>MA</u>	<u>P</u>	<u>4833</u>	<u>4992</u>	<u>5151</u>	<u>5310</u>	<u>5585</u>	<u>5898</u>	<u>6207</u>	<u>6531</u>	<u>6839</u>	<u>7424</u>	<u>7720</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>L</u>	<u>4839</u>	<u>4998</u>	<u>5158</u>	<u>5317</u>	<u>5626</u>	<u>5938</u>	<u>6250</u>	<u>6579</u>	<u>6882</u>	<u>7486</u>	<u>7784</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>P</u>	<u>4917</u>	<u>5079</u>	<u>5241</u>	<u>5403</u>	<u>5715</u>	<u>6024</u>	<u>6342</u>	<u>6664</u>	<u>6973</u>	<u>7566</u>	<u>7870</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>L</u>	<u>4988</u>	<u>5152</u>	<u>5316</u>	<u>5480</u>	<u>5790</u>	<u>6107</u>	<u>6428</u>	<u>6749</u>	<u>7058</u>	<u>7661</u>	<u>7969</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>P</u>	<u>5066</u>	<u>5235</u>	<u>5401</u>	<u>5568</u>	<u>5875</u>	<u>6195</u>	<u>6513</u>	<u>6837</u>	<u>7144</u>	<u>7751</u>	<u>8061</u>

(Source: Amended by preemptory rulemaking at 40 Ill. Reg. 11207, effective August 5, 2016)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC HEARING

- 1) Statutory Authority: 5 ILCS 100/5-70(c)
- 2) Summary of Hearing: The hearing will provide the opportunity to learn about and provide input into Illinois Department of Healthcare and Family Services' (DHFS') proposed Section 1115 Demonstration. This Demonstration sets forth a plan to transform behavioral health in Illinois with the goals of improving access, quality, and cost effectiveness. The demonstration aims to promote a robust complement of core, preventative, and supportive behavioral health services as well as the integration of behavioral and physical health for both higher-needs and lower-needs behavioral health customers.

This Demonstration aims to help Illinois achieve its vision for its behavioral health system that:

1. Provides a digitally enabled system to identify and support customers,
2. Provides a comprehensive suite of quality services,
3. Integrates behavioral and physical health, and
4. Is supported by an effective streamlined state system

The draft waiver application may be found at the Public Notices link located on the HFS web site: <http://www.illinois.gov/hfs/>

- 3) Date, Time and Location of Public Hearing:

Wednesday, August 24, 2016 *(There will be a conference line option for this meeting. Call-in information will be posted with the waiver information at the web site and link provided above.)*

2:00 PM to 4:30 PM  
Assembly Hall Auditorium  
James R. Thompson Center  
100 W. Randolph Street  
Chicago IL 60601

Friday, August 26, 2016  
10:00 AM to 12:30 PM  
Howlett Auditorium  
Michael J. Howlett Building  
501 South Second Street

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC HEARING

Springfield IL 62756

4) Other Pertinent Information:

- Persons must sign in at the registration desk located outside of the public hearing location. Persons wishing to provide oral testimony will indicate such during registration and must submit a written copy of the testimony at that time.
- Written testimony from those choosing not to speak will also be accepted during the registration period.
- Speakers will be heard on a first come, first served basis.
- Individuals giving oral testimony are asked to limit their comments to three minutes.
- Organizations are asked to select one spokesperson to present oral testimony on behalf of the organization and will be asked to limit their comments to five minutes.
- To assist the orderly conduct of the hearing and to ensure that the opinions of all interested individuals and/or groups are considered, the Department may impose other rules of procedure as necessary, including, but not limited to, adjusting the time limit or the order of presentation.

5) Name and Address of Agency Contact Person: Any interested party may direct comments, data, views or arguments concerning these proposed changes. All comments not provided at the hearing must be in writing and received by September 19, 2016, and addressed to:

Illinois Department of Healthcare and Family Services  
Division of Medical Programs  
Bureau of Program and Policy Coordination  
201 South Grand Avenue East  
Springfield IL 62794  
hfs.bpra@illinois.gov

This notice is being provided in accordance with federal requirements provided at 42 CFR 431.408.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received during the period of August 2, 2016 through August 8, 2016. The rulemakings are scheduled for review at the Committee's September 6, 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>
9/18/16	<u>Secretary of State</u> , Secretary of State Standard Procurement (44 Ill. Adm. Code 2000)	5/6/16 40 Ill. Reg. 7043	9/6/16

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 40, Issue 34 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

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89 - 677	.....	11087
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**ADOPTED RULES**

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80 - 250	8/4/2016 .....	11192

**PEREMPTORY RULES**

80 - 310	8/5/2016 .....	11207
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