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October 14, 2016 Volume 40, Issue 42

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INTRODUCTION

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

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

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

22	May 16, 2016	May 27, 2016
23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2016 until January 3, 2017.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Voter Registration Program
- 2) Code Citation: 89 Ill. Adm. Code 512
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
512.10	Amendment
512.20	Amendment
512.30	Amendment
- 4) Statutory Authority: Implementing the Department of Human Service Act [20 ILCS 1305] and the National Voter Registration Act of 1993 (52 USC 20501-20511) and Illinois Election Code [10 ILCS 5]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to clarify the voter registration provisions. This proposed rulemaking adds the definition for confidential office number to Section 512.10 Definitions. In addition, this proposed rulemaking clarifies that:
 - clients will be offered assistance in completing voter registration forms;
 - no statements will be made or actions taken to lead a client to believe that a decision to register or not to register will affect the availability of services or benefits provided;
 - clients of State-operated mental health facilities will be instructed to register with their last address prior to entering the mental health facility;
 - if the client indicates that he or she declines to apply to register, the client will be asked to sign the form or to affix his or her mark on the declaration form;
 - IDHS clients who are unable to register to vote or change their address at IDHS due to the traditional close of the registration deadline (28 days prior to an election) may utilize a grace period to register to vote pursuant to 10 ILCS 5/4-50. The grace period is from the close of registration for an election until and including the day of the election;
 - the completed declaration and registration forms will be retained by IDHS in a confidential manner separate from the client's IDHS file for a minimum of two years; and

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NOTICE OF PROPOSED AMENDMENTS

- the registration application forms will be sent in plain envelopes, with no indication that the mailing originated from an IDHS office, to the Illinois State Board of Elections in Springfield, Illinois.
- 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 these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772
 - 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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 h: MISCELLANEOUS PROGRAMSPART 512
VOTER REGISTRATION PROGRAM

Section	
512.10	Definitions
512.20	Opportunities for Voter Registration
512.30	Disposition of Voter Registration Forms

AUTHORITY: Implementing the Department of Human Service Act [20 ILCS 1305] and the National Voter Registration Act of 1993 (52 USC 20501-20511) and Illinois Election Code [10 ILCS 5].

SOURCE: Adopted at 23 Ill. Reg. 7514, effective June 17, 1999; amended at 40 Ill. Reg. _____, effective _____.

Section 512.10 Definitions

For the purpose of this Part, the following terms shall have the following meanings:

Client – means any individual who will be at least 18 years of age on the day of the next election who is applying for, is determined or redetermined eligible for, or is being recertified or redetermined to be eligible for, or is receiving, ~~or is being recertified or redetermined to be eligible for~~ services for persons with disabilities or public assistance from the Illinois Department of Human Services (~~IDHS~~DHS). No person who has been legally convicted in this or another ~~state~~State or in any federal court of any crime, and is serving a sentence of confinement in any penal institution, ~~or who has been convicted and is serving a sentence of confinement in any penal institution,~~ shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement, and thus is not considered a client for the purposes of this Part.

Confidential Office Number – means a number assigned by a deputy registrar in charge of voter registration to each Voter Registration Application Transmittal form (R-25) that indicates which office sent the form, without using a IDHS return address.

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Staff – means an individual who is employed by any ~~IDHS office~~~~DHS Office~~ or facility whose duties include contact with clients; or may include contractors that provide State-funded programs to provide services to persons with disabilities and/or provide public assistance services.

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

Section 512.20 Opportunities for Voter Registration

- a) In accordance with the National Voter Registration Act of 1993 (~~5242~~ USC ~~§20501-20511-1973gg, et seq.~~), ~~staff~~~~Staff~~ are required to provide clients the opportunity to apply to register to vote and to assist clients, if requested, in the completion of voter registration applications ~~and~~~~or~~ declaration forms. Opportunities for application for ~~voter registration~~~~Voter Registration~~ shall be provided at the time of application for services, annual review, recertification or reassessment of services.
- 1) Staff shall:
 - A) Inform the client of his or her ~~right~~~~rights~~ to execute or decline to execute a voter registration application.
 - B) Provide the client with a declaration form that asks if he or she would like the opportunity to apply to register to vote. Each client has the right to accept or decline the opportunity.
 - C) Provide to each client who does not decline to apply to register to vote the same degree of assistance with regard to the completion of the voter registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
 - D) Provide the client with a mail-in voter registration application when the client provides notification to DHS of a change of address ~~and offer the client assistance in completing the form.~~
 - 2) Staff shall not:

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NOTICE OF PROPOSED AMENDMENTS

- A) seek to influence a client's political preference;
 - B) display any political preference or party allegiance;
 - C) make any ~~statements~~statement or take any action to encourage or discourage an applicant from registering to vote; or
 - D) make any ~~statements~~statement or take any action to lead a client to believe that a decision to register or not to register will affect the availability of services or benefits provided.
- 3) Anyone who intimidates or threatens another person for attempting to register to vote or who knowingly submits false voter registration applications may be imprisoned for up to five years or fined, or both, under federal law.
- b) If the client indicates either by checking the appropriate box on the declaration form or verbally (if he or she cannot write) that he or she desires to apply to register to vote, ~~staff~~Staff shall assist the client in the completion of the voter registration application, if requested. Assistance shall include, but not be limited to, sign-language interpreters (for deaf and hard of hearing individuals), readers (for blind and visually impaired individuals), and a verbal explanation of the application, as appropriate. The declaration form shall be retained in accordance with Section 512.30.
 - c) Mental Health Facilities staff may offer voter registration after admission in instances where it may be clinically ill-advised to do so upon admission. Staff shall ask the client to sign the declaration form and shall retain the form in accordance with Section 512.30. A State-operated mental health facility is not recognized as a valid address for voter registration. Therefore, staff shall instruct clients of State-operated mental health facilities to register with their last address prior to entering the mental health facility.
 - d) If the client indicates either by checking the appropriate box on the declaration form or verbally that he or she declines to apply to register, staff shall ask the individual to sign the form or to affix his or her mark on the form and shall retain the form in accordance with Section 512.30.
 - e) If the client does not check the appropriate box and does not communicate any

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choice, ~~staff~~Staff shall treat this as a declination. Staff shall, note that the client did not indicate a preference on the form, fill in the client's name if he or she does not, and retain the form in accordance with Section 512.30.

- f) IDHS clients who are unable to register to vote or change their address at IDHS due to the traditional close of the registration deadline (28 days prior to an election) may utilize a grace period to register to vote pursuant to Section 4-50 of the Election Code [10 ILCS 5]. The grace period is from the normal close of registration until and including the day of the election.

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

Section 512.30 Disposition of Voter Registration Forms

- a) The completed declaration and registration forms~~form~~ shall be retained by IDHS~~DHS~~ in a confidential manner separate from the client's IDHS~~DHS~~ file for a minimum of two~~2~~ years.
- b) If the client has chosen to apply to register to vote, and completes the registration application prescribed by the Illinois State Board of Elections, the application shall be forwarded to the Illinois State Board of Elections~~appropriate local election authority~~ in a manner that protects~~to protect~~ the confidentiality of the client.
- c) Staff shall submit completed voter registration applications to the Illinois State Board of Elections~~local election authority~~ as follows:
- 1) within 10 days after the date of receipt if received by IDHS~~five DHS~~ 5 or more days prior to the close of voter registration; or
 - 2) within five~~5~~ days if received five~~5~~ days or less prior to~~from~~ the close of voter registration.
- d) Registration application forms shall be sent in plain envelopes with no indication that the mailing originated from an IDHS office, using a return address of the Illinois State Board of Elections, ATTN: Voter Registration, 2320 South MacArthur Blvd., Springfield IL 62704. These mailings shall include a Voter Registration Application Transmittal form (R-25), with the confidential office number, but no other indication of where the mailing originated.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Control of Sexually Transmissible Infections Code
- 2) Code Citation: 77 Ill. Adm. Code 693
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
693.10	Amendment
693.100	Amendment
693.150	Amendment
- 4) Statutory Authority: Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement PA 99-173 with respect to the definition of health care professional and add language to facilitate data sharing and surveillance based partner services.

The economic effect on 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: Centers for Disease Control and Prevention. Data Security and Confidentiality Guidelines for HIV, Viral Hepatitis, Sexually Transmitted Disease, and Tuberculosis Programs: Standards to Facilitate Sharing and Use of Surveillance Data for Public Health Action. Atlanta (GA): U.S. Department of Health and Human Services, Centers for Disease Control and Prevention; 2011

Maiorana et al.: Trust, confidentiality, and the acceptability of sharing HIV-related patient data: lessons learned from a mixed methods study about Health Information Exchanges. *Implementation Science* 2012 7:34.

- 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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: 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 k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE INFECTIONS CODE

Section

693.10	Definitions
693.15	Incorporated and Referenced Materials
693.20	Reportable STIs and Laboratory Results
693.30	Reporting
693.35	Fines and Penalties
693.40	Counseling and Partner Services
693.45	Notification of Health Care Contacts
693.50	Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia, HIV or Chancroid
693.60	Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, HIV and Chancroid
693.70	Counseling and Education for AIDS and HIV (Repealed)
693.80	Isolation for AIDS and HIV (Repealed)
693.90	Quarantine (Repealed)
693.100	Confidentiality
693.110	Examination and Treatment of Prisoners
693.120	Certificate of Freedom from STIs
693.130	Treatment of Minors
693.140	Control Measures (Repealed)
693.150	Expedited Partner Therapy (EPT)

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill. Reg. 22026, effective December 9, 1998; amended at 25 Ill. Reg. 3916, effective April 1, 2001;

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amended at 25 Ill. Reg. 14497, effective November 1, 2001; amended at 37 Ill. Reg. 8762, effective June 12, 2013; amended at 38 Ill. Reg. 20788, effective October 15, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 693.10 Definitions

"Act" means Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"Certified Local Health Department" means a local health department that is certified pursuant to 77 Ill. Adm. Code 600.210 of the Certified Local Health Department Code.

"Contact" means:

An individual who has been in direct sexual contact with an individual infected with a sexually transmitted infection (STI);

An individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;

An individual who has undergone artificial insemination, a blood transfusion or an organ or tissue transplantation donated by a person with human immunodeficiency virus (HIV) infection.

"Critical Period" means the time interval for which an individual infected with an STI is asked to recall sexual or needle-sharing contacts. Ideally, the critical period covers the time from the earliest date an individual could have been infected with an STI up to the date of diagnosis or treatment.

The critical period for syphilis is based on the disease stage at the time of diagnosis:

Primary – four months and one week;

Secondary – eight months (34 weeks);

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Early latent – 12 months, unless a credible primary or secondary history can be established.

The critical period for chlamydia, gonorrhea and chancroid is 60 days before the date of specimen collection and should be extended through the date of treatment if the patient was not treated at the time the specimen was collected.

The critical period for HIV is 12 months before the date of diagnosis.

"Department" means the *Illinois Department of Public Health*. (Section 3 of the Act)

"Designated Agent" means an organization designated by the Department, or a local health department in cities with a population of 1,000,000 or more, to conduct public health activities under a written ~~service~~ agreement with the Department.

"Epidemiologic Information" means information, obtained through the counseling and partner services process, regarding possible exposure to an STI.

"Expedited Partner Therapy" means to prescribe, dispense, furnish or otherwise provide prescription antibiotic drugs to the partner or partners of persons clinically diagnosed as infected with a sexually transmissible infection, without physical examination of the partner or partners.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care professional's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Contact" means any the following:

An individual who has undergone exposure-prone invasive procedures performed by an HIV infected health care professional when the Department has determined that there is or may have been potential risk of HIV transmission from the health care professional to that individual;

A health care professional who has performed exposure-prone invasive

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procedures for a person infected with HIV when the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care professional. (Section 5.5(c) of the Act)

"Health Care Facility" means any institution, building or agency or portion of any institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"Health Care Professional" means any of the following:

A physician licensed to practice medicine in all its branches~~a licensed physician;~~

a licensed physician assistant to whom the physician assistant's supervising physician has delegated the provision of health services;

a licensed~~an~~ advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of health services; [410 ILCS 325/3(4)]

a licensed dentist~~a licensed dentist;~~

a licensed podiatrist~~a licensed podiatrist; or [410 ILCS 305/3(f-5)]~~

a licensed nurse or other person licensed or certified to provide health care services of any kind; or-

an individual certified to provide HIV testing and counseling by a state or local public health department.

"HIV Infection" means infected with HIV, as evidenced by a positive or reactive supplemental laboratory test result.

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification.

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"Invasive Procedure" means surgical entry into tissues, cavities or organs or repair of major traumatic injuries associated with any of the following:

An operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

Cardiac catheterizations and angiographic procedures;

Vaginal or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

Manipulation or excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means the physical separation and confinement of an individual who is infected or reasonably believed to be infected with an STI from non-isolated individuals to prevent the transmission of the STI to non-isolated individuals.

"Laboratory" means a CLIA-approved or -licensed facility, other than a blood bank, at which tests are performed to determine the presence of infection with an STI.

"Local Health Department" means *the full-time official health department or board of health having jurisdiction over a particular area.* (Section 3 of the Act)

"Noncompliant" means that a person who is infected with an STI and is aware of his/her infection is engaging in behaviors or activities that place others at risk of exposure to the STI.

"Partner Services" means services offered to persons diagnosed with HIV, syphilis, gonorrhea or chlamydia and to their partners. These services include, but are not limited to, interviewing infected individuals to elicit and subsequently notify sex and needle sharing partners of possible exposure or potential risk of exposure to infection, facilitating testing and treatment of exposed partners, and providing referrals to support services as needed.~~information and assistance offered to persons infected with STIs in referring their sexual or needle-sharing contacts for a medical examination, testing, counseling and treatment, if indicated.~~

"Quarantine" means the act of making a place or a location *off limits to the public*

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to prevent the probable spread of syphilis, gonorrhea, chlamydia, HIV or chancroid. (Section 7(a) of the Act)

"Self-Refer" means for a person infected with an STI to notify his/her contacts of their possible exposure to an STI and to refer contacts to appropriate health care professionals for counseling, testing and treatment, if indicated.

"Sexually Transmissible Infection" or "STI" means, as defined by the Centers for Disease Control and Prevention, an infection that can be acquired or transmitted through sexual activity.

"Susceptible" means capable of becoming infected with the etiologic agent of an STI.

"Suspected Case" means a person who is reasonably believed to be infected with an STI, based on medical or epidemiologic information.

"Treatment" means services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication, counseling and immunization.

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

Section 693.100 Confidentiality

- a) *All information and records held by the Department and local health departments or designated agents relating to known or suspected cases of STIs shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and local health departments or designated agents shall not disclose information and records held by them relating to known or suspected cases of STIs publicly or in any action of any kind in any court or before any tribunal, board or agency. (Section 8(a) of the Act)*
- b) Databases maintained by the Department, certified local health departments or designated agents containing the information described in subsection (a) shall not be released for the purposes of matching with other State agency databases.
- c) *Such information shall not be released or made public by the Department, local health departments or designated agents, or by a court or parties to a lawsuit upon*

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revelation by subpoena, or *by a court conducting proceedings authorized by Section 6(c) of the Act, except that release of such information may be made under the following circumstances:*

- 1) *When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act);*
 - 2) *When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act);*
 - 3) *When made to medical personnel, [the Department, local health departments or designated agents](#) for care and treatment purposes, including for the purposes of ensuring that medical providers can attempt to re-engage persons with HIV in care [and to provide partner services](#), *appropriate State agencies expressly charged in the Act and this Part with enforcement of the provisions of the Act, or courts of appropriate jurisdiction to enforce the provisions of the Act and this Part (Section 8(a)(3) of the Act);**
 - 4) *When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code);*
 - 5) *When authorized by the AIDS Confidentiality Act.*
- [de](#)) *A court hearing a request for the issuance of a warrant as authorized in Section 6(c) of the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act)*
- [ed](#)) *No employee of the Department, a local health department or designated agent shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined, tested, or treated for an STI, or a contact of the person, by the Department, a local health department or designated agent pursuant to the provisions of the Act, or concerning the existence or contents of such reports received from a health care professional or health care facility, pursuant to the provisions of the Act, without the consent of the person examined, tested or treated, or a contact to an STI,*

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except in proceedings under Sections 6 and 7 of the Act. (Section 8(d) of the Act)

- f**e) *All information and records held by the Department, a local health department or designated agent pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department, a local health department or designated agent, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances:*
- 1) *When disclosure is made with the written consent of all persons to whom this information pertains;*
 - 2) *When authorized under Section 8 of the Act to be released under court order or subpoena pursuant to Section 12-5.01 of the Criminal Code of 1961; or*
 - 3) *When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act. Such disclosure shall conform to the requirements of Section 8(a) of the Act. (Section 5.5 of the Act)*
- g**f) *Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)*

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

Section 693.150 Expedited Partner Therapy (EPT)

- a**) ~~*For the purposes of this Section, in addition to the definition in Section 693.10, health care professional means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of sexually transmissible infection therapy services or expedited partner therapy services by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the*~~

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~~provision of sexually transmitted infections therapy services or expedited partner therapy services, or an advanced practice nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act. (Section 3 of the Act)~~

- ~~a~~b) Persons with a clinical diagnosis of chlamydia or gonorrhea, preferably confirmed with a laboratory test, are eligible for EPT.
- b)e) Sex partners of patients treated for chlamydia or gonorrhea, or both, who were exposed within the previous 60 days and who are unable or unlikely to seek medical care are eligible for EPT. If there were no sex partners within the previous 60 days, the most recent sex partner is eligible.
- ~~c~~d) *Health care professionals who provide EPT shall comply with Sections 4 and 5 of the Act. (Section 6(e)(2) of the Act)*
- d)e) EPT is not contraindicated but is a last resort for pregnant partners. Health care professionals shall attempt to contact the pregnant partner and ensure that she is referred for medical care.
- e)f) *Health care professionals who provide EPT shall provide counseling for the patient and written materials provided by the Department to be given by the patient to the partner or partners that include, at a minimum, the following:*
- 1) *A warning that a woman who is pregnant or might be pregnant must not take certain antibiotics and must immediately contact a health care professional for an examination, and a recommendation for such an examination;*
 - 2) *Information about the antibiotic and dosage provided or prescribed; clear and explicit allergy and side effect warnings, including a warning that a partner who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic must not take the antibiotic and must be immediately examined by a health care professional, and a recommendation for such an examination;*
 - 3) *Information about the treatment and prevention of sexually transmissible infections;*

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- 4) *The requirement of abstinence until a period of time after treatment to prevent infecting others;*
 - 5) *Notification of the:*
 - A) *importance of the partner or partners of the patient receiving examination and testing for HIV and other sexually transmissible infections; and*
 - B) *available resources;*
 - 6) *Notification of the risk to self, others, and the public health if the sexually transmissible infection is not completely and successfully treated;*
 - 7) *The responsibility of the partner or partners to inform his or her sex partner or partners of the risk of sexually transmissible infection and the importance of prompt examination and treatment. (Section 6(e)(3) of the Act)*
- f) *A healthcare professional prescribing, dispensing, furnishing, or otherwise providing in good faith without fee and compensation prescription antibiotics to partners under this Section and providing counseling and written materials as required by subsection (e) shall not be subject to civil or professional liability, except for willful and wanton misconduct. A health care professional shall not be subject to civil or professional liability for choosing not to provide expedited partner therapy. (Section (6)(e)(5) of the Act)*
- g) Educational materials will instruct all EPT recipients to seek care for STI and to seek HIV testing, regardless of whether they take the medication.
- h) Medication may be dispensed directly to the patient for delivery to the partner or partners. If the partner or partners are unable or unlikely to seek medical care, the prescription for the medication may be provided to the patient to be delivered to the partner or partners. A combination of partner strategies may be used; for example, a patient with several partners may refer one partner to a health care professional, but take EPT for other partners.

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

TORTURE INQUIRY AND RELIEF COMMISSION

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- 1) Heading of the Part: Organization, Public Information, Procedures and Rulemaking
- 2) Code Citation: 2 Ill. Adm. Code 3500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3500.10	Amendment
3500.330	Amendment
3500.340	Amendment
3500.375	Amendment
- 4) Statutory Authority: 775 ILCS 40/1; PA 99-688
- 5) A Complete Description of the Subjects and Issues Involved: A definition of a new statutory terms in the proposed Rules, modification of definitions and rules as needed to conform to the statutory update by PA 99-668; a description of the the voting order of Alternate Public Member Commissioners in the event of the absence or disqualification of a primary Public Member Commissioner; a description of factors considered in prioritizing claims; a description of the treatment of claims that were previously dismissed on jurisdictional grounds that have since been changed by the legislature.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed rulemakings contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking was not included on either of the 2 most recent agendas because the overwhelming majority of the changes were necessitated by the legislature's revision of the statute in PA 99-668 on July 29, 2016. The changes are immediately needed to comply with the new Act and continue operations.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

TORTURE INQUIRY AND RELIEF COMMISSION

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Illinois Torture Inquiry and Relief Commission
c/o Staff Attorney Michelle Jenkins
100 West Randolph St., Ste 10-300
Chicago IL 60601

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because this rulemaking was not anticipated at those times, nor can implementation of the rules be postponed until the next agenda due to operational needs.

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

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXV: TORTURE INQUIRY AND RELIEF COMMISSION

PART 3500

ORGANIZATION, PUBLIC INFORMATION, PROCEDURES AND RULEMAKING

SUBPART A: ORGANIZATION

Section	
3500.10	Commission Members
3500.20	Chair of the Commission
3500.30	Terms of Members
3500.40	Compensation and Expenses
3500.50	Director
3500.60	Other Staff

SUBPART B: PUBLIC INFORMATION

Section	
3500.210	Commission Records

SUBPART C: PROCEDURES

Section	
3500.310	Meetings
3500.320	Quorum
3500.330	Claim of Torture
3500.340	Initial Screening of Claim Form
3500.350	Wavier of Convicted Person's Procedural Safeguards and Privileges
3500.360	Informal Inquiry and Summary Dismissal
3500.370	Summary Referral (Repealed)
3500.375	Formal Inquiry
3500.380	Evidentiary Proceedings Before the Commission
3500.385	Decisions
3500.386	Factors Considered in Decisions
3500.390	Notification of Crime Victim
3500.395	Commission Reports to General Assembly and Governor

SUBPART D: RULEMAKING

TORTURE INQUIRY AND RELIEF COMMISSION

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Section
3500.410 Adoption of Rules

AUTHORITY: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

SOURCE: Adopted at 35 Ill. Reg. 15125, effective August 25, 2011; amended at 38 Ill. Reg. 18988, effective September 19, 2014; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: ORGANIZATION

Section 3500.10 Commission Members

- a) *The Illinois Torture Inquiry and Relief Commission consists of 8 voting primary members as follows:*
- 1) *One retired Circuit Court Judge.*
 - 2) *One former prosecuting attorney.*
 - 3) *One law school professor.*
 - 4) *One who is engaged in the practice of criminal defense law.*
 - 5) *Three members of the public who are not attorneys and who are not officers or employees of the judicial branch. The three Commissioners described in this subsection (a)(5) shall be known as the "Public Member Commissioners".*
 - 6) *One former public defender.*
- b) *The members of the Commission shall be appointed by the Governor, with the advice and consent of the Senate. Members may be re-appointed for additional terms, as provided for under Section 25 of the Act. [775 ILCS 40/20(a)]*
- c) *The Governor also appoints alternate Commission members for the primary Commission members he or she has appointed to serve in the event of scheduling conflicts, conflicts of interest, disability, or other disqualification arising in a particular case. Where an alternate member is called upon to serve in a*

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particular place, the alternate member shall vote in the place of, and otherwise exercise the same powers as, the member which he or she is replacing. The alternate member shall have the same qualifications for appointment as the original primary member. In making the appointments, the Governor makes a good faith effort to appoint members with different perspectives of the justice system. The Governor also considers geographical location, genders and racial diversity in making the appointments. [775 ILCS 40/20(a-1)]

- d) Any alternate Public Member Commissioner may substitute for any indisposed or disqualified primary Public Member Commissioner. In the event that two or more alternate Public Member Commissioners are available at a meeting to vote in the place of an indisposed or disqualified primary Public Member Commissioner, the alternate Public Member Commissioner with greatest seniority on the Commission shall vote in place of the indisposed or disqualified primary Public Member Commissioner. Seniority shall be defined by the filing date on the governor's letter to the Secretary of State's Office appointing the alternate Public Member Commissioner. In the event of equal seniority between the available alternate Public Member Commissioners, the alternate Public Member Commissioner who is alphabetically first shall vote in place of the indisposed or disqualified primary Public Member Commissioner.

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

SUBPART C: PROCEDURES

Section 3500.330 Claim of Torture

- a) A request for a formal inquiry into a claim of torture is accomplished by filing a Claim Form (see 20 Ill. Adm. Code 2000.Appendix B):
- 1a) Any individual, court or agency may complete and file a Claim Form on behalf of a living person asserting a claim of torture.
- 2b) Any person may call or write the Commission to request that a Claim Form be mailed or faxed to that person in order to file a claim. The Commission also maintains a website (www.Illinois.gov/ihr) from which a Claim Form may be printed or downloaded.

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- 3e) A completed Claim Form may be filed by either mailing it to the Illinois Torture Inquiry and Relief Commission, 100 W. Randolph St., Ste. 10-300, Chicago IL 60601, or by faxing it to the Commission's office.
- 4d) A claimant may use the Claim Form supplied by the Commission or a letter communicating substantially the same information requested in the Claim Form.
- 5e) A Claim Form shall be considered filed on the date it is mailed or transmitted to the Commission.
- b) The Commission deems automatically refiled those Claims that were:
- 1) not allowed to be filed with the Commission;
 - 2) dismissed by the Commission;
 - 3) not referred to the Court by the Commission; or
 - 4) dismissed by the Court after referral by the Commission, if that action was taken solely on jurisdictional grounds that were subsequently superseded by the amendments to Section 5(1) of the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40] (the Act) (see P.A. 99-688). The automatically refiled claims retain their original filing date and may be re-evaluated and reinvestigated as the Commission finds necessary.
- c) The Commission deems automatically resubmitted to the Commission those claims the Commission did not allow to be filed solely on jurisdictional grounds that were subsequently superseded by the amendments to Section 70 of the Act (see P.A. 99-688). The automatically resubmitted claims retain their original submission date and proceed to initial screening pursuant to Section 3500.340.

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

Section 3500.340 Initial Screening of Claim Form

- a) Upon receipt of the Claim Form, the Director, or his or her designee, will conduct an initial screening of the Claim Form to determine whether it satisfies the

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following minimum criteria required for the Commission to consider a claim of torture:

- 1) The Claim Form is properly completed;
 - 2) The claim meets the definition of "claim of torture" contained in 20 Ill. Adm. Code 2000.10; and
 - 3) The Claim Form is timely filed by August 10, ~~2019~~2014. (See 775 ILCS 40/70.)
- b) If the Claim Form is not properly completed, the Director shall return it to the person who submitted it, indicating why the Form has not been filed and giving the opportunity to resubmit it.
- c) If the Claim Form is properly completed, the claim will be filed and assigned a claim number.
- d) If the claim meets the definition of "claim of torture" contained in 20 Ill. Adm. Code 2000.10, the claim shall proceed to the Waiver of Convicted Person's Procedural Safeguards and Privileges under Section 3500.350. The claim shall be set for investigation, in the manner and priority to be determined by the Director, subject to ~~Section 35(2) of the Act and~~ Section 3500.375(c) of this Part, and any direction by the Commission.
- e) ~~If the claim does not meet the definition of "claim of torture" contained in 20 Ill. Adm. Code 2000.10 solely because none of the police officers involved served under Jon Burge, the Director shall send a letter to the claimant informing him or her that the matter will not be given priority by the Commission, and that further action may not be taken until it is determined that the Commission has jurisdiction over claims that do not involve officers who served under Jon Burge.~~
- e~~f~~) If the Claim Form demonstrates that the claim does not meet the definition of "claim of torture" contained in 20 Ill. Adm. Code 2000.10 ~~for a reason other than that discussed in subsection (e) of this Section~~, the Director shall recommend in a written report to the Commission that the claim be denied for the reasons specified in the report.

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- 1) The Commission shall vote to accept or to reject the Director's recommendation by majority vote of the voting members appointed. At least 4 votes are required to accept a recommendation to deny a claim.
- 2) If the Commission accepts the recommendation to deny the claim, the Director shall notify the convicted person, and the person filing the claim if other than the convicted person, in writing that the claim was denied and the reasons for the denial.

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

Section 3500.375 Formal Inquiry

- a) If the claim is not summarily dismissed, a formal inquiry will be initiated by the Director on behalf of the *Commission*. In conducting the formal inquiry, *any measure provided in the Code of Civil Procedure [735 ILCS 5] and the Code of Criminal Procedure of 1963 [725 ILCS 5]* may be used *to obtain information necessary to the inquiry*, including but not limited to:
 - 1) Issuing and serving *subpoenas or other process to compel the attendance of witnesses and the production of evidence*;
 - 2) *Administering oaths*;
 - 3) Issuing written interrogatories;
 - 4) Conducting oral depositions;
 - 5) Petitioning the *appropriate Circuit Court for enforcement of process or for other relief*, such as contempt; [775 ILCS 40/40(d)]
 - 6) Conducting physical and/or psychological examinations of the convicted person to ascertain evidence of torture;
 - 7) Hiring experts or other specialists as needed to assist the Commission in the inquiry; and
 - 8) Conducting on-site visits to detention centers or other locations where torture is alleged to have taken place.

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- b) *All State discovery and disclosure statutes in effect at the time of the formal inquiry shall be enforceable as if the convicted person were currently being tried for the charge for which the convicted person is claiming torture. [775 ILCS 40/40(f)]*
- c) Prioritization of Inquiries
- 1) In prioritizing formal and informal inquiries, the Commission considers several factors, including but not limited to:
- A) whether the claimant is currently incarcerated solely for the crime to which the convicted person claims torture;
- B) whether the claimant's allegations involve former Chicago Police Commander Jon Burge, officers under Burge's supervision, or officers formerly under Burge's supervision;
- C) the order in which the claims were filed; and
- D) other factors that may arise and affect the efficient workflow of the Commission.
- 2) No one factor is dispositive and weight of the factors is determined by the Director, subject to the supervision of the Chairman and the Commission. ~~*conducting the formal inquiries, priority will be given to those cases in which the convicted person is currently incarcerated solely for the crime to which the convicted person claims torture by Jon Burge or officers under his command, or both. [775 ILCS 40/35(2)]*~~
- d) *All records of the Commission are confidential until the proceedings before the Commission are concluded and a final decision has been made by the Commission. [775 ILCS 40/45(e)]*
- e) If a witness is represented by counsel, the witness is entitled to have counsel present and to consult with counsel at any interview or formal testimony. Counsel may provide information in writing or make requests of the Commission. Nevertheless, counsel has no right to examine witnesses or to participate as if a party to litigation.

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- f) *If, at any point during an inquiry, the convicted person refuses to comply with requests of the Commission or is otherwise deemed uncooperative by the Commission, the Commission shall discontinue the inquiry.* [775 ILCS 40/40(g)] The Director may recommend that the inquiry be terminated. The Commission shall vote to accept or reject the Director's recommendation by majority vote of the voting members appointed. At least 4 votes are required to accept a recommendation to terminate a claim.
- g) Whenever any person knowingly fails or refuses to comply with a subpoena served in accordance with this Section, the Commission will petition the appropriate Circuit Court for an order enforcing the subpoena.
- h) *If a formal inquiry regarding a claim of torture is granted, the Director shall use all due diligence to notify the victim in the case and explain the formal inquiry process. The Commission shall give the victim notice that the victim has the right to present his or her views and concerns throughout the Commission's investigation.* [775 ILCS 40/40(c)] A victim shall have the right to present his or her views and concerns in writing throughout the Commission's investigation. A victim shall also have the right to present oral comments during the Commission's public comment period, and will, at the discretion of the Chair, ordinarily be permitted to speak before other persons make public comments. At any meeting at which a claim is scheduled for decision by the Commission, a victim, if present, shall be permitted to present oral comments before the Commission decides the claim. The victim shall abide by the rules applicable to comments set forth in Section 3500.310(e).
- i) At the completion of the formal inquiry, the Director shall report the results and his or her recommendation to the full Commission. The written report will summarize all the relevant evidence, include the reasons for the recommendation, and present any other matters necessary for the Commission to make an informed decision regarding the claim. Following transmission of the Director's report and recommendation, the Commission may elect to receive additional evidence in the form of an evidentiary proceeding under Section 3500.380. In all other cases, the Commission shall vote to decide the disposition of the claim as set forth in Section 3500.385.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Policy, Hearings and Forms
- 2) Code Citation: 20 Ill. Adm. Code 2000
- 3) Section Number: 2000.10 Proposed Action:
Amendment
- 4) Statutory Authority: 775 ILCS 40/5
- 5) A Complete Description of the Subjects and Issues Involved: A definition of a new statutory terms in the proposed Rules, modification of definitions and rules as needed to conform to the statutory update by PA 99-668; a description of the voting order of Alternate Public Member Commissioners in the event of the absence or disqualification of a primary Public Member Commissioner; a description of factors considered in prioritizing claims; a description of the treatment of claims that were previously dismissed on jurisdictional grounds that have since been changed by the legislature.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Illinois Torture Inquiry and Relief Commission
c/o Staff Attorney Michelle Jenkins
100 West Randolph St., Ste 10-300
Chicago IL 60601

TORTURE INQUIRY AND RELIEF COMMISSION

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the overwhelming majority of the changes were necessitated by the legislature's revision of the statute in PA 99-668 on July 29, 2016. The changes are immediately needed to comply with the new Act and continue operations.

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

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER VIII: TORTURE INQUIRY AND RELIEF COMMISSIONPART 2000
POLICY, HEARINGS AND FORMS

Section

2000.10	Definition of Terms
2000.20	Duties and Powers of Commission
2000.30	Nature of Investigations
2000.40	Subpoenas
2000.50	Relief
2000.60	Review of Decisions
2000.APPENDIX A	Employee Confidentiality Agreement
2000.APPENDIX B	Form to File Claim of Torture
2000.APPENDIX C	TIRC Waiver Form
2000.APPENDIX D	Subpoena and Certificate of Service (Repealed)
2000.APPENDIX E	Subpoena Duces Tecum and Certificate of Service (Repealed)
2000.APPENDIX F	Fee Schedule for Duplication and Certification of Records (Repealed)
2000.APPENDIX G	Application and Order for Appointed Counsel Based Upon Indigency

AUTHORITY: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

SOURCE: Adopted at 35 Ill. Reg. 15142, effective August 25, 2011; amended at 38 Ill. Reg. 19007, effective September 19, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 2000.10 Definition of Terms

"Act" means the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

"Alternate member" means an individual appointed by the Governor to serve in the stead of a Commission member who cannot participate in a Commission vote due to scheduling conflicts, conflict of interest, disability or other disqualifications (see 2 Ill. Adm. 3500.10(c)).

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"Chair" means the chair of the Commission, who is the retired judge appointed to the Commission by the Governor.

"Claim of torture" means a claim on behalf of a living person convicted of a felony in Illinois asserting that the person was tortured into confessing to the crime for which the person was convicted ~~and~~; the tortured confession was used to obtain the conviction; and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants committed by Commander Jon Burge or any officer under the supervision of Jon Burge. [775 ILCS 40/5(1)]

"Commission" or "TIRC" means the Illinois Torture Inquiry and Relief Commission. [775 ILCS 40/5(2)]

"Convicted person" means the person asserting a claim of torture under the Act. [775 ILCS 40/5(3)]

"Director" means the Director of the Commission, who is an attorney licensed to practice in Illinois. The Director assists the Commission in developing rules and standards for cases accepted for review, coordinating investigation of cases accepted for review, maintaining records for all case investigation, preparing reports outlining Commission investigations and recommendations to the trial court, and applying for and accepting on behalf of the Commission any funds that may become available from government grants, private gifts, donations, or bequests from any source. [775 ILCS 40/30]

"Occurring within a county of more than 3,000,000 inhabitants" means that the felony conviction at issue in the claim of torture occurred in the courts of a county of more than 3,000,000 inhabitants. (See Section 5(1) of the Act.)

~~"Related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge" means that the claim or allegations involved are similar to allegations of torture discussed in:~~

~~the November 2, 1990 Office of Professional Standards report on allegations against Burge;~~

~~the July 19, 2006 Cook County Special Prosecutor's Report; and/or~~

TORTURE INQUIRY AND RELIEF COMMISSION

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~~testimony in the 2010 federal criminal trial of Jon Burge; and~~

~~that the allegations involve:~~

~~Commander Burge himself;~~

~~one or more officers who were, at the time of the interrogation (or other incident) in question, under the supervision of Burge; and/or~~

~~one or more officers who had previously been under the supervision of Burge.~~

"Tortured Confession" includes any incriminating statement, vocalization or gesture alleged by police or prosecutors to have been made by a convicted person that the convicted person alleges were a result of (or, if the convicted person denies making the statements, occurred shortly after) interrogation that the convicted person claims included torture. (See 775 ILCS 40/5(1).)

"Torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of obtaining from that person a confession to a crime. (See 775 ILCS 40/5(1).)

"Victim" means the victim of the crime of which the person claiming torture has been convicted, including, if that person is deceased, the next of kin of that person, which shall be the parent, spouse, child, or sibling of the deceased. [775 ILCS 40/5(5)]

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Donations by Utilities
- 2) Code Citation: 83 Ill. Adm. Code 325
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
325.10	New Section
325.20	New Section
325.30	New Section
325.40	New Section
325.50	New Section
325.60	New Section
- 4) Statutory Authority: Implementing Section 9-227 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-227 and 10-101]
- 5) Effective Date of Rules: October 3, 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 Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 2088; January 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes have been made. Formal and technical changes suggested by the Joint Committee have been adopted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

15) Summary and Purpose of Rulemaking: Section 9-227 of the Public Utilities Act (220 ILCS 5/9-227) allows the Illinois Commerce Commission to consider as an operating expense for ratemaking purposes certain charitable contributions made by public utilities. The rules of new Part 325 are intended to help ensure that qualifying donations are ones for which recovery from ratepayers is appropriate under the Act, and that the information provided to the Commission for its review of the prudence and reasonableness of the donations is sufficient in quality and detail, and is supported by the record of the rate case.

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

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

217/ 558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITYPART 325
DONATIONS BY UTILITIES

Section

325.10	Scope, Construction and Application of this Part
325.20	Definitions
325.30	Supplemental Information to be Provided Regarding Charitable Contributions
325.40	Information to be Made Available Regarding Charitable Contributions
325.50	Future Test Years Rate Filings
325.60	Disclosures Regarding Donations or Charitable Contributions Made to Energy Low-Income and Support Programs Under Section 16-108.5(b-10)

AUTHORITY: Implementing Section 9-227 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-227 and 10-101].

SOURCE: Former Part repealed at 13 Ill. Reg. 4648, effective April 1, 1989; new Part adopted at 40 Ill. Reg. 14047, effective October 3, 2016.

Section 325.10 Scope, Construction and Application of this Part

This Part establishes requirements applicable to public utilities that, pursuant to the Act, seek recovery of the costs of donations as operating expenses through rates or other charges or classifications. The information required by this Part is intended to be supplemental to information required by other provisions of law pertaining to donations by public utilities, including 83 Ill. Adm. Code 280.3070 (Schedule C-7: Charitable Contributions), and the provisions of this Part are not intended to reduce or eliminate those other requirements. The practices and procedures contained in this Part are intended to help ensure that:

- a) qualifying donations are ones for which recovery from ratepayers is appropriate under the Act; and
- b) the information provided to the Commission for its review of the prudence and reasonableness of the donations is sufficient in quality and detail and is supported by the record of the rate case.

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Section 325.20 Definitions

The following terms, as used in this Part, shall have the following meanings:

"Act" means the Public Utilities Act [220 ILCS 5].

"Charitable contribution" means a donation proposed to be an operating expense pursuant to the Act or any applicable order or rule of the Commission, including, without limitation, Section 9-227 of the Act and 83 Ill. Adm. Code 285.3070 (Schedule C-7: Charitable Contributions).

"Commission" means the Illinois Commerce Commission.

"Donation" means a contribution made by a public utility to an organization or entity that purports to be engaged in promoting the public welfare or in supporting charitable, scientific, religious or educational purposes, including, without limitation, charitable contributions.

"Public utility" or "utility" has the meaning ascribed to "public utility" in Section 3-105 of the Act.

"Rate case" means any rate proceeding filed under Article IX (Rates) or Article XVI (Electric Service Customer Choice and Rate Relief Law of 1997) of the Act, or filed in connection with any other applicable recovery mechanism, including riders.

Section 325.30 Supplemental Information to be Provided Regarding Charitable Contributions

- a) To assist the Commission in evaluating the prudence and reasonableness of any charitable contribution, for all charitable contributions to a single entity or organization that total \$1,000 or more in the reporting year for which a utility is seeking recovery from ratepayers in a rate case, the utility must provide both the information required by 83 Ill. Adm. Code 285.3070 and the following supplemental information, provided that, if charitable contributions subject to this Section include amounts that the utility contributed under a program in which it matches employee contributions, the utility may report the matching contributions as a single aggregate amount separately for each recipient of matching funds:

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- 1) Account number/description used to record each charitable contribution;
 - 2) Date and amount of each charitable contribution;
 - 3) Brief description of why the donation is reasonable in amount;
 - 4) Name of the entity or organization receiving the charitable contribution;
 - 5) Publicly stated mission of, or a link through which the stated mission may be publicly accessed, and the physical address of, the entity or organization receiving the charitable contribution;
 - 6) Indication of whether the entity or organization receiving each charitable contribution is a tax-exempt organization under State or federal law. Notwithstanding this informational requirement, the fact that an entity or organization is or is not tax exempt does not create an inference that a contribution to the entity or organization is per se reasonable or unreasonable;
 - 7) Description of the purpose of each charitable contribution, including:
 - A) whether it is for the public welfare or for charitable scientific, religious or educational purposes; and
 - B) whether the donee provides services within the public utility's service territory or within the State of Illinois;
 - 8) Amount of the charitable contribution, if any, allocated to other utility operations (e.g., gas and electric, or water and sewer) or jurisdiction (e.g., Illinois and Iowa), along with the identification of the other utility operation or jurisdiction; and
 - 9) Basis of any allocation to other utility operations and jurisdictions, if applicable.
- b) The workpapers supporting subsection (a) (see 83 Ill. Adm. Code 285.410) shall include the following:

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- 1) Procedures used by a utility providing multiple utility services (e.g., gas and electric, or water and sewer) or serving multiple jurisdictions (e.g., Illinois and Iowa) to allocate any charitable contribution to each utility service provided or jurisdiction served; and
- 2) Sworn statements required by Section 325.60, if applicable.

Section 325.40 Information to be Made Available Regarding Charitable Contributions

In any rate case proceeding involving a charitable contribution, the utility seeking recovery shall make the following materials available electronically to Commission Staff upon request:

- a) Written confirmation, which may be in the form of a receipt or a letter or other written communication, from the entity or organization receiving the charitable contribution showing the name of the entity or organization that received the charitable contribution, the name of the utility that made the charitable contribution, the date the charitable contribution was made, and the amount of the charitable contribution;
- b) For all donations to a single organization or entity that are less than \$1,000 for the reporting year for which a utility is seeking recovery from ratepayers in a rate case, a spreadsheet that identifies the date, donee charity, purpose and amount of each contribution, provided that, if charitable contributions subject to this subsection include amounts that the utility contributed under a matching program under which it matches employee contributions, then the utility may report the matching contributions as a single aggregate amount separately for each recipient of matching funds, and the confirmation and letter prescribed in subsection (a) may not be available; and
- c) For individual donations that are \$10,000 or more for the reporting year for which a utility is seeking recovery from ratepayers in a rate case, written confirmation from the recipient entity or organization stating the intended purpose of the funds received.

Section 325.50 Future Test Year Rate Filings

If a utility uses a future test year in a rate case, the utility shall provide the information required by Section 325.30 for each of the three consecutive calendar years immediately preceding the test year for which actual data are available, provided, however, that for those past calendar years

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this Section shall not be construed as imposing additional information requirements that did not exist prior to the effective date of this Part.

Section 325.60 Disclosures Regarding Donations or Charitable Contributions Made to Energy Low-Income and Support Programs Under Section 16-108.5(b-10)

For any donation by a participating utility to the energy low-income and support programs required by Section 16-108.5(b-10) of the Act, the participating utility shall, in its formula rate filings under Section 16-108.5 of the Act, provide to Commission Staff a sworn statement that none of the donations made in compliance with the requirements of Section 16-108.5(b-10) are included in the request for rate recovery.

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- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1501.101	Amendment
1501.507	Amendment
- 4) Statutory Authority: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3]
- 5) Effective Date of Rules: September 29, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 6923; May 6, 2016
- 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? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is amended to make changes to the ICCB Administrative Rules on Dual Credit in order to remain compliant with the Dual Credit Quality Act (110 ILCS27/1-30). These changes help to codify current practices in dual credit and provide clarification of language and process.
- 16) Information and questions regarding these adopted rules shall be directed to:

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Matt Berry
Legislative and External Affairs Liaison
Illinois Community College Board
401 East Capitol Ave.
Springfield IL 62701-1711

217/785-7411
matt.berry@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

1501.101	Definition of Terms and Incorporations by Reference
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service

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1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts
1501.519	Special Initiatives Grants
1501.520	Lincoln's Challenge Scholarship Grants

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- 1501.521 Technology Enhancement Grants
- 1501.522 Deferred Maintenance Grants (Repealed)
- 1501.523 Foundation Matching Grants

SUBPART F: CAPITAL PROJECTS

Section

- 1501.601 Definition of Terms
- 1501.602 Approval of Capital Projects
- 1501.603 State Funded Capital Projects
- 1501.604 Locally Funded Capital Projects
- 1501.605 Project Changes
- 1501.606 Progress Reports (Repealed)
- 1501.607 Reporting Requirements
- 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
- 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
- 1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section

- 1501.701 Definition of Terms
- 1501.702 Applicability
- 1501.703 Recognition
- 1501.704 Programs
- 1501.705 Finance
- 1501.706 Personnel
- 1501.707 Facilities

SUBPART H: PERSONNEL

Section

- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

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SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092, effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016.

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section 1501.101 Definition of Terms [and Incorporations by Reference](#)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Definitions

~~Act.~~ The "Act" ~~means~~ the Public Community College Act [110 ILCS 805]. (~~Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.~~)

~~Board.~~ The "Board" ~~means~~ the Board of Trustees of an Illinois public community college district.

~~"College" means College.~~ A "college" is an Illinois public community college.

~~Executive Director.~~ The "Executive Director" ~~means~~ the executive officer and the executive secretary of the ICCB.

~~ICCB.~~ The "ICCB" or "State Board" ~~means~~ the Illinois Community College Board; also referred to in statute as the "State Board".

~~ICCB Grants.~~ "ICCB Grants" ~~means~~ funds appropriated by the State of Illinois to ~~the~~ ICCB for community colleges.

~~ICCB Student Member.~~ The "Student Member" ~~means~~ the member of ~~the~~ ICCB who has been selected by ~~the~~ ICCB's Student Advisory Committee. The student member has all the privileges of membership defined in Section 2-3 of the Act.

~~Recognition Continued.~~ "Recognition ~~Continued~~" ~~means~~ a status granted to a district ~~that~~ which generally meets ICCB standards.

~~Recognition Continued With Conditions.~~ "Recognition ~~Continued~~-with ~~Conditions~~" ~~means~~ a status granted to a district ~~that~~ which generally does not meet ICCB standards. A district is judged not to meet ICCB standards when one or more of the following conditions exist:

the district continues to be out of compliance with standards cited during the previous visit;

applicable standards are disregarded; and/or

the district is found to be out of compliance with significant applicable standards.

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~~Recognition Interrupted.~~ "Recognition ~~Interrupted~~~~interrupted~~" is a status granted to a district ~~thatwhich~~ fails to meet ICCB standards within a specified period of time after being assigned a status of recognition continued-with conditions.

~~"Student Advisory Committee" or "(SAC)" means. The "Student Advisory Committee" is~~ the ICCB student advisory committee ~~created by~~~~specified in~~ Section 2-1 of the Act.

- b) Incorporation by Reference
"Program Classification Structure", 2nd Edition (Technical Report 106) (1978). Collier, Douglas J. This document may be obtained from the National Center for Higher Education Management Systems (NCHEMS), 3035 Center Green Drive, Suite 150, Boulder CO 80301-2251 or from info@ncheems.org. This incorporation by reference does not include any later editions or amendments.

(Source: Amended at 40 Ill. Reg. 14054, effective September 29, 2016)

SUBPART E: FINANCE

Section 1501.507 Credit Hour Claims

- a) Claims. Claims for credit hours shall be submitted within 30 days after the end of each term in a format used by ~~the~~ ICCB.
- b) Course Requirements. Courses ~~thatwhich~~ produce credit hours eligible for ICCB grants shall satisfy the following requirements:
- 1) Courses shall be offered for the number of credit hours for which they are approved by ~~the~~ ICCB.
 - 2) Courses ~~thatwhich~~ have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
 - 3) Course data shall be posted to the permanent academic record of each student claimed.
 - 4) Courses shall be a part of units of instruction ~~thatwhich~~ have been approved by ~~the~~ ICCB, or the courses must be authorized extensions of existing units of instruction.

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- 5) Courses shall have specific written objectives.
- 6) A course outline shall be available for review by any student or citizen.
- 7) Courses shall have a method of evaluating student performance ~~that~~which follows the adopted college grading system.
- 8) Courses shall follow the adopted college policies on student tuition.
- 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
 - C) Physical education courses in teacher education programs as required by the State Educator Preparation and Licensure~~Teachers Certification~~ Board.
- 10) Courses shall produce a maximum rate of one semester credit hour or equivalent per week. Requests for exceptions to this requirement may be submitted to ~~the~~ICCB. The criteria utilized by ~~the~~ICCB for exceptions shall include:
 - A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening to indicate special needs and/or competencies;
 - C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.

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- 11) Dual Credit courses~~Courses~~ offered by the college for high school students during the regular school day ~~at the secondary school~~ shall be college-level and shall meet the following requirements:
- A) State Laws and Regulations and Accreditation Standards. All State laws, ICCB regulations, accreditation standards specified by the North Central Association, and local college policies that apply to courses, instructional procedures and academic standards at the college apply to college-level courses offered by the college on campus, at off-campus sites, and at secondary schools. These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.
- B) Instructors. The instructors for these courses shall be selected, employed and evaluated by the community college. They shall be selected from individuals~~full time faculty and/or from adjunct faculty~~ with appropriate credentials and demonstrated teaching competencies at the college level. For transfer courses (1.1 PCS), these qualifications shall include a minimum of a Master's Degree with 18 graduate hours appropriate to the academic field of study or in the discipline in which they will be teaching. For CTE (1.2 PCS) courses, these qualifications shall include 2,000 hours of work experience and appropriate recognizable credentials, depending on the specific field.
- C) Qualification of Students. Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation, and adequate time to devote to studying a college-level course. The students' course selections shall be made in consultation with high school counselors and/or principals and ~~ordinarily~~ are restricted to students who are able to demonstrate readiness for college-level work, as determined by placement procedures consistent with those that would be used with college level students in the junior and senior years of high school. The students shall meet all college criteria and follow all college procedures for enrolling in courses. Credit hours generated by freshman and sophomore

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students for dual credit courses are not eligible for reimbursement.

- D) Placement Testing and Prerequisites. High school students~~Students~~ enrolling in college-level courses must satisfy the same course placement tests or course prerequisites as other college level students, when applicable, to assure that they are qualified and prepared~~have the same qualifications and preparation as other college students.~~
- E) Course Offerings. Courses shall be selected from transfer courses that have been articulated with baccalaureate~~senior~~ institutions in Illinois (see 23 Ill. Adm. Code 1501.309(d)) or from ~~the first-year~~ courses in ICCB approved certificate or associate in applied science degree programs.
- F) Course Requirements. The course outlines utilized for these courses shall be the same as for courses offered on campus and at other off-campus sites and shall contain the content articulated with colleges and universities in the State. Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.
- G) Concurrent Credit. The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and practices of the district.
- c) Student Requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
- 1) Students shall be certified by their instructors as being in attendance at midterm by including a certification statement on the midterm class roster, signed and dated by the instructor.
 - 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at midterm by the instructor shall be considered as having been in attendance at midterm.

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- 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at midterm by including a certification statement on the final class roster, signed and dated by the instructor.
 - 4) Students shall be residents of the State of Illinois.
 - 5) Auditors or visitors in a course shall not produce eligible credit hours.
 - 6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:
 - A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;~~;~~~~or~~
 - B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for funding, the student may enroll and be claimed in the course one additional time;~~;~~~~or~~
 - C) If a student completed the course previously and was claimed for funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program;~~;~~~~or~~
 - D) If the last time the student completed the course was at least four years previously, the student may be claimed for funding if the student repeats the course to upgrade his/her skills in that area;~~;~~ or
 - E) If a course has been approved by ~~the~~ ICCB to be repeated, the student may repeat the course and be claimed as often as approved by ~~the~~ ICCB.
- d) Exceptions. The following credits will not be eligible for ICCB funding:
- 1) Credit by examination;

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- 2) Military service credit for physical education;
 - 3) Transfer of credit earned at other institutions or in the armed forces;
 - 4) Proficiency examinations;
 - 5) Advanced placement credits;
 - 6) Other methods of program acceleration ~~that~~^{which} do not include instruction.
- e) Midterm Class List Certification Requirements~~class list certification requirements:~~
- 1) The midterm class lists' primary purpose shall be for certification of students' credit hours for State funding eligibility or ineligibility.
 - 2) The process must rely on the course section's instructor's assessment of the students' pursuit of successful completion at the midpoint of the class, as indicated by that instructor's midterm certification signature.
 - 3) The college shall document and communicate district requirements to faculty each semester.
 - 4) The college must be able to provide, upon request, a hardcopy midterm class list print out of each course section, submitted on ICCB credit hour claims, containing either a manual faculty signature or an authenticated electronic faculty signature for either ICCB or external audit purposes.

(Source: Amended at 40 Ill. Reg. 14054, effective September 29, 2016)

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health Facilities and Services Financial and Economic Feasibility Review
- 2) Code Citation: 77 Ill. Adm. Code 1120
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1120.10	Amendment
1120.20	Amendment
1120.110	Amendment
1120.120	Amendment
1120.130	Amendment
1120.140	Amendment
1120.APPENDIX A	Amendment
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) Effective Date of Rules: September 27, 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 Proposed Amendments published in the *Illinois Register*: 39 Ill. Reg. 13566; October 16, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1120.10, the definition of "audit" in was revised. It now reads "the most recent formal examination, correction and official endorsement of financial reports by an independent certified public accountant that is in accordance with generally accepted auditing standards."

Section 1120.20(a)(2) was revised to make clear that this Part does not apply to exemption applications and long-term care applications.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 1120.20(b)(2), the phrase "the following, if applicable" was added after "Applicants shall submit." This makes clear that applicants will only have to submit certain documentation if it is applicable. This applies to documentation of current bond-rating, audited financial statements, escrow account balances, and commitment letters from loan agencies.

In Section 1120.110(a)(3), the phrase ", but is not limited to" was added after "includes".

In Section 1120.120, "shall be available" was replaced with "will be available".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Generally, the language in this Part is being revised to:

update and clarify financial and economic feasibility standards;

Make clear that this Part applies to all applications except the following types of applications: emergency, exemption, long-term care, and those with no estimated project cost;

Provide a definition for "audit" to make clear that audits of financial reports must be completed by a certified public accountant;

Requires applicants to submit current bond-rating information, most recent audited financial statements, evidence of escrow account balances, and a commitment letter from a loan agency verifying a debt agreement, if applicable;

Relocate language that excludes applicants with a sufficiently high bond-rating from having to submit information relating to availability of funds, financial viability and economic feasibility review criteria; and

Update Standards in Section 1120.APPENDIX A:

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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the standard for new construction and modernization costs per gross square foot for end stage renal disease centers and ambulatory surgery treatment centers are updated to reflect 2015 data;

the cost complexity index criteria that was previously applied to hospital projects is removed to be more consistent with industry practice.

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

Jeannie Mitchell
Assistant General Counsel
Health Facilities and Services Review Board
69 W. Washington Street, Suite 3501
Chicago IL 60602

312/814-6226
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The full text of the Adopted Amendments begins on the next page:

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1120

HEALTH FACILITIES AND SERVICES FINANCIAL AND
ECONOMIC FEASIBILITY REVIEW

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS,
INTRODUCTION AND APPLICABILITY

Section

- 1120.10 Statutory Authority and Definitions
- 1120.20 Financial and Economic Feasibility – Introduction and Applicability

SUBPART B: INFORMATION REQUIREMENTS AND REVIEW CRITERIA

Section

- 1120.110 Project and Related Cost Data – Review Criteria
- 1120.120 Availability of Funds – Review Criteria
- 1120.130 Financial Viability – Review Criteria
- 1120.140 Economic Feasibility – Review Criteria

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section

- 1120.210 Financial Feasibility Review Criteria (Repealed)

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section

- 1120.310 Economic Feasibility Review Criteria (Renumbered)

- 1120.APPENDIX A Financial and Economic Review Standards

AUTHORITY: Authorized by Section 12 of and implementing the Illinois Health Facilities Planning Act [20 ILCS 3960].

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SOURCE: Emergency amendments at 16 Ill. Reg. 13132, effective August 4, 1992, for a maximum of 150 days; emergency expired on January 1, 1993; adopted at 17 Ill. Reg. 4431, effective March 22, 1993; recodified at 20 Ill. Reg. 2596; amended at 21 Ill. Reg. 15872, effective January 1, 1998; amended at 24 Ill. Reg. 6052, effective April 7, 2000; amended at 27 Ill. Reg. 2960, effective February 21, 2003; amended at 34 Ill. Reg. 6143, effective April 13, 2010; amended at 40 Ill. Reg. 14067, effective September 27, 2016.

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS,
INTRODUCTION AND APPLICABILITY**Section 1120.10 Statutory Authority and Definitions**

- a) Statutory Authority
This Part is filed pursuant to Section 12 of the Illinois Health Facilities Planning Act (Act) [20 ILCS 3960/12]. A public hearing on this Part was held in accordance with the provisions of Section 12 of the Act. ~~A The Executive Secretary maintains a~~ record of the public hearing on this Part ~~is. Copies of the public hearing record are~~ available for inspection at the HFSRB offices ~~of the State Board~~ at 525 West Jefferson Street, Springfield, IL 62761.
- b) Definitions
- 1) "Agency" means the Illinois Department of Public Health (DPH).
 - 2) "Audit" means the most recent formal examination, correction and official endorsement of financial reports by an independent certified public accountant that is in accordance with generally accepted auditing standards.
 - 32) "Capital Expenditure" means an expenditure as defined in Section 3 of the Act [20 ILCS 3960/3] and includes expenditures made by, through, or on behalf of a health care facility as specified at 77 Ill. Adm. Code 1130.
 - 43) "Debt Financing" means all or any portion of project costs financed through borrowing. Leasing ~~is~~, for purposes of this Part, is considered ~~to be~~ borrowing. Portions of lease payments ~~that~~which are for service, insurance, or other noncapital costs are not considered borrowing.
 - 54) "Economically Feasible" means the costs of financing, constructing,

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acquiring, and operating a proposed project are reasonable and the expected impact of the project's operating and capital costs on the overall costs of health care are reasonable.

- ~~65~~) "Estimated Total Project Cost" means the dollar amount of all expenditures or other transactions ~~estimated-required~~ to complete a project. ~~ThisSuch~~ amount includes all items that are to be capitalized and also includes the fair market value of any items ~~thatwhich~~ may be acquired through lease, donation, gift or other means.
- ~~76~~) "Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means ~~thatwhich~~ would have been required for purchase, construction, or acquisition.
- ~~87~~) "Financially Feasible" means that funds are available or will be obtained, ~~and~~ that are equal to or in excess of the estimated total project and related costs, without jeopardizing the applicant's financial viability.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

Section 1120.20 Financial and Economic Feasibility – Introduction and Applicability

- a) Introduction
- 1) This Section contains the review criteria that pertain to the financial and economic feasibility of a project. HSFRB shall consider a project's conformance with these criteria (as applicable), as well as a project's conformance with all other applicable review criteria.
 - 2) ~~ApplicationsAll applications~~ shall be subject to this Part except for those that are classified as emergency, those requesting a certificate of exemption, those for long-term care facilities and categories of service, and those that have no estimated project cost.
- b) Financial Information of Applicants ~~and Co-applicants~~
- 1) ~~ApplicantsAll the applicants and co-applicants~~ shall be identified, specifying their roles in the project funding or guaranteeing the funding

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(sole responsibility or shared) and percentage of participation in that funding.

2) Applicants shall submit the following, if applicable:

A) Current bond rating – The rating must have been affirmed within the latest 18-month period prior to the submittal of the application; and

B) Both:

i) Most recent audited financial statement; or evidence of a performance bond; or evidence of an escrow account with the cash that is being used for the subject project; and

ii) a commitment letter from a loan agency verifying the debt agreement.

3) Sections 1120.120, 1120.130 and 1120.140(a) do not need to be addressed by the applicants responsible for funding or guaranteeing the funding of the project if the applicant has a bond rating of A- or better from Fitch's or Standard and Poor's rating agencies, or A3 or better from Moody's (the rating must have been affirmed within the latest 18-month period prior to the submittal of the application).

c) Charity Care

1) Applicants~~All applicants and co-applicants~~ shall indicate the amount of charity care provided during~~for~~ the latest three audited fiscal years, the cost of charity care and the ratio of that charity care cost to net patient revenue.

2) If the applicant owns or operates one or more facilities, the reporting shall be for each individual facility located in Illinois. If charity care costs are reported on a consolidated basis, the applicant shall provide documentation as to the cost of charity care; the ratio of that charity care to the net patient revenue for the consolidated financial statement; the

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allocation of charity care costs; and the ratio of charity care cost to net patient revenue for the facility under review.

- 3) If the applicant is not an existing facility, it shall submit the facility's projected patient mix by payer source, anticipated charity care expense and projected ratio of charity care to net patient revenue by the end of its second year of operation.

~~HFSRB NOTE: The following Sections DO NOT need to be addressed by the applicants or co-applicants responsible for funding or guaranteeing the funding of the project if the applicant has a bond rating of A or better from Fitch's or Standard and Poor's rating agencies, or A3 or better from Moody's (the rating shall be affirmed within the latest 18 month period prior to the submittal of the application):~~

~~Section 1120.120 Availability of Funds – Review Criteria~~

~~Section 1120.130 Financial Viability – Review Criteria~~

~~Section 1120.140 Economic Feasibility – Review Criteria, subsection (a)~~

- d) Project Types and Applicable Review Criteria
 - 1) Unless otherwise stated, only the applicants ~~or co-applicants~~ that are responsible for funding or guaranteeing funding of the project shall provide the documentation required by the applicable review criteria.
 - 2) For projects owned/operated by the State of Illinois, exclusive of the University of Illinois hospital, the following review criteria apply:
 - A) Section 1120.110 Project and Related Cost Data – Review Criteria;
 - B) Section 1120.120 Availability of Funds – Review Criteria;
 - C) Section 1120.130 Financial Viability – Review Criteria; and
 - D) Section 1120.140 Economic Feasibility – Review Criteria:
 - i) Subsection (c) Reasonableness of Project and Related Cost – Review Criteria;

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- ii) Subsection (d) Projected Operating Cost.
- 3) For all projects except those owned/operated by the State of Illinois, exclusive of the University of Illinois hospital, all Sections in this Part apply.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

SUBPART B: INFORMATION REQUIREMENTS AND REVIEW CRITERIA

Section 1120.110 Project and Related Cost Data – Review Criteria

- a) Estimated Total Project Cost
The applicant shall provide the estimated total project cost, including the amounts for each cost component (line item) applicable to the project. When a project or any component of a project is to be accomplished by lease, donation, gift or any similar means, the fair market value or dollar value that would have been required for purchase, construction or acquisition shall be included in the estimated total project cost. The applicant shall submit documentation as to the fair market or dollar value as defined in 77 Ill. Adm. Code 1130.140. Costs shall be provided for the following components (line items), as applicable:
 - 1) Preplanning Costs – those costs incurred prior to the submission of an application, such as development and feasibility studies, market studies, legal fees, bid solicitation, etc.;
 - 2) Site Survey and Soil Investigation Fees – the costs for surveying of a proposed project site and related soil investigation fees;
 - 3) Site Preparation Costs – includes, but is not limited to, costs ~~for such as rental of~~ equipment rental for earthwork, concrete, lifting and hoisting, site drainage, utilities, demolition of existing buildings or structures on site, clearing, grading and related earthwork;
 - 4) Off-site Work Costs – all costs related to off-site activities, such as drainage, pipes, utilities, sewage, traffic signals, roads and walks;

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- 5) Construction and Modernization Contracts – all costs and expenses covered under the construction contract, including major medical and other fixed equipment, contractor's overhead and profit;
- 6) Contingencies – a cost allowance to be used solely for unforeseeable events relating to construction or modernization costs;
- 7) Architectural and Engineering Fees – the costs associated with the design, development of contract documents, and construction administration related to the proposed project, including only those fees defined as "basic services" in Document B101-2007, Standard Form of Agreement Between Owner and Architect (www.aia.org); (American Institute of Architects, 1735 New York Ave., NW, Washington DC 20006-5292, 800/242-3837; 2007, no later editions or amendments included);
- 8) Consulting and Other Fees – the costs and charges for the services of various types of consulting and professional expertise, including environmental impact, computer software fees, certificate of need fees, etc. (the applicant shall provide a detailed listing of types and amounts of such fees);
- 9) Capital Equipment Not Included in Construction Contracts – the cost of all fixed and movable capital equipment, including any ~~movable major~~ medical equipment and the cost of installation of the equipment, excluding any trade-in allowances on existing equipment, that are not included in construction contracts;
- 10) Bond Issuance Expense – all costs associated with the issuance of bonds to finance a project, including issuer's fees, bond counsel's fees, official statements (feasibility study), official statement printing, printing of bonds, survey of the collateral site, title insurance to property, auditor's fees, trustee fees, underwriters' discount, and government fees (if applicable);
- 11) Net Interest Expense During Construction – the cost representing the difference between interest earned on funds for construction and interest expense on the amount of borrowed funds;

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- 12) Other Costs that Are To Be Capitalized – miscellaneous fees, expenses (e.g., asbestos removal, mold treatment, temporary insurance, workers' compensation, surface parking lots, temporary roads or paving, lighting, fencing, security, etc., that are not included in construction contracts) and working capital expenses related to the project (the applicant shall provide a detailed listing of all other fees and expenses and the amount of each);
- 13) Acquisition of Buildings or Other Property (excluding land) – the cost incurred (or the fair market value) for the acquisition of buildings or property for the project. Any acquisition that has occurred within two years prior to the date of application for permit submission must be included as part of project costs.

HFSRB NOTE: If the acquisition is by a lease, and the terms of the lease include capital improvements to the property, then those capital improvements are to be listed separately.

b) Related Project Cost Data and Information Requirements

The applicant shall provide the following information related to the project, as applicable.

- 1) Land Acquisition Cost – the purchase price or fair market value, whichever is applicable, for the acquisition of land that has been acquired within two years prior to the date of application for permit submission or that will be required in order to undertake the project. Acquisition of land is not included as part of total estimated project costs.
- 2) Operating Start-up Costs – the estimated non-capitalized operating start-up costs, including any estimated initial operating deficit, and any other necessary amounts to make the project operational (AMPO). Any capitalized costs that are related to the start-up costs of a facility must be included in the total estimated project cost.
- 3) Project Development Schedule – a project completion schedule that provides the project start date, the estimated date when one third of the total estimated project cost will be expended, and the anticipated date for completion of the project.

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HFSRB NOTE: Project completion includes all post-construction activities, including installation of furnishings and equipment, inspections and training of staff. (Applicant should refer to definition of "Project Completion" in 77 Ill. Adm. Code 1130.140.)

- 4) Construction Schedule – a construction schedule that provides the dates for construction start and midpoint of construction and anticipated date for construction completion.
- 5) Debt Service Reserve Fund – the amount that will be placed in a debt service reserve fund and the terms of and conditions on uses of the fund.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

Section 1120.120 Availability of Funds – Review Criteria

~~Applicants~~~~The applicant~~ shall document that financial resources ~~will~~~~shall~~ be available and be equal to or exceed the estimated total project cost plus any related project costs by providing evidence of sufficient financial resources from the following ~~applicable~~ sources, ~~as applicable~~:

- a) Cash and Securities – statements (e.g., audited financial statements, letters from financial institutions, board resolutions) as to:
 - 1) the amount of cash and securities available for the project, including the identification of any security, its value and availability of ~~those such~~ funds; and
 - 2) interest to be earned on depreciation account funds or to be earned on any asset from the date of applicant's submission through project completion;
- b) Pledges – for anticipated pledges, a summary of the anticipated pledges showing anticipated receipts and discounted value, estimated time table of gross receipts and related fundraising expenses, and a discussion of past fundraising experience. Provide a list of confirmed pledges from major donors (over \$100,000);
- c) Gifts and Bequests – verification of the dollar amount, identification of any conditions of use, and the estimated time table of receipts;

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- d) Debt – [for applicants with projects involving debt financing](#), a statement of the estimated terms and conditions (including the debt time period, variable or permanent interest rates over the debt time period, and the anticipated repayment schedule) for any interim and for the permanent financing proposed to fund the project, including:
- 1) For general obligation bonds, proof of passage of the required referendum or evidence that the governmental unit has the authority to issue the bonds and evidence of the dollar amount of the issue, including any discounting anticipated;
 - 2) For revenue bonds, proof of the feasibility of securing the specified amount and interest rate;
 - 3) For mortgages, a letter from the prospective lender attesting to the expectation of making the loan in the amount and time indicated, including the anticipated interest rate and any conditions associated with the mortgage, such as, but not limited to, adjustable interest rates, balloon payments, etc.;
 - 4) For any lease, a copy of the lease, including all the terms and conditions, including any purchase options, any capital improvements to the property and provision of capital equipment;
- e) Governmental Appropriations – a copy of the appropriation Act or ordinance accompanied by a statement of funding availability from an official of the governmental unit. If funds are to be made available from subsequent fiscal years, a copy of a resolution or other action of the governmental unit attesting to this intent;
- f) Grants – a letter from the granting agency as to the availability of funds in terms of the amount and time of receipt;
- g) All Other Funds and Sources – verification of the amount and type of any other funds that will be used for the project.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

Section 1120.130 Financial Viability – Review Criteria

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a) Financial Viability Waiver

The applicant is NOT required to submit financial viability ratios if:

- 1) all project capital expenditures, including capital expended through a lease, are completely funded through internal resources (cash, securities or received pledges); or

HFSRB NOTE: Documentation of internal resources availability shall be available as of the date the application is deemed complete.

- 2) the applicant's current debt financing or projected debt financing is insured or anticipated to be insured by Municipal Bond Insurance Association Inc. (MBIA); or its equivalent; or

HFSRB NOTE: MBIA Inc is a holding company whose subsidiaries provide financial guarantee insurance for municipal bonds and structured financial projects. MBIA coverage is used to promote credit enhancement as MBIA would pay the debt (both principal and interest) in case of the bond issuer's default.

- 3) the applicant provides a third-party surety bond or performance bond letter of credit from an A rated guarantor (insurance company, bank or investing firm) guaranteeing project completion within the approved financial and project criteria.

b) Viability Ratios

~~The applicant or co-applicant~~ Applicants that ~~are~~ are responsible for funding or guaranteeing funding of the project shall provide viability ratios for the latest three years for which audited financial statements are available and for the first full fiscal year at target utilization, but no more than two years following project completion. When the applicant's facility does not have facility specific financial statements and the facility is a member of a health care system that has combined or consolidated financial statements, the system's viability ratios shall be provided. If the health care system includes one or more hospitals, the system's viability ratios shall be evaluated for conformance with the applicable hospital standards. The latest three years' audited financial statements shall consist of:

- 1) Balance sheet;

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- 2) Revenues and expenses statement;
- 3) Changes in fund balance; and
- 4) Changes in financial position.

HFSRB NOTE: To develop the above ratios, facilities shall use and submit audited financial statements. If audited financial statements are not available, the applicant shall use and submit Federal Internal Revenue Service tax returns or the Federal Internal Revenue Service 990 report with accompanying schedules. If the project involves the establishment of a new facility and/or the applicant is a new entity, supporting schedules to support the numbers shall be provided documenting how the numbers have been compiled or projected.

- c) Variance
Applicants not in compliance with any of the viability ratios shall document that another organization, public or private, shall assume the legal responsibility to meet the debt obligations should the applicant default.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

Section 1120.140 Economic Feasibility – Review Criteria

- a) The applicant shall document the reasonableness of financing arrangements by submitting a notarized statement signed by an authorized representative that attests to one of the following:
 - 1) That the total estimated project costs and related costs will be funded in total with cash and equivalents, including investment securities, unrestricted funds, received pledge receipts and funded depreciation; or
 - 2) That the total estimated project costs and related costs will be funded in total or in part by borrowing because:
 - A) A portion or all of the cash and equivalents must be retained in the balance sheet asset accounts in order to maintain a current ratio of at least 2.0 times for hospitals and 1.5 times for all other facilities;
or

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- B) Borrowing is less costly than the liquidation of existing investments, and the existing investments being retained may be converted to cash or used to retire debt within a 60-day period.
- b) Conditions of Debt Financing – Review Criterion
~~Applicants with projects involving debt financing. This criterion is applicable only to projects that involve debt financing. The applicant~~ shall document that the conditions of debt financing are reasonable by submitting a notarized statement signed by an authorized representative that attests to the following, as applicable:
- 1) That the selected form of debt financing for the project will be at the lowest net cost available;
 - 2) That the selected form of debt financing will not be at the lowest net cost available, but is more advantageous due to such terms as prepayment privileges, no required mortgage, access to additional indebtedness, term (years), financing costs and other factors;
 - 3) That the project involves (in total or in part) the leasing of equipment or facilities and that the expenses incurred with leasing a facility or equipment are less costly than constructing a new facility or purchasing new equipment.
- c) Reasonableness of Project and Related Costs – Review Criterion
The applicant shall document that the estimated project costs are reasonable and shall document compliance with the following:
- 1) Preplanning costs shall not exceed the standards detailed in Appendix A ~~of this Part.~~
 - 2) Total costs for site survey, soil investigation fees and site preparation shall not exceed the standards detailed in Appendix A unless the applicant documents site constraints or complexities, and provides evidence that the costs are similar to or consistent with other projects that have experienced similar constraints or complexities.
 - 3) Construction and modernization costs per square foot shall not exceed the standards detailed in Appendix A unless the applicant documents

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construction constraints or other design complexities and provides evidence that the costs are similar to or consistent with other projects that have experienced similar constraints or complexities.

HFSRB NOTE: Construction and modernization costs (i.e., all costs contained in construction and modernization contracts) plus contingencies shall be evaluated for conformance with the standards detailed in Appendix A.

- 4) Contingencies (stated as a percentage of construction costs for the project's stage of architectural development) shall not exceed the standards detailed in Appendix A unless the applicant documents construction constraints or other design complexities and provides evidence that the costs are similar to or consistent with other projects that have experienced similar constraints or complexities.

HFSRB NOTE: Contingencies shall be limited in use for construction or modernization (line item) costs only and shall be included in construction and modernization cost per square foot calculations and evaluated for conformance with the standards detailed in Appendix A. If, subsequent to permit issuance, contingencies are proposed to be used for other component (line item) costs, an alteration to the permit (as detailed in 77 Ill. Adm. Code 1130.750) must be approved by HFSRB prior to that use.

- 5) New construction or modernization fees and architectural/engineering fees shall not exceed the fee schedule standards detailed in Appendix A unless the applicant documents construction constraints or other design complexities and provides evidence that the costs are similar to or consistent with other projects that have experienced similar constraints or complexities.
- 6) The costs of all capitalized equipment not included in construction contracts shall not exceed the standards for equipment as detailed in Appendix A unless the applicant documents the need for additional or specialized equipment due to the scope or complexities of the services to be provided. As documentation, the applicant ~~shall~~must provide evidence that the costs are similar to or consistent with other projects of similar scope and complexity, and attest that the equipment will be acquired at the lowest net cost available, or that the choice of higher cost equipment is

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justified due to such factors as, but not limited to, maintenance agreements, options to purchase, or greater diagnostic or therapeutic capabilities.

- 7) Building acquisition, net interest expense, and other estimated costs shall not exceed the standards detailed in Appendix A. If Appendix A does not specify a standard for the cost component, the applicant shall provide documentation that the costs are consistent with industry norms based upon a comparison with previously approved projects of similar scope and complexity.
- 8) ~~Cost Complexity Index (to be applied to hospitals only)
The mix of service areas for new construction and modernization will be adjusted by the table of cost complexity index detailed in Appendix A.~~
- d) **Projected Operating Costs**
The applicant shall provide the projected direct annual operating costs (in current dollars per equivalent patient day or unit of service) for the first full fiscal year at target utilization but no more than two years following project completion. Direct costs means the fully allocated costs of salaries, benefits and supplies for the service.
- e) **Total Effect of the Project on Capital Costs**
The applicant shall provide the total projected annual capital costs (in current dollars per equivalent patient day) for the first full fiscal year at target utilization but no more than two years following project completion.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

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Section 1120.APPENDIX A Financial and Economic Review Standards

- a) Reasonableness of Project and Related Costs Standards
 - 1) Preplanning
Costs shall not exceed 1.8% of construction and modernization contracts plus contingencies plus equipment costs.
 - 2) Site Survey and Preparation
Costs shall not exceed 5.0% of construction and contingency costs.
 - 3) New Construction and Modernization Costs per Gross Square Foot (GSF)
Hospital and long-term care (LTC) cost standards are derived from the RSMeans Building Construction Cost Data (Means) publication (RSMeans, 63 Smiths Lane, PO Box 800, Kingston MA 02364-9988, 800/334-3509; ~~20152008~~, no later amendments or editions included) and will be adjusted (for inflation and location) for each project to the current year (www.rsmeans.com). Cost standards for the other types of facilities are derived from the third quartile costs of previously approved projects and are to be adjusted to the current year based upon historic inflation rates from RSMeans.

HFSRB NOTE: HFSRB staff will review the cost per square foot data submitted in the application, to determine compliance with the latest available cost standards of the RSMeans publication.

HFSRB NOTE: Modernization includes the build out of leased space and shall include the cost of all capital improvements contained in the terms of the lease. ~~These~~Theses standards are based on ~~20152008~~ data.

Type of Facility	New Construction	Modernization
Hospital	Adjusted Means 3 rd Quartile	70% of Adjusted Means 3 rd Quartile
LTC (includes ICF/DD facilities)	Adjusted Means 3 rd Quartile	70% of Adjusted Means 3 rd Quartile

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ESRD	\$254.58207 per gsf	\$178.33145 per gsf
ASTC	\$357.89291 per gsf	\$249.66203 per gsf

- 4) Contingencies
 Contingency costs for projects (or for components of projects) are based upon a percentage of new construction or modernization costs and are based upon the status of a project's architectural contract documents.

Status of Project	New Construction	Modernization
Contract Documents	Components	Components
Schematics	10%	10-15%
Preliminary	7%	7-10%
Final	3-5%	5-7%

- 5) New Construction or Modernization Fees & Architectural/Engineering (A&E) Fees
 Current fees for services for projects or components of projects involving new construction or modernization (total amount of construction and contingencies, A&E fees for hospitals, LTC facilities and ASTCs, A&E fees for ESRDs and outpatient clinical service facilities, and total fees for site work) can be found in the Centralized Fee Negotiation Professional Services and Fees Handbook (available at www.cdb.state.il.us or by contacting the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706). HFSRB shall, for all calculations, consider the latest version of the handbook as released on the Capital Development Board website.

A) Projects or Components of Projects Involving New Construction

Total Amount of Construction and Contingencies	A&E Fees for Hospitals, LTC Facilities, ASTCs	A&E Fees for ESRDs, Outpatient Clinical Service Facilities	Total Fees for Site Work
under \$100,000	10.59-15.89%	9.75-14.63%	7.99-13.70%
\$200,000	9.99-14.99%	9.15-13.73%	7.46-12.78%

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\$300,000	9.48-14.22%	8.64-12.96%	6.99-11.99%
\$400,000	9.03-13.55%	8.19-12.29%	6.59-11.30%
\$500,000	8.65-12.99%	7.80-11.72%	6.26-10.72%
\$700,000	8.21-12.33%	7.36-11.06%	5.86-10.05%
\$900,000	7.89-11.85%	7.05-10.59%	5.57-9.55%
\$1,000,000	7.79-11.69%	6.95-10.43%	5.48-9.40%
\$1,250,000	7.62-11.44%	6.77-10.17%	5.33-9.14%
\$1,500,000	7.49-11.25%	6.64-9.98%	5.21-8.94%
\$1,750,000	7.36-11.06%	6.53-9.81%	5.10-8.74%
\$2,500,000	7.06-10.60%	6.22-9.34%	4.83-8.27%
\$3,000,000	6.89-10.35%	6.04-9.08%	4.67-8.00%
\$5,000,000	6.42-9.64%	5.57-8.37%	4.25-7.29%
\$7,000,000	6.11-9.17%	5.27-7.91%	3.97-6.80%
\$9,000,000	5.94-8.92%	5.09-7.65%	3.82-6.55%
\$10,000,000	5.90-8.86%	5.05-7.59%	3.78-6.48%
\$15,000,000	5.76-8.66%	4.94-7.42%	3.69-6.33%
\$20,000,000	5.64-8.48%	4.84-7.28%	3.62-6.20%
\$25,000,000	5.52-8.28%	4.75-7.13%	3.56-6.10%
\$30,000,000	5.37-8.07%	4.63-6.95%	3.48-5.96%
\$40,000,000	5.12-7.68%	4.42-6.64%	3.34-5.73%
\$50,000,000	4.86-7.30%	4.22-6.34%	3.19-5.48%
\$100,000,000 and over	3.59-5.39%	3.16-4.74%	2.46-4.21%

B) Projects or Components of Projects Involving Modernization

Total Amount of Construction and Contingencies	A&E Fees for Hospitals, LTC facilities, ASTCs	A&E Fees for ESRDs, Outpatient Clinical Service facilities	Total Fees for Site Work
under \$100,000	10.76-16.16%	9.92-14.88%	8.12-13.92%
\$200,000	10.16-15.26%	9.31-13.97%	7.58-13.00%
\$300,000	9.65-14.49%	8.80-13.20%	7.12-12.21%
\$400,000	9.20-13.80%	8.34-12.52%	6.71-11.51%
\$500,000	8.81-13.23%	7.96-11.94%	6.37-10.92%
\$700,000	8.36-12.56%	7.50-11.26%	5.97-10.23%
\$900,000	8.04-12.06%	7.18-10.78%	5.67-9.73%

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

	Per Bed	Per Station	Per Room
N/A	\$6,491	\$39,945	\$353,802

- 7) **Inflation Factor**
 Costs for construction and modernization contracts and equipment are to be adjusted for projected inflation. The projected inflation rate is to be calculated to the midpoint of construction. For construction midpoint of up to 3 years, the inflation rate shall be an average of the previous 3 years annual inflation rates for construction as determined by RSMeans. For construction midpoints beyond 3 years, the inflation rate shall be the lesser of this rate or 3% for the period of time beyond 3 years.
- 8) ~~Cost Complexity Index (to be applied to hospital projects only)
 The mix of service areas or departments for new construction and modernization will be adjusted by the following Cost Complexity Index:~~

	Service Areas\Departments	Complexity Ratios
1.	Acute Care Beds	1.07
2.	ICU Beds	1.21
3.	Diagnostic And Therapeutic (High)	1.23
4.	Diagnostic And Therapeutic (Medium)	1.11
5.	Diagnostic And Therapeutic (Low)	0.97
6.	Clinical Storage, Processing And Distribution	0.95
7.	Administrative	0.79
8.	Non-Clinical Storage, Processing And Distribution	0.72
9.	Public/Amenities	0.95
10.	Building Components	0.73

~~For purposes of the Cost Complexity Index table only, the following definitions apply:~~

1. ~~"Acute Care Beds" = bed-related clinical service areas including departments/service areas such as, but not limited to, medical-surgical bed units, labor delivery recovery or labor delivery recovery~~

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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~~postpartum units, obstetrics nursing bed units, newborn nursery units, rehabilitation bed units, pediatrics bed units, acute mental illness bed units, long term care acute bed units, skilled nursing units and other related service areas.~~

2. ~~"ICU Beds" = intensive care bed unit clinical service areas including departments/service areas such as, but not limited to, medical intensive care, surgical intensive care, burn intensive care, pediatric intensive care, neonatal intensive care units and other related service areas.~~
3. ~~"Diagnostics and Treatment High Resource Intensive" = clinical service areas including departments/service areas such as diagnostic and imaging radiology with fixed equipment like MRI, nuclear medicine, cardiac catheterization, interventional radiology, surgery, vascular laboratory, radiation oncology, operating rooms (Class C), C-section and other related service areas.~~
4. ~~"Diagnostics and Treatment Medium Resource Intensive" = clinical service areas including departments/service areas such as, but not limited to, emergency department, Phase II recovery, clinical laboratory, surgical procedure rooms (Class B), gastro-intestinal laboratory procedures, observation rooms and other related service areas.~~
5. ~~"Diagnostics and Treatment Low Resource Intensive" = clinical service areas including departments/service areas such as, but not limited to, pharmacy, neuro-diagnostics, PT/OT/speech, respiratory therapy, cardiac rehabilitation, cardiac diagnostics, in-patient dialysis, express testing, infusion/transfusion, partial hospital program (outpatient treatment) and other examination room related service areas.~~
6. ~~"Clinical Storage, Processing and Distribution" = clinical service areas including, but not limited to, central sterile processing, pharmacy, biomedical engineering, autopsy, morgue and other related service areas.~~
7. ~~"Administrative" = non-clinical service areas or office based departments/service areas including, but not limited to,~~

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~~administration/business office, medical library, medical records, human resources, marketing, meeting rooms, family services, registration, admissions, on-call rooms, patient resource coordination center, care management, emergency medical service offices, security, volunteer services, information systems, foundation office and accounting and other related service areas.~~

8. ~~"Non-Clinical Storage, Processing and Distribution" – non-clinical service areas including departments/service areas such as, but not limited to, storage, helicopter pads, employee facilities, materials management (offices and warehouses), linen holding, housekeeping, shop, ambulance garage, print shop/copy room, maintenance, kitchen/food services, transportation and other related service areas.~~
9. ~~"Public/Amenities" – non-clinical service areas including, but not limited to, lobbies, vertical circulation, reception, gift shop, community meeting rooms and other related service areas.~~
10. ~~"Building Components" – non-clinical service area components or grossing factors including, but not limited to, exterior walls, HVAC, parking garages, boiler plant and other related service areas.~~

b) Financial Viability Standards

1) Current Ratio = Current Assets/Current Liabilities

Type of Hospital:	Standard
Not-For-Profit, System	2.0 or more
Not-For-Profit, Non-System	2.0 or more
For Profit, System	2.0 or more
For-Profit, Non-system	2.0 or more
Governmental	2.0 or more
Type of Long-Term Care (including ICF/DD) Facilities:	
Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-System	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-System	1.5 or more

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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Governmental	1.5 or more
End Stage Renal Dialysis Facilities	1.5 or more
Ambulatory Surgical Treatment Centers	1.5 or more

- 2) Net Margin Percentage = (Net Income/Net Operating Revenues) X 100

Type of Hospital:	Standard
Not-For-Profit, System	3.0% or more
Not-For-Profit, Non-System	3.0% or more
For Profit, System	3.0% 5.0% or more
For-Profit, Non-system	3.0% 5.0% or more
Governmental	0% or more

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	2.5% or more
Not-For-Profit, Non-system	2.5% or more
For-Profit, System	2.5% or more
For-Profit, Non-system	2.5% or more
Governmental	0% or more

End Stage Renal Dialysis Facilities 3.5% or more

Ambulatory Surgical Treatment Centers 3.5% or more

HFSRB NOTE: Net Margin Percentage for FOR-PROFITS is before the provision for income taxes. Net income is the excess of revenues over expenses from operations, before non-recurring income or expense.

- 3) Long-Term Debt to Capitalization = (Long-Term Debt/Long-Term Debt plus Net Assets) X 100

Type of Hospital:	Standard
Not-For-Profit, System	50% or less
Not-For-Profit, Non-System	50% or less
For-Profit, System	50% or less

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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For-Profit, Non-System	50% or less
Governmental	NA

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	80% or less
Not-For-Profit, Non-system	80% or less
For-Profit, System	50% or less
For-Profit, Non-system	50% or less
Governmental	NA

End Stage Renal Dialysis Facilities 80% or less

Ambulatory Surgical Treatment Centers 80% or less

HFSRB NOTE: For long-term care facilities and for-profit facilities, the applicant shall explain the rationale of the use of debt rather than the issuance of stock (if this is the case).

- 4) Projected Debt Service Coverage = Net Income plus (Depreciation plus Interest plus Amortization)/Principal Payments plus Interest Expense for the Year of Maximum Debt Service after Project Completion

Type of Hospital:	Standard
Not-For-Profit, System	2.5 or more
Not-For-Profit, Non-System	2.5 or more
For-Profit, System	2.5 or more
For-Profit, Non-System	2.5 or more
Governmental	2.5 or more

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-system	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-system	1.5 or more
Governmental	1.5 or more

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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End Stage Renal Dialysis Facilities 1.75 or more

Ambulatory Surgical Treatment Centers 1.75 or more

HFSRB NOTE: Net Income is the excess of revenues over expenses from operations, before non-recurring income or expense.

5) $Days_Cash_on_Hand = (Cash\ plus\ Investments\ plus\ Board\ Designated\ Funds) / ((Operating\ Expense\ less\ Depreciation\ Expense) / 365\ days)$

Type of Hospital:	Standard
Not-For-Profit, System	75.0 or more days
Not-For-Profit, Non-System	75.0 or more days
For-Profit, System	75.0 or more days
For-Profit, Non-System	75.0 or more days
Governmental	NA

Type of Long-Term Care (including ICF/DD) Facilities:	
Not-For-Profit, System	45 or more days
Not-For-Profit, Non-system	45 or more days
For-Profit, System	45 or more days
For-Profit, Non-system	45 or more days
Governmental	45 or more days

End Stage Renal Dialysis Facilities 45 or more days

Ambulatory Surgical Treatment Centers 45 or more days

HFSRB NOTE: Days Cash On Hand ratio can be a combination of cash and investments held by the facilities or available funds from the backup line of credit.

6) $Cushion\ Ratio = (Cash\ plus\ Investments\ plus\ Board\ Designated\ Funds) / (Principal\ Payments\ plus\ Interest\ Expense)$ for the year of maximum debt service after project completion

Type of Hospital:	Standard
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HEALTH FACILITIES AND SERVICES REVIEW BOARD

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Not-For-Profit, System	7.0 or more
Not-For-Profit, Non-System	7.0 or more
For-Profit, System	7.0 or more
For-Profit, Non-System	7.0 or more
Governmental	NA

Type of Long-Term Care (including ICF/DD) Facilities:

Not-For-Profit, System	3.0 or more
Not-For-Profit, Non-system	3.0 or more
For-Profit, System	3.0 or more
For-Profit, Non-system	3.0 or more
Governmental	NA

End Stage Renal Dialysis Facilities **3.0 or more**

Ambulatory Surgical Treatment Centers **3.0 or more**

HFSRB NOTE: The applicant may also include in the numerator the amount of funds available from an existing or proposed backup line of credit. If the applicant includes funds available from a line of credit, documentation shall be provided regarding the terms and conditions of the line.

(Source: Amended at 40 Ill. Reg. 14067, effective September 27, 2016)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3) This Part contains no Section numbers or actions as it is a joint rule with CMS. The text of the rule appears at 74 Ill. Adm. Code 900.
- 4) Statutory Authority: Authorized by the Prompt Payment Act [30 ILCS 540]
- 5) Effective Date of Rule: September 28, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Statement of Availability: A copy of the adopted rules, 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*: 40 Ill. Reg. 7519; May 20, 2016.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between the Proposal and the Final Version: The final version of the CMS rule was changed from the proposed version to remove proposed language which sought to further clarify whether or not certain payments were exempt from Prompt Payment Interest.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, all changes that were made were agreed to by JCAR.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of this Rulemaking: This Part is a joint rulemaking of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900. In 2012, Section 3-2 of the Prompt Payment Act was

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

amended to provide that, beginning in Fiscal Year 2012, "any bill approved for payment under this Section must be paid or the payment issued to the payee within 90 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 90-day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month, or 0.033% (one-thirtieth of one percent) of any amount approved and unpaid for each day, after the end of this 90-day period, until final payment is made." In prior fiscal years, interest was to begin accruing after 60 days following receipt of a proper bill or invoice. The rules on prompt payment did not reflect that statutory change. This revision cleans up the rules so that they are consistent with the time period set forth in the statute.

16) Time, Place and Manner in which interested persons may comment on this adopted rule:

Alissa Camp
Illinois Office of the Comptroller
325 West Adams Street
Springfield IL 62704

217/782-6000
fax: 217/558-5123

The text of the Adopted Amendments is identical to the text of the Department of Central Management Services' Notice of Adopted Amendments presented in this version of the *Illinois Register*. (This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 330
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11170, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11521, effective July 11, 1994; amended at 24 Ill. Reg. 19123, effective December 18, 2000; amended at 25 Ill. Reg. 11358, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10981, effective July 1, 2002; amended at 26 Ill. Reg. 14678, effective September 19, 2002; amended at 31 Ill. Reg. 5836, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16593, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3840, effective February 16, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5673, effective March 18, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13448, effective July 29, 2011; amended at 40 Ill. Reg. 14096, effective September 28, 2016.

(Editor's Note: This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1650.202	Amendment
1650.203	Amendment
1650.3200	New Section
1650.3220	New Section
1650.3221	New Section
1650.3222	New Section
1650.3230	New Section
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Rules: September 28, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted rules are on file in the Teachers' Retirement System's principal office and are available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 6770; April 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following Second Notice changes recommended by JCAR were made in the final version, as well as various changes in punctuation. Section 202: The definition of "Code" was added to the definitions. In the definition of "Gainful employment", "of \$10,000" was added and "thereof" was removed; new language was added to "Teacher" as well as "Upon application of a member". Section 203: The statutory citations in several definitions have been removed.
- 12) Have all the changes agreed upon by the Agency and JCAR been as indicated in the agreements issued by JCAR? Yes

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1650.486	New Section	40 Ill. Reg. 9146; July 8, 2016
1650.530	Amendment	40 Ill. Reg. 9146; July 8, 2016
1650.1200	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.1201	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.1202	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.1203	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.1204	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.1205	Repealed	40 Ill. Reg. 9146; July 8, 2016
1650.3010	Amendment	40 Ill. Reg. 9146; July 8, 2016
1650.3017	New Section	40 Ill. Reg. 9146; July 8, 2016
1650.3020	Amendment	40 Ill. Reg. 9146; July 8, 2016

- 15) Summary and Purpose of Rulemaking: The definitions in 1650.202 and 1650.203 are amended to clarify that amounts contributed to a tax deferred retirement plan or other such account do not reduce a disability benefit recipient's earned income for gainful employment purposes.

Because Tier II provisions were added to Article 1 of the Pension Code rather than amending the TRS benefit provisions in Article 16, it is necessary to define and clarify with new Subpart R how TRS is applying the Tier II provisions in Article 1 in conjunction with Article 16 benefits. "Tier II" members are subject to the provisions of Section 1-160 of the Illinois Pension Code.

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

Cynthia M. Fain. Gray, Senior Legal Counsel
 Teachers' Retirement System
 2815 West Washington, P.O. Box 19253
 Springfield IL 62794-9253

217/753-0375

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)
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SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

1650.710	Amendments
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SUBPART J: RULES OF ORDER

Section

1650.810	Parliamentary Procedure
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SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Section

- 1650.910 Summary and Purpose (Repealed)
- 1650.920 Definitions (Repealed)
- 1650.930 Submission of Requests
- 1650.940 Form and Content of FOIA Requests (Repealed)
- 1650.950 Appeal of a Denial (Repealed)
- 1650.960 Executive Director's Response to Appeal (Repealed)
- 1650.970 Response to FOIA Requests (Repealed)
- 1650.980 Inspection of Records at System Office
- 1650.990 Copies of Public Records
- 1650.995 Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

- 1650.1000 Nomination of Candidates
- 1650.1001 Elections Date/Election Day – Defined
- 1650.1010 Petitions
- 1650.1020 Eligible Voters
- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting
- 1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122	Providing Benefit Information for Divorce Purposes
1650.1123	Suspension and Expiration of a QILDRO
1650.1124	Income Tax Reporting
1650.1125	Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

1650.1200	Payroll Deduction Program Guidelines
1650.1201	Employer Responsibility Under the Payroll Deduction Program
1650.1202	Payroll Deduction Agreements – Suspensions and Terminations
1650.1203	Payroll Deduction Program – Full Time Employment Defined
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1650.3221 Tier II Disability Retirement Annuity Final Average Salary
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1650.3230 Contributions for Tier II Members with Reciprocal Earnings

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998;

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emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. 14099, effective September 28, 2016.

SUBPART C: FILING OF CLAIMS

Section 1650.202 Disability Benefits – Definitions

For purposes of non-occupational disability benefits under [Section 16-149 of the Code 40-ILCS 5/16-149](#) and occupational disability benefits under [Code Section 40-ILCS 5/16-149.1](#), the following terms and phrases shall have the following definitions:

["Code" means the Illinois Pension Code \[40 ILCS 5\].](#)

["Commencement of disability"](#) shall mean the date upon which a member is

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determined by required medical examination to be "incapacitated to perform the duties of his or her position as a teacher" as defined in this Section.

"Date of application" shall mean the day upon which the System receives in its business offices the written or telefax notice required in this Section notifying the System the member is applying for disability benefits under the provisions of [Section 40 ILCS 5/16-149](#) or [16-149.1 of the Code](#).

"Date eligibility for salary ceases" shall mean the last date worked plus 31 days, or the date on which all of the member's sick leave is exhausted, whichever occurs later.

"Gainful employment" shall mean current employment from which a member realizes "earned income" as that term is defined in section 32(c)(2) of the Internal Revenue Code in excess of \$10,000 in any calendar year, [unreduced by contributions to a tax deferred retirement plan account authorized by the Internal Revenue Code](#), or the pro rata share [of \\$10,000 thereof](#) if less than a calendar year, while in receipt of a disability or occupational disability benefit.

"Incapacitated to perform the duties of his or her position as a teacher" shall mean the physical or mental inability to perform substantially all of the member's assigned job duties at the commencement of disability.

"Licensed physician" shall mean any individual licensed by the state in which he or she practices medicine. All reports submitted to the System shall include the registration number of the physician submitting the report.

"Teacher", for purposes of [Sections 40 ILCS 5/16-149\(a\)](#) and [16-149.1\(a\) of the Code](#), shall mean employment in any equivalent position set forth in [Code Section 40 ILCS 5/16-106](#) in this State or another state, territory or by or under the auspices of the United States government.

"Upon application of a member" shall mean the filing of a written or telefax notice by or on behalf of a member notifying the System that the member is applying for disability benefits under the provisions of [Section 40 ILCS 5/16-149](#) or [16-149.1 of the Code](#).

(Source: Amended at 40 Ill. Reg. 14099, effective September 28, 2016)

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Section 1650.203 Disability Retirement Annuity – Definitions

For purposes of [Section 40 ILCS 5/16-149.2 of the Code](#), the following terms shall have the following definitions:

"Amount earned by the member" shall mean the member's "earned income" as that term is defined in section 32(c)(2) of the Internal Revenue Code in any calendar year while in receipt of a disability retirement annuity, [unreduced by contributions to a tax-deferred retirement plan or account authorized by the Internal Revenue Code](#).

"Licensed physician" shall have the same definition as in Section 1650.202.

"No longer disabled" shall mean the member is no longer "incapacitated to perform the duties of his or her positions as a teacher" as that phrase is defined in Section 1650.202.

"Teacher" shall have the same definition as in Section 1650.202.

"The standard of disability provided in Section 16-149" shall mean "incapacitated to perform the duties of his or her position as a teacher" as that phrase is defined in Section 1650.202.

(Source: Amended at 40 Ill. Reg. 14099, effective September 28, 2016)

SUBPART R: TIER II MEMBERS AND ANNUITANTS**Section 1650.3200 Definitions**

[For purposes of this Subpart R, "Tier II" means the provisions of Section 1-160 of the Illinois Pension Code that apply to certain members and annuitants of the Teachers' Retirement System of the State of Illinois \(the "System"\) as defined therein.](#)

(Source: Added at 40 Ill. Reg. 14099, effective September 28, 2016)

Section 1650.3220 Automatic Increase in Tier II Disability Benefits

- a) [A Tier II member or annuitant receiving a disability benefit under the provisions of Section 16-149, 16-149.1 or 16-149.2 of the Code shall receive a 7% increase](#)

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in the member's or annuitant's initial disability benefit on the January 1 following the fourth anniversary of the granting of the disability benefit.

- b) On each January 1 following the 7% increase, the member's or annuitant's Tier II disability benefit shall be increased by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12-month period ending with the September preceding each November 1, whichever is less, of the initial disability benefit.
- c) If the annual unadjusted percentage change in the consumer price index-u preceding November 1 is zero or there is a decrease, the Tier II member's or annuitant's disability benefit shall not be increased.
- d) For persons receiving a disability retirement annuity under Section 16-149.2 of the Code, any prior annual increases shall cease as soon as the person is eligible to receive the annual increase provided in Section 1-160(e) of the Code.

(Source: Added at 40 Ill. Reg. 14099, effective September 28, 2016)

Section 1650.3221 Tier II Disability Retirement Annuity Final Average Salary

Final average salary for the purpose of determining a Tier II disability retirement annuity under Section 16-149.2 of the Illinois Pension Code shall be:

- a) For a Tier II member with less than 8 years of creditable service, the average salary during the member's entire period of creditable service.
- b) For a Tier II member with 8 or more years of creditable service, the average salary for the highest 8 consecutive years within the last 10 years of creditable service as determined under Section 1-160(b) of the Code.

(Source: Added at 40 Ill. Reg. 14099, effective September 28, 2016)

Section 1650.3222 Tier II Disability Retirement Annuity Calculation

- a) The Tier II disability retirement annuity shall be equal to the larger of:
 - 1) 35% of the most recent annual contract salary rate or, for part-time and substitute members, the most recent annualized salary rate; or

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- 2) If the disability commences prior to the member's attainment of age 62, the amount computed in accordance with Section 16-133 of the Code, provided the amount computed under Section 16-133(a)(B) shall be reduced by ½ of 1% for each month that the member is less than age 62;
or
- 3) If the disability commences after the member's attainment of age 62, and the member is not receiving a retirement annuity under Section 16-133 of the Code, the amount computed in accordance with Section 16-133.
- b) The Tier II disability retirement annuity shall be reduced by ½ of 1% for each month that the member is less than age 67 at the time the retirement annuity begins. However, this reduction shall not apply if the member retires on account of disability under Section 16-149.2 of the Code with at least 10 years of creditable service.

(Source: Added at 40 Ill. Reg. 14099, effective September 28, 2016)

Section 1650.3230 Contributions for Tier II Members with Reciprocal Earnings

The annual Tier II salary limitations set forth in Section 1-160(b-5) of the Illinois Pension Code shall be applied by the System without regard to whether a member has earnings in a reciprocal system as defined in Article 20 of the Code in that plan year.

(Source: Added at 40 Ill. Reg. 14099, effective September 28, 2016)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers</u> :	<u>Peremptory Actions</u> :
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: October 1, 2016
- 7) A Complete Description of the Subjects and Issues involved: The changes in this rulemaking are the result of the Fiscal Year 2017 Cost-of-Living Adjustments to the SNAP standards and are required by Food and Nutrition Service regulations. This rulemaking increases the Maximum Monthly Gross Income Standards for SNAP households with 1-6 members, the Maximum Monthly Net Income Standards for SNAP households with 1-5 members, the Excess Shelter Deduction, and the Standard Deduction for SNAP households with 1-3 members. The Maximum Monthly Gross and Net Income Standards and the Standard Deduction remain unchanged for all other SNAP household sizes.

In addition to the above changes, this rulemaking changes the amounts of the SNAP utility standards. The annual review of the State's utility standards, as mandated by federal regulations, determined an increase is warranted for the Air Conditioning/Heating Standard to \$388. The results of the review also provide for an increase in the Limited Utility Standard to \$285, the Single Utility Standard to \$64 and the Telephone Standard to \$30.

Effective October 1, 2016, more applicants may qualify for SNAP due to the increase in the Maximum Gross and Net Income Standards. Some active customers may see an increase in benefits due to the increase in the Excess Shelter Deduction, Standard

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Deduction and the Utility Standards. Households that do not qualify for the use of a Utility Standard, and/or the increase in the Standard Deduction but qualify for the Excess Shelter Deduction may see a small increase in benefits or their benefits will remain unchanged.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 29, 2016
- 10) A copy of the preemptory rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any other rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding these preemptory rules shall be directed to:

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

217/785-9772

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

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NOTICE OF PEREMPTORY AMENDMENTS

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

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

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

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

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

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

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

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

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

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

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

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.

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b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ 990 <u>981</u>
2.....	1,335 <u>1,328</u>
3.....	1,680 <u>1,675</u>
4.....	2,025 <u>2,021</u>
5.....	2,370 <u>2,368</u>
6.....	2,715
7.....	3,061
8.....	3,408
Each additional member.....	347

Derived from Office of Management and Budget non-farm income poverty guidelines.

(Source: Amended by preemptory rulemaking at 40 Ill. Reg. 14114, effective October 1, 2016)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households except categorical households as defined in Section 121.76. Households that do not contain an elderly, blind or disabled person shall be considered categorically eligible if the household's gross income is at or below 165% of the nonfarm income poverty guidelines. Elderly, blind or disabled

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households shall be considered categorically eligible if the household's gross income is at or below 200% of the nonfarm income poverty guidelines. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security

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requirements.

- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b) The gross income standards are:

Household Size	Gross Income 130%	Gross Income 165%	Gross Income 200%
One Person	<u>\$1,2871,27</u>	<u>\$1,6341,619</u>	<u>\$1,9801,962</u>

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Two Persons	<u>1,7361,726</u>	<u>2,2032,191</u>	<u>2,6702,655</u>
Three Persons	<u>2,1842,177</u>	<u>2,7722,763</u>	<u>3,3603,348</u>
Four Persons	<u>2,6332,628</u>	<u>3,3423,335</u>	<u>4,0504,042</u>
Five Persons	<u>3,0813,078</u>	<u>3,9113,907</u>	<u>4,7404,735</u>
Six Persons	<u>3,5303,529</u>	<u>4,4804,479</u>	<u>5,4305,428</u>
Seven Persons	3,980	5,051	6,122
Eight Persons	4,430	5,623	6,815
Each Additional Member	+ 451	+ 572	+ 693

(Source: Amended by peremptory rulemaking at 40 Ill. Reg. 14114, effective October 1, 2016)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$157155. The standard deduction for a household size of four persons is \$168. The standard deduction for a household size of five persons is \$197. For households of six or more persons, the standard deduction is \$226. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for

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care per month for each dependent household member.

- e) **Child Support Deduction.** The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) **Shelter Costs Deduction**
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed ~~\$517504~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.

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- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of ~~\$3027~~; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$388364~~. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$285258~~. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$6458~~. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of ~~\$3027~~ per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
 - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

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- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2013)). Households who receive a LIHEAP payment of \$21 or more during the month of application or the preceding 12-month period shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) **Excess Medical Deduction.** A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$210 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by \$7 per month for all SNAP households.

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(Source: Amended by peremptory rulemaking at 40 Ill. Reg. 14114, effective October 1, 2016)

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Discipline and Grievances
- 2) Code Citation: 20 Ill. Adm. Code 504
- 3) Register Citation to Notice of Proposed Rules: 40 Ill. Reg. 8628; July 1, 2016
- 4) Date, Time and Location of Public Hearing:

October 19, 2016
11:00a.m. – 1:00 p.m.
Michael J. Howlett Building
Auditorium
Second and Edwards Streets
Springfield IL
- 5) Other Pertinent Information: This hearing is being held solely to gather public comment on the proposed amendments to 20 Ill. Adm. Code 504: Discipline and Grievances. Persons interested in witnessing and/or presenting testimony at the hearing are advised that the Department will adhere to the following procedures:
 - A) All persons wishing to attend must present valid identification to enter the building.
 - B) Persons needing reasonable accommodations due to disability must contact IDOC no later than October 17, 2016.
 - C) All persons in attendance must sign in at the registration desk. Registration will begin at 10:30am.
 - D) Persons wishing to provide oral testimony must provide a written copy of their testimony to the Agency contact person. The written copy must be received no later than October 18, 2016.
 - E) Persons giving oral testimony are asked to limit their comments to no more than 5 minutes. Persons who exceed the time limit will be advised to conclude their testimony so that each person who wishes to offer oral testimony will have time to speak. Persons will not be recognized to speak a second time until all registered persons have been offered the opportunity to give testimony. Persons will not be allowed to proxy their oral testimony to another person.

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- F) Organizations are asked to select one spokesperson to present oral testimony on behalf of the organization and its supporters. The spokesperson will be limited to 10 minutes to present comments on behalf of the organization/group.
- G) To provide balanced presentation of views and assist in the orderly conduct of the hearing, the Agency may impose other rules of procedures as deemed necessary, including, but not limited to, the order of persons providing oral testimony.
- 6) Name and Address of Agency Contact Person:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
echo.beekman@doc.illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Register Citation to Notice of Proposed Amendment: 40 Ill. Reg. 13545; September 30, 2016
- 4) Date, Time and Location of Public Hearings:

Hearing To Discuss Sip Revisions: Wednesday, November 16 At 1:00 P.M.

CHICAGO HEARING ROOM
Illinois Pollution Control Board
Room 2-025
James R. Thompson Center
100 W. Randolph St.
Chicago IL

SPRINGFIELD HEARING ROOM
Illinois Pollution Control Board
Conference Room 1244N
1021 N. Grand Ave. East, North Entrance
Springfield IL

- 5) Other Pertinent Information:
 - a) All persons attending the hearing must sign in at the registration desk and those persons wishing to provide oral testimony must indicate this on the registration form in the space provided.
 - b) No oral testimony shall exceed an aggregate of ten (10) minutes. This time may be reduced based on the number of people testifying.
 - c) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - d) All oral testimony will be recorded by stenographic or mechanical means.
 - e) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

POLLUTION CONTROL BOARD

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- f) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- g) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by
- h) Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

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

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

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Register Citation to Notice of Proposed Amendment: 40 Ill. Reg. 13580; September 30, 2016
- 4) Date, Time and Location of Public Hearings:

Hearing To Discuss Sip Revisions: Wednesday, November 16 At 1:00 P.M.

CHICAGO HEARING ROOM
Illinois Pollution Control Board
Room 2-025
James R. Thompson Center
100 W. Randolph St.
Chicago IL

SPRINGFIELD HEARING ROOM
Illinois Pollution Control Board
Conference Room 1244N
1021 N. Grand Ave. East, North Entrance
Springfield IL

- 5) Other Pertinent Information:
 - a) All persons attending the hearing must sign in at the registration desk and those persons wishing to provide oral testimony must indicate this on the registration form in the space provided.
 - b) No oral testimony shall exceed an aggregate of ten (10) minutes. This time may be reduced based on the number of people testifying.
 - c) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - d) All oral testimony will be recorded by stenographic or mechanical means.
 - e) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- f) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- g) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by
- h) Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

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

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

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittals
for National Ambient Air Quality Standards (NAAQS)

On August 23, 2016, the Illinois Environmental Protection Agency (Illinois EPA) proposed that the Board amend Parts 201 and 211 of the Board's air pollution regulations. See 35 Ill. Adm. Code 201, 35 Ill. Adm. Code 211. The proposal contains general provisions for permits by rule and provisions that would allow construction of small boilers under a specific permit by rule. See *In the Matter of: Permit by Rule for Boilers: Amendments to 35 Ill. Adm. Code Parts 201 and 211, R17-9* (Sept. 8, 2016) (first notice opinion and order). The full text of this proposed rulemaking is available for public review under the docket number R17-9 on the Board's website (www.ipcb.state.il.us) and in the Clerk's Office, Pollution Control Board, Suite 11-500, James R. Thompson Center, 100 West Randolph Street, Chicago, Illinois.

Illinois EPA intends to submit the final rules produced in this rulemaking to the United States Environmental Protection Agency (USEPA) as a revision to Illinois' State Implementation Plan (SIP) under the federal Clean Air Act. Illinois EPA also intends to submit an anti-backsliding demonstration to USEPA, required by Section 110(l) of the Clean Air Act.

Federal regulations require public notice and the opportunity for hearing before submitting SIP revisions to USEPA. 40 C.F.R. § 51.102. The rules, when adopted, must be submitted to USEPA for approval and incorporation into the Illinois SIP because they are intended to ensure that the boilers and other emissions units that could prospectively be covered under a permit by rule do not interfere with the attainment or maintenance of the National Ambient Air Quality Standards promulgated by USEPA.

The proposed revisions to Illinois' SIP and the associated anti-backsliding demonstration will be discussed at a public hearing on November 16, 2016. Interested persons are invited to attend and express their views. This notice fulfills USEPA's requirement that notice must be given at least 30 days prior to a hearing to discuss SIP revisions. 40 C.F.R. 51.102(d). The hearing will be held at:

1:00 p.m., Wednesday, November 16, 2016

James R. Thompson Center
100 W. Randolph St.
Room 2-025
Chicago IL

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

and
1021 N. Grand Ave. East (North Entrance)
Room 1244N
Springfield IL
(connected via videoconference)

Written comments may be submitted through the Board's website (www.ipcb.state.il.us) and addressed to:

John Therriault, Clerk of the Board
Pollution Control Board
100 W. Randolph St., Room 11-500
Chicago IL 60601

312/814-3629
John.therriault@illinois.gov

Questions about how to submit comments may also be directed to the Clerk. Comments should list the docket number for this rulemaking, R17-9. Comments must be received by the Clerk no later than November 16, 2016, or be submitted at the hearing.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 27, 2016 through October 3, 2016. The rulemakings are scheduled for review at the Committee's October 11, 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>
11/10/16	<u>Illinois Commerce Commission</u> , Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 Ill. Adm. Code 501)	5/13/16 40 Ill. Reg. 7246	10/11/16
11/10/16	<u>Illinois Commerce Commission</u> , Standards of Service for Gas Utilities (Repealer) (83 Ill. Adm. Code 500)	5/13/16 40 Ill. Reg. 7217	10/11/16
11/12/16	<u>Illinois Commerce Commission</u> , Electronic Interconnection of Large Distributed Generation Facilities (83 Ill. Adm. Code 467)	2/5/16 40 Ill. Reg. 2396	10/11/16
11/12/16	<u>Illinois Commerce Commission</u> , Electric Interconnection of Distributed Generation Facilities (83 Ill. Adm. Code 466)	2/5/16 40 Ill. Reg. 2300	10/11/16
11/12/16	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	8/12/16 40 Ill. Reg. 10754	10/11/16

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 42 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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