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ISSUES INDEX 1 – 1

Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

Editor’s Note 2: Submit all rulemaking documentation to the following address:
Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Possession of Specimens or Products of Endangered or Threatened Species

2) **Code Citation**: 17 Ill. Adm. Code 1070

3) **Section Numbers**: Proposed Action:
   - 1070.10 Amendment
   - 1070.20 Amendment
   - 1070.30 Amendment
   - 1070.60 Amendment

4) **Statutory Authority**: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 11(c)].

5) **A Complete Description of the Subjects and Issues Involved**: This Part is being amended to update the Department's address and statutory citations.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective**: This rulemaking does not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking**: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:
   
   Stanley Yonkauskis, Jr.
   Department of Natural Resources
   One Natural Resources Way
   Springfield IL 62702-1271
   217/782-1809

12) **Initial Regulatory Flexibility Analysis**: 

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ILLINOIS REGISTER 5066
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Amendments begins on the next page:
Section 1070.10 Definitions

Animal - those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals. (Section 2 of the Illinois Endangered Species Protection Act) [520 ILCS 10/2] (Ill. Rev. Stat. 1991, ch. 8, par. 332).

Animal Product - the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product
manufactured or refined from an animal protected under the Illinois Endangered Species Protection Act (Section 2 of the Act) or under rules issued pursuant to that Act.

Board - the Illinois Endangered Species Protection Board. (Section 2 of the Act).

Department - the Illinois Department of Natural Resources. (Section 2 of the Act).

Director - the Director of the Illinois Department of Natural Resources. (Section 2 of the Act).

Endangered Species - any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival, but not including nursery plant stock obtained from a non-wild source, nor pre-act or legally obtained birds of prey held by licensed falconers. (Section 2 of the Act).


Illinois List - those species of animals and plants listed by the Board as endangered or threatened. (Section 2 of the Act).

Person - any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives. (Section 2 of the Act).

Plant - any organism not considered to be an animal, including such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers. (Section 2 of the Act).

Plant Product - any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts and powders. (Section 2 of the Act).
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Program Manager - the supervisor of the Endangered and Threatened Species Conservation Program in the Department.

Scrap - to dispose of a specimen or product of an endangered or threatened species in a manner which permanently removes that specimen or product from the possession of the permit holder and renders the specimen or product unsuitable for possession by any other person. This shall include, but not be limited to euthanasia, burning, or burial.

Specimen - a live individual of any animal or plant species.

Take - in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. In reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any way.

Threatened Species - any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as likely to become endangered in Illinois within the foreseeable future. (Section 2 of the Act).

(Source: Amended at 27 Ill. Reg. ___________, effective ________________)

Section 1070.20 Permit Requirements

a) It shall be unlawful for any person to take, possess, transport, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant after the date of listing unless a valid permit for such activity has been issued pursuant to this Part or as otherwise provided for in this Section or 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) or [515 ILCS 5/20-85]; (Ill. Rev. Stat. 1991, ch. 56, pars. 20-85)-[520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.18 and 3.21] (Ill. Rev. Stat. 1991, ch. 61, pars. 3.11, 3.12, 3.15, 3.16, 3.18 and 3.21).

b) Any person having a current, valid permit issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S.
Department of Agriculture for the taking, possession, transportation, purchase, or disposal of species designated as endangered or threatened by the Secretary of the Interior of the United States and not known to occur within the State of Illinois, shall be considered to have met the requirements for issuance of a permit pursuant to this Part and shall be issued a permit upon request.

c) Notwithstanding subsection (a), any person may possess or transport a species on the Illinois list within Illinois for purposes such as circuses, theatrical acts, carnivals, or displays, provided that the listed species is held under a current, valid permit for such purposes issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture or the appropriate authorities of a state other than Illinois, for a period not to exceed thirty (30) days in any calendar year.

d) Notwithstanding subsection (a), any employee or agent of the Department or the Board or the U.S. Fish and Wildlife Service who is designated by that agency for such purposes, shall be authorized, when acting in the course of his official duties, to take endangered or threatened animals without a permit if such action is necessary to aid a sick, injured or orphaned specimen; or dispose of a dead specimen; or salvage a dead specimen which may be useful for scientific study or educational purposes.

e) Any taking pursuant to subsection (d) must be reported in writing to the Program Manager within ten (10) working days.

f) It shall be unlawful for any person to possess, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant which was in the possession of that person prior to May 1, 1973, or acquired legally out-of-state unless a valid limited permit for such activity has been issued pursuant to this Part, which permit shall be issued upon proof of pre-Act or legal acquisition.

g) It shall be unlawful for any person to propagate or attempt to propagate any endangered or threatened animal or federal endangered plant unless a valid permit specifically allowing such activity has been issued pursuant to this Part.

h) It shall be unlawful for any person to perform taxidermic services upon any product of an endangered or threatened species except as allowed by this Part.
i) It shall be unlawful for any person to possess an endangered or threatened animal for purposes of veterinary rehabilitation for a period exceeding ninety (90) days unless a valid permit for such activity has been issued pursuant to this Part. Only persons holding a rehabilitation permit issued by the Department shall possess endangered or threatened animals for such purposes. All rehabilitators are required to notify the Program Manager within 10 working days of the receipt of any endangered or threatened animals. Release of rehabilitated animals shall be only at the location at which the animal was collected or at another location approved by the Department.

j) Permits issued under this Part or valid copies thereof must be in the possession of the holder or his agent when engaged in activities involving endangered or threatened animals or federal endangered plants and presented upon demand to any authorized officer or agent of the Department or any police officer of the State of Illinois or of any unit of local government within the State of Illinois.

k) No person shall transfer a permit issued pursuant to this Part to another person.

l) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

m) The authorizations on the face of a permit which allow specific activities (e.g. taking, possession, disposal), specify numbers or quantities of specimens or products, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

n) A permittee who furnishes his permit to the Director for endorsement or correction in compliance with this Part may continue those activities authorized by the permit pending its return.

o) All correspondence regarding permits issued pursuant to this Section shall be addressed to:

Endangered Species Program Manager
Resource Protection and Stewardship Division of Natural Heritage
Illinois Department of Natural Resources
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way 524 S. Second Street
Springfield, IL  62702-1271  62701-1787

(Source: Amended at 27 Ill. Reg. __________, effective ____________________)

Section 1070.30 Permit Provisions

To take, possess, transport, purchase, or dispose of specimens or products of endangered or threatened animals or federal endangered plants after the date of listing, an applicant must provide a scientific, educational, or zoological/botanical justification to keep such animals, animal products, plants, or plant products.

a) Scientific Purpose - Persons planning to conduct research involving endangered or threatened animals or federal endangered plants must apply for a permit for scientific purposes.

1) In addition to completing a permit application form provided by the Department, the applicant for a scientific permit must submit:

A) an outline of the proposed research, including the scientific justification for such research, methods to be used, needs for the use of an endangered or threatened species, and a statement as to how the proposed research will enhance the survival and well-being of the species involved;

B) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

C) a statement of the qualifications of the applicant to conduct the proposed research, including educational history, experience in similar research, and a list of pertinent publications and professional activities.

2) Scientific purposes include, but may not be limited to:

A) study of biology, physiology, or behavior of the affected species; and

B) banding or otherwise marking these species including eggs, seeds,
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

dens, nests, or progeny.

3) A permit for scientific purposes will be approved if the research proposal meets the following criteria:

A) the applicant's credentials indicate training and experience which will assure that the applicant has the ability to conduct the proposed research.

B) the proposed research cannot be conducted using a non-listed species;

C) the proposed research can be expected to yield results which will enhance the survival and welfare of wild populations of the species involved; and

D) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Sections 1070.60 or 1070.70 of this Part.

b) Educational Purpose - Persons wishing to utilize specimens or products of endangered or threatened animals or federal endangered plants in an educational program must apply for a permit for educational purposes. Permits for educational purposes will be issued only to institutions (e.g. schools, museums, zoos) or to individuals employed and/or sponsored by such an institution.

1) In addition to completing a permit application form provided by the Department, the applicant for an educational permit must submit:

A) an outline of the educational program to be presented. Every educational program shall include information on the endangered or threatened status of the specimens being displayed and an explanation of the legal acquisition of the specimens;

B) a list of all similar programs conducted by the applicant during the two years preceding the application for an educational permit, including estimates of the number of persons attending each presentation;
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

C) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;

D) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

E) a verified statement that any specimens to be used in the educational program will be obtained legally.

2) A permit for educational purposes will be issued if the proposed educational program meets the following criteria:

A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;

B) the program promotes the survival of the endangered or threatened species and its natural habitat;

C) the program promotes understanding of the ecological needs of natural populations of the species;

D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and

E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.

c) Zoological/Botanical Purpose - Persons wishing to display specimens or products of endangered or threatened animals or federal endangered plants in a zoological/botanical program (e.g. zoological parks, aquaria, arboreta) must apply for a permit for zoological/botanical purposes. If specimens to be held under a permit for zoological/botanical purposes are to be available for public viewing, the public display shall include a notice which describes the endangered or threatened status of the species and explains the means of legal acquisition of the specimens. Such notice shall be posted prominently in a location easily visible to all visitors.
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) In addition to completing a permit application form provided by the Department, the applicant for a zoological/botanical permit must submit:

A) a photostatic copy of an Exhibitor Permit issued by the U.S. Department of Agriculture;

B) an outline of all proposed programs that would utilize specimens or products of endangered or threatened species;

C) a statement of the training and experience of those persons to be responsible for the care of the endangered or threatened species;

D) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;

E) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

F) a verified statement that any specimens to be used in a zoological/botanical program will be legally obtained.

2) A permit for zoological/botanical purposes will be issued if the proposed zoological/botanical program meets the following criteria:

A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;

B) the program promotes the survival of the endangered or threatened species and its natural habitat;

C) the program promotes understanding of the ecological needs of natural populations of the species;

D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and
d) Permit for Propagation of Endangered or Threatened Species - Persons wishing to propagate or attempt to propagate any endangered or threatened species of animal or federal endangered plant must apply for a permit for such purposes. Propagation permits may be issued as an addendum to permits for scientific or zoological/botanical purposes. A permit for educational purposes shall not include permission to propagate or attempt to propagate endangered or threatened species. A permit issued pursuant to 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) for the propagation of raptors shall be deemed to meet the requirement of this Part.

1) In addition to the materials submitted as application for a scientific or zoological/botanical permit, the applicant for a propagation permit must submit:

A) a statement as to how the propagation of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species;

B) a statement describing the disposition of any successfully propagated individuals. Release of such individuals into natural populations or attempts to reintroduce a species into an area where it is known or believed to have formerly occurred will be allowed only with the express written consent of the Director, pursuant to Sections 2.2 and 2.3 of the Wildlife Code ([Ill. Rev. Stat. 1991, ch. 61, pars. 2.2 and 2.3) [520 ILCS 5/2.2 and 2.3]; and

C) a statement as to how the propagation of the endangered or threatened species is necessary for the success of the scientific or zoological/botanical project.

2) A permit for the propagation or attempted propagation of endangered or threatened animals or federal endangered plants will be issued if the proposed propagation project meets the following criteria:

A) propagation of the species will enhance the survival and welfare of
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the species through supplementation of natural populations or by adding significantly to the knowledge of the species in its natural environment; and

B) propagation is essential to the completion of the objectives stated in the application for a permit for scientific or zoological/botanical purposes.

e) The holder of a permit may allow temporary possession of animal products covered by that permit by a licensed taxidermist for the purpose of providing taxidermic services (e.g. mounting, cleaning, tanning). A copy of the permit or a signed statement by the permit holder attesting to the existence of such a permit must accompany the products while in the possession of the taxidermist. Taxidermic services shall be provided only by persons licensed as taxidermists by the Department pursuant to Section 5.15 of the Fish Code (Ill. Rev. Stat. 1991, ch. 56, par. 5.15) [515 ILCS 5/5-15] and Section 3.21 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.21) [520 ILCS 5/3.21] or by appropriate authorities of another state.

f) The holder of a permit may dispose of specimens or products covered by that permit through transfer or scrapping only after a permit for disposal has been applied for and received from the Department. The application for a transfer permit shall include the name and address of the intended recipient of the specimen or product. Transfer will be allowed only after the intended recipient has applied for and received the necessary permit for possession.

(Source: Amended at 27 Ill. Reg. ____________, effective _______________)

Section 1070.60 Facilities and Welfare Standards (Animal)

a) A copy of applicable facilities and animal welfare standards (See subsection (c)) will be supplied with each application form, and the applicant's signature on the application form shall be acknowledgement of the receipt of the standards and an agreement to comply with the standards.

b) Each applicant or permit holder must demonstrate that his premises and any facilities or equipment used in his operation comply with the standards set forth in this Section. If necessary to assure adequacy of facilities upon application or upon receipt of a complaint, the Program Manager or the Director shall request
the applicant or permit holder to make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant or permit holder and the Department's representative for the purpose of ascertaining compliance with said standards. If the applicant's or permit holder's premises, facilities, or equipment do not meet the requirements of the standards, the applicant or permit holder will be advised of existing deficiencies and the corrective measures that must be taken and completed to bring such premises, facilities, and equipment into compliance with the standards. Permit holders will be given a deadline by which prescribed corrective measures must be completed.

c) Construction and maintenance of facilities and animal welfare practices must meet the standards defined in the Federal Animal Welfare Act (9 CFR 3.125 through 3.142, July 22, 1979, no further additions or amendments are included).

(Source: Amended at 27 Ill. Reg. ____________, effective _________________)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Use of Radionuclides in the Healing Arts

2) **Code Citation:** 32 Ill. Adm. Code 335

3) **Section Number:**
   - 335.20 Amendment
   - 335.50 New Section
   - 335.9010 Amendment
   - 335.9020 Repeal
   - 335.9030 Amendment
   - 335.9040 Amendment
   - 335.9050 Amendment
   - 335.9060 Amendment
   - 335.9070 Amendment
   - 335.9080 Repeal
   - 335.9090 Repeal
   - 335.9100 Amendment
   - 335.9120 Amendment
   - 335.9130 Amendment
   - 335.9140 Amendment
   - 335.9150 Amendment
   - 335.9160 Amendment
   - 335.9170 Repeal
   - 335.9180 Amendment
   - 335.9190 Amendment
   - 335.APPENDIX A New Section

4) **Statutory Authority:** Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

5) **A Complete Description of the Subjects and Issues Involved:** The U.S. Nuclear Regulatory Commission (NRC) recently amended their medical regulations (10 CFR 35) to modify requirements for training and experience for persons authorized to use radioactive material for medical purposes. The amendment changed requirements for the number of hours spent in classroom settings and on-the-job to total number of hours for training and experience. In addition, the NRC amendment allowed acceptance of new medical specialty board certifications.
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

The Department is proposing to amend the training requirements in its medical rules to address the flexibility currently being provided to medical professionals in other parts of the country. Individuals, such as physicians, who wish to be licensed to use radioactive material for medical use would be allowed flexibility to obtain equivalent training and experience in a variety of methods, rather than a minimum number of hours in a classroom or on-the-job.

Many minor amendments were necessary throughout the rule to ensure the corresponding changes to the training requirements would make sense. The term “authorized medical physicist” is defined as a broader term that replaces the more limited term “teletherapy physicist.” The term “written directive” is replaced and cross-referenced to a new Section that better explains when a written directive is needed. A more generic section that specifies requirements for experienced authorized users, physicists and radiation safety officers replaced the section specifying training requirements for experienced radiation safety officers. Cross-references were modified as necessary.

The Department is deleting the lists of medical specialty boards and replacing them with generic language that allows the addition of medical specialty boards to lists of approved boards without rulemaking. The training requirements throughout have been changed from specifying numbers of hours of classroom and numbers of hours of on-the-job training to the more generic total number of hours of training and experience. Other exemptions to training requirements for very specialized applications of radioactive material are being deleted to provide a level of uniformity in training requirements across the country.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The modifications in the proposed rulemaking are not expected to require medical providers or local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a
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period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois  62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Section 335.50 sets forth procedures that will be required for compliance with this Part.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Amendment begins on the next page:
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TITLE 32: ENERGY
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SUBCHAPTER b: RADIATION PROTECTION

PART 335
USE OF RADIONUCLIDES IN THE HEALING ARTS

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335.15 Incorporations by Reference
335.20 Definitions
335.30 License Required
335.40 License Amendments
335.50 Written Directives

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335.1040 Statement of Authorities and Responsibilities
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335.2030 Assay of Radiopharmaceutical Dosages
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335.2060 Syringe Shields and Syringe Shield Labels
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335.2070 Vial Shields and Vial Shield Labels
335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate
335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants
335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants
335.2110 Discharge of Patients Being Treated with Therapeutic Doses of Radiopharmaceuticals or Permanent Implants
335.2120 Mobile Nuclear Medicine Service Technical Requirements
335.2130 Storage of Volatiles and Gases

SUBPART D: UPTAKE, DILUTION AND EXCRETION

Section
335.3010 Use of Radiopharmaceuticals for Uptake, Dilution or Excretion Studies

SUBPART E: IMAGING AND LOCALIZATION

Section
335.4010 Use of Radiopharmaceuticals, Generators and Reagent Kits for Imaging and Localization Studies
335.4020 Permissible Molybdenum-99 Concentration
335.4030 Control of Aerosols and Gases

SUBPART F: RADIOPHARMACEUTICALS FOR THERAPY

Section
335.5010 Use of Radiopharmaceuticals for Therapy
335.5020 Safety Instruction
335.5030 Safety Precautions for Radiopharmaceutical Therapy

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

Section
335.6010 Use of Sealed Sources for Diagnosis

SUBPART H: SEALED SOURCES FOR BRACHYTHERAPY

Section
335.7010 Use of Sealed Sources for Brachytherapy
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335.7020 Safety Instruction
335.7030 Safety Precautions
335.7040 Accountability of Brachytherapy Sources
335.7050 Discharge of Patients Treated With Temporary Implants

SUBPART I: TELETherAPY

Section
335.8010 Use of a Sealed Source in a Teletherapy Unit
335.8020 Maintenance and Repair Restrictions
335.8030 Amendments to Teletherapy Licenses
335.8040 Safety Instructions for Teletherapy
335.8050 Doors, Interlocks and Safety Related Systems
335.8060 Radiation Monitoring Device for Teletherapy
335.8070 Viewing System for Teletherapy
335.8080 Teletherapy Dosimetry Equipment
335.8090 Full Calibration Measurements for Teletherapy
335.8100 Periodic Spot-Checks for Teletherapy
335.8110 Radiation Monitoring of Teletherapy Facilities
335.8120 Safety Checks for Teletherapy Facilities
335.8130 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program
335.8140 Reports of Teletherapy Monitoring, Checks, Tests and Measurements
335.8150 5-Year Teletherapy Inspection

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section
335.9010 Radiation Safety Officer
335.9020 Training for Experienced Radiation Safety Officer (Repealed)
335.9030 Training for Uptake, Dilution or Excretion Studies
335.9040 Training for Imaging and Localization Studies
335.9050 Training for Therapeutic Use of Unsealed Radioactive Material for Which a Written Directive is Required Radiopharmaceuticals
335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi) Treatment of Hyperthyroidism
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335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi) Treatment of Thyroid Carcinoma
335.9080 Training for Therapeutic Use of Soluble Phosphorus-32 (Repealed)
335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled Phosphate Compound or Gold-198 (Repealed)
335.9100 Training for Use of Manual Brachytherapy Sources for Brachytherapy
335.9120 Training for Ophthalmic Use of Strontium-90
335.9130 Training for Use of Sealed Sources for Diagnosis
335.9140 Training for Use of Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
335.9150 Training for Authorized Medical Teletherapy Physicist
335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized Users
335.9170 Physician Training in a 3-Month Program (Repealed)
335.9180 Recentness of Training
335.9190 Resolution of Conflicting Requirements During Transition Period

APPENDIX A List of Specialty Board Certifications Accepted by the Department Until October 24, 2004

AUTHORITY: Implementing and authorized by Section 10 the Radiation Protection Act of 1990 [420 ILCS 40/10].


SUBPART A: GENERAL INFORMATION

Section 335.20 Definitions

"ALARA program" means a program designed to maintain effluents to unrestricted areas, occupational doses and doses to the general public as low as is reasonably achievable.

"Annually" means at intervals not to exceed 1 year.
"Area of use" means a portion of a physical structure that has been set aside for the purpose of receiving, using or storing radioactive material.

"Authorized user" means an individual who is identified as being authorized to use radioactive material on a specific medical use license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Authorized medical physicist" means an individual who meets the requirements in Sections 335.9150(a) and 335.9180 of this Part; or is identified as an authorized medical physicist or teletherapy physicist on a specific medical use license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or Licensing State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Brachytherapy" means a method of radiation therapy in which sealed sources, including those contained in high dose rate afterloaders, are used to deliver a radiation dose at a distance of less than 6 centimeters by surface, intracavitary or interstitial application.

"Calculated weekly administered dose" means the portion of the calculated administered dose received by the patient in 7 consecutive days.

"Case" means the performance of a clinical procedure on a patient.

"Classroom and laboratory training" means planned instruction outlined in a syllabus and offered by an individual or organization. It is comprised of lectures, demonstrations, hands-on laboratory exercises and tests.

"Clinical procedure" means a method of using radioactive material for patient care in which the material or its radiation is administered to the patient. A specific clinical procedure specifies, either explicitly or in context, the indication for the
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procedure, the purpose (diagnosis or therapy), the radionuclide and its chemical and physical form, the dosage or dose and method of administration and patient follow-up. Diagnostic clinical procedures also include the method of collecting raw data, manipulating the data and interpreting the final results, which may be images, graphs or numbers.

"Dedicated check source" means a radioactive source, with a half-life greater than 5 years, that is used to assure the constant operation of a radiation detection or measurement device.

"Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures. Each diagnostic clinical procedure included in this manual must be approved by the authorized user and must include the radiopharmaceutical, dosage and route of administration.

"High dose rate afterloader" means an automated device used for delivering a sealed source of high activity (typically of the magnitude of gigabecquerels or curies of activity for Ir-192) for brachytherapy.


"Management" means the chief executive officer or that individual's designee.

"Medical institution" means:

An organization, other than a medical clinic, private medical practice or mobile nuclear medicine service, that holds a specific license issued by the Department and that practices more than two medical disciplines; or

A medical clinic, private practice or mobile nuclear medicine service that holds a specific license issued by the Department and is authorized under Sections 335.5010, 335.7010 or 335.8010 of this Part to use radioactive material.
"Medical use" means the intentional internal or external administration of radioactive material, or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user therefrom, to humans in the practice of the healing arts.

"Output" means the exposure rate, dose rate or a quantity related in a known manner to these rates from a teletherapy unit for a specified set of exposure conditions.

"Personal participation in a complete case" means performing or observing all the steps required to perform a clinical procedure on a patient under the supervision of an authorized user. This means selection and preparation of the radiopharmaceutical, calculation, measurement and administration of the dosage or dose, operation of all the equipment used during the clinical procedure, collection and manipulation of the raw data, performing or observing the patient examination, case history review, determination of suitability for radionuclide diagnosis, interpretation of the results and follow-up for the case. For purposes of meeting training requirements, mere interpretation of the results does not constitute personal participation in a case.

"Personally performing a complete case" means performing all the steps required to perform a clinical procedure on a patient. This means selection and preparation of the radiopharmaceutical, calculation, measurement and administration of the dosage or dose, operation of all the equipment used during the clinical procedure, collection and manipulation of the raw data, performing or observing the patient examination, case history review, determination of suitability for radionuclide diagnosis, interpretation of the results and follow-up for the case. For purposes of meeting training requirements, mere interpretation of the results does not constitute personal performance in a case.

"Prescribed dosage" means the radiopharmaceutical activity as documented:

in a written directive; or

either in the diagnostic clinical procedures manual for diagnostic procedures, or as otherwise directed by the authorized user for diagnostic procedures.

"Prescribed dose" means:
for gamma stereotactic radiosurgery, the total dose as documented in the written directive;

for teletherapy, the total dose and dose per fraction as documented in the written directive; or
for brachytherapy, either the total dose or the total source strength and exposure time, as documented in the written directive.

"Recordable event" means the administration of:
radioactive material or radiation therefrom without a written directive by a procedure listed in the definition of the term "written directive";

radioactive material or radiation therefrom pursuant to a written directive without daily recording the administered radiation dose or radiopharmaceutical dosage;

a therapeutic radiopharmaceutical dosage, other than iodine-125 or iodine-131 as sodium iodide, when the administered dosage differs from the prescribed dosage by more than ten percent of the prescribed dosage;

a radiopharmaceutical procedure involving greater than 1.11 Mbq (30 microCi) of iodine-125 or iodine-131 as sodium iodide, when both the administered dosage differs from the prescribed dosage by more than ten percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 555 kBq (15 microCi);

a teletherapy radiation dose when the calculated weekly administered dose is 15 percent greater than the weekly prescribed dose; or

a brachytherapy radiation dose when the calculated administered total dose differs from the prescribed dose by more than ten percent of the prescribed dose.

"Quarterly" means at intervals not to exceed 3 months.

"Reportable event" means the administration of:
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a therapeutic radiopharmaceutical dosage other than iodine-125 or iodine-131 as sodium iodide:

- involving the wrong patient, wrong radiopharmaceutical, the wrong route of administration; or
- when the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage;

a radiopharmaceutical dosage in quantities greater than 1.11 MBq (30 microCi) of iodine-125 or iodine-131 as sodium iodide:

- involving the wrong patient, wrong radiopharmaceutical the wrong route of administration; or
- when both the total administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 1.11 MBq (30 microCi);

a gamma stereotactic radiosurgery radiation dose:

- involving the wrong patient or wrong treatment site; or
- when the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;

a teletherapy radiation dose:

- involving the wrong patient, wrong treatment modality, the wrong treatment site;
- when the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;
- when the calculated weekly administered dose is 30 percent greater than the weekly prescribed dose; or
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the calculated total administered dose differs from the prescribed
dose by more than 20 percent of the prescribed dose;

a brachytherapy radiation dose:

involving the wrong patient, wrong radioisotope or the wrong
treatment site (excluding, for permanent implants, seeds that were
implanted in the correct site but migrated outside the treatment
site);

involving a sealed source that is leaking;

when, for a temporary implant, one or more sealed sources are not
removed upon completion of the procedure; or

when the calculated total administered dose differs from the
prescribed dose by more than 20 percent of the prescribed dose;

a diagnostic radiopharmaceutical dosage, other than iodine-125 or iodine-
131 as sodium iodide in quantities greater than 1.11 MBq (30 microCi)
both:

involving the wrong patient, the wrong pharmaceutical, the wrong
route of administration or the wrong radiopharmaceutical dosage;
and when the dose to the patient exceeds 50 mSv (5 rem) effective
dose equivalent or 500 mSv (50 rem) dose equivalent to any
individual organ.

“Structured educational program” means an educational program designed to
impart particular knowledge and practical education through interrelated studies
and supervised training.

"Supervised clinical experience" means performing specified tasks in the clinical
setting during the work day. Supervised clinical experiences provide the student
with the medical knowledge and facility necessary to assure that clinical
procedures will be of benefit to the patient. It is provided in the clinic, as
contrasted to the classroom, because that is the most efficient way to provide the
instruction. However, continuing education courses, seminars, journal clubs and
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other methods of clinical instruction may comprise up to 20 percent of this training and experience.

"Supervised handling experience" means performing specified tasks with equipment in the clinical setting during the work day. It is required so that the student will develop facility in performing those tasks in the work setting, as contrasted to the classroom and laboratory setting. This is usually accomplished during the "supervised clinical experience" period.

"Teletherapy" means a method of radiation therapy in which the source of radiation is at a distance of 6 centimeters or more from the area being treated.

"Teletherapy physicist" means the individual identified as the teletherapy physicist on a radioactive material license.

"Visiting authorized user" means a temporary (i.e., less than 60 days each year) authorized user who is not identified on the license of the licensee being visited and who has been approved by the Radiation Safety Committee in accordance with Section 335.1060(b).

"Weekly prescribed dose" means the portion of the prescribed dose to be delivered in 7 consecutive days.

"Written directive" means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient or human research subject, as specified in Section 335.50 of this Part, a written order for a specific patient, dated and signed by an authorized user prior to the administration of a radiopharmaceutical or radiation except as authorized under "all other brachytherapy" below, containing the following information:

therapeutic administration of a radiopharmaceutical other than iodine-125 or iodine-131 as sodium iodide: the radiopharmaceutical, dosage and route of administration;

any administration of iodine-125 or iodine-131 as sodium iodide involving quantities greater than 1.11 MBq (30 microCi): the dosage;
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gamma stereotactic radiosurgery: target coordinates, collimator size, plug pattern and total dose;

teletherapy: the total dose, dose per fraction, treatment site and overall treatment period;

high-dose-rate remote afterloading brachytherapy: the radionuclide, treatment site and total dose; or

all other brachytherapy:

prior to implantation, the radionuclide, number of sources and source strengths; and

after implantation but prior to completion of the procedure, the radionuclide, treatment site, and total source strength and exposure time (or equivalently, the total dose).

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.50 Written Directives

a) A written directive must be dated and signed by an authorized user before the administration of I-131 sodium iodide greater than 1.11 MBq (30 microCi), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive must be documented as soon as possible in writing in the patient's record. A written directive must be prepared within 48 hours of the oral directive.

b) The written directive must contain the patient or human research subject's name and the following information:

1) For any administration of quantities greater than 1.11 MBq (30 microCi) of sodium iodide I-131, the dosage.
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2) For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131, the radioactive drug, dosage and route of administration.

3) For gamma stereotactic radiosurgery, the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site.

4) For teletherapy, the total dose, dose per fraction, number of fractions and treatment site.

5) For high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions and total dose.

6) For all other brachytherapy, including low, medium and pulsed dose rate remote afterloaders:
   A) Before implantation, treatment site, the radionuclide and dose; and
   B) After implantation but before completion of the procedure, the radionuclide, treatment site, number of sources, and total source strength and exposure time (or the total dose).

c) A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose or the next fractional dose. If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision must be documented as soon as possible in the patient's record. A revised written directive must be signed by the authorized user within 48 hours of the oral revision.

d) The licensee shall retain a copy of the written directive specified in subsection (a) of this Section for 5 years.

(Source: Added at 27 Ill. Reg. ______, effective ______________________________)

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS
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Section 335.9010 Radiation Safety Officer

Except as provided in Section 335.9160 of this Part, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer as provided in Section 335.1020 of this Part to be an individual who shall:

a) Is certified by a specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or either:

1) American Board of Health Physics in Comprehensive Health Physics; or
2) American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics or Medical Nuclear Physics; or
3) American Board of Nuclear Medicine; or
4) American Board of Science in Nuclear Medicine; or
5) Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science; or
6) American Board of Medical Physics in Radiation Oncology Physics; or
7) Royal College of Physicians and Surgeons of Canada in Nuclear Medicine; or

b) Hold a master's degree or doctorate degree in physics, biophysics, radiological sciences, radiological physics or health physics and have 6 months of full-time work experience under the supervision of a Radiation Safety Officer at a medical institution; or

be) Has completed a structured educational program consisting of:

1) 200 hours of didactic training in the following areas classroom-and laboratory training as follows:

A) Radiation physics and instrumentation;
B) Radiation protection;
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C) Mathematics pertaining to the use and measurement of radioactivity;

D) Radiation biology;

E) Radiation dosimetry and Radiopharmaceutical chemistry; and

2) 1 year of full-time experience in radiation safety experience at a medical institution under the supervision of the individual identified as the Radiation Safety Officer on a Department, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license or permit issued by the U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material involving the following: that authorizes the medical use of radioactive material; or

A) Shipping, receiving and performing related radiation monitoring;

B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;

C) Securing and controlling radioactive material;

D) Using administrative controls to avoid mistakes in the administration of radioactive material;

E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

F) Using emergency procedures to control radioactive material;

G) Disposing of radioactive material; and

3) Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (b)(1) and (2) of this Section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; or
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ced) Is Be an authorized user, authorized medical physicist or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has for those radioactive material uses that come within the Radiation Safety Officer Officer's responsibilities.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9020 Training for Experienced Radiation Safety Officer (Repealed)

An individual identified as a Radiation Safety Officer on a Department, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license on July 15, 1991 who oversees only the use of radioactive material for which the licensee was authorized on that date need not comply with the training requirements of Section 335.9010.

(Source: Repealed at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Except as provided in Section 335.9160 of this Part or 335.9170, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under a radiopharmaceutical specified in Section 335.3010 of this Part not requiring a written directive to be a physician who:

a) Is certified in: by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

1) Nuclear medicine by the American Board of Nuclear Medicine; or

2) Nuclear medicine by the American Board of Osteopathic Nuclear Medicine; or

3) Diagnostic radiology by the American Board of Radiology; or

4) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or
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5) Nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

b) Is an authorized user under Sections 335.9040 or 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c) Has completed 60 40 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The training and experience shall include, at a minimum: prepared radiopharmaceuticals and 20 hours of supervised clinical experience.

1) To satisfy the basic instruction requirement, 40 hours of classroom and laboratory training in the following areas instruction shall include:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use; Radiation biology; and

E) Radiation biology; and Radiopharmaceutical chemistry.

2) Work experience, under the supervision of an authorized user who meets the requirements in this Section or Sections 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving To satisfy the requirement for 20 hours of supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution and shall include:

A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation monitoring;
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**B)** Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

**C)** Calculating, measuring and safely preparing patient or human research subject dosages;

**D)** Using administrative controls to prevent a reportable event involving the use of unsealed radioactive material;

**E)** Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

**F)** Administering dosages of radioactive drugs to patients or human research subjects; and

**A)** Examining patients and reviewing their case histories to determine their suitability for radionuclide diagnosis and to gain experience with the limitations and contraindications of the studies;

**B)** Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;

**C)** Administering dosages to patients and using syringe radiation shields;

**D)** Collaborating with the authorized user in the interpretation of radionuclide test results; and

**E)** Patient follow-up; or

3) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this Section, or Sections 335.9040 or 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsection (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.3010 of this Part for those procedures not requiring a written directive.
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e) Has successfully completed a 6-month training program in nuclear medicine as part of a training program that has been approved by the Accreditation Council for Graduate Medical Education and that included classroom and laboratory training, work experience and supervised clinical experience in all the topics identified in subsection (b) above.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9040 Training for Imaging and Localization Studies

Except as provided in Section 335.9160 of this Part or 335.9170, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under a radiopharmaceutical, generator or reagent kit specified in Section 335.4010 of this Part not requiring a written directive to be a physician who:

a) Is certified in: by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

1) Nuclear medicine by the American Board of Nuclear Medicine; or

2) Nuclear medicine by the American Board of Osteopathic Nuclear Medicine; or

3) Diagnostic radiology by the American Board of Radiology; or

4) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or

5) Nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

b) Is an authorized user under Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

b) Has completed 700 hours of training and experience instruction in basic radionuclide handling techniques applicable to the medical use of unsealed
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radioactive material for imaging and localization studies. The training and experience shall include, at a minimum: prepared radiopharmaceuticals, generators and reagent kits, 500 hours of supervised work experience and 500 hours of supervised clinical experience.

1) To satisfy the basic instruction requirement, 200 hours of classroom and laboratory training in the following areas shall include:

A) Radiation physics and instrumentation;
B) Radiation protection;
C) Mathematics pertaining to the use and measurement of radioactivity;
D) Chemistry of radioactive material for medical use; Radiation biology; and
E) Radiation biology; and Radiopharmaceutical chemistry.

2) To satisfy the requirement for 500 hours of supervised work experience, training shall be under the supervision of an authorized user who meets the requirements in this Section or Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, involving at a medical institution and shall include:

A) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;
B) Calibrating dose calibrators and diagnostic instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;
C) Calculating, measuring and safely preparing patient or human research subject dosages;
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D) Using administrative controls to prevent a reportable event involving the use misadministration of unsealed radioactive material;

E) Using emergency procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

F) Administering dosages of radioactive drugs to patients or human research subjects;

G) Eluting technetium-99m from generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the eluate for radionuclidic purity molybdenum-99 and alumina contamination and processing the eluate with reagent kits to prepare technetium-99m labeled radioactive drugs; and radiopharmaceuticals.

3) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsection (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.4010 of this Part for those procedures not requiring a written directive. To satisfy the requirement for 500 hours of supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution and shall include:

A) Examining patients and reviewing their case histories to determine their suitability for radionuclide diagnosis and to gain experience with the limitations and contraindications of the studies;

B) Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;

C) Administering dosages to patients and using syringe radiation shields;
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D) Collaborating with the authorized user in the interpretation of radionuclide test results; and

E) Patient follow-up; or

c) Has successfully completed a 6-month training program in nuclear medicine that has been approved by the Accreditation Council for Graduate Medical Education and that included classroom and laboratory training, work experience and supervised clinical experience in all the topics identified in subsection (b) above.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9050 Training for Therapeutic Use of Unsealed Radioactive Material for Which a Written Directive is Required Radiopharmaceuticals

Except as provided in Sections 335.9060, 335.9070 and Section 335.9160 of this Part, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under a radiopharmaceutical specified in Sections 335.3010, 335.4010, or 335.5010 of this Part requiring a written directive for therapy to be a physician who:

a) Is certified in: by a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

1) The American Board of Nuclear Medicine; or

2) The American Board of Radiology in radiology, therapeutic radiology or radiation oncology; or

b) Has completed 700 80 hours of training and experience instruction in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience shall include: therapeutic radiopharmaceuticals and has had supervised clinical experience.

1) To satisfy the requirement for instruction, 80 hours of classroom Classroom and laboratory training in the following areas shall include:
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A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity; and

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience, To satisfy the requirement for supervised clinical experience, training shall be under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user, who meets the requirements in Section 335.9050(b) of this Part, shall have experience in administering dosages in the same dosage category or categories (i.e., Section 335.9050(b)(2)(G)(i), (ii), (iii), or (iv) of this Part) as the individual requesting authorized user status. The work experience shall involve at a medical institution and shall include:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures:
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F) Eluting generator systems, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs;

G) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

i) Oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131;

ii) Oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131;

AGENCY NOTE: Experience with at least 3 cases in Category (G)(ii) also satisfies the requirement in Category (G)(i).

iii) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV; and/or

iv) Parenteral administration of any other radionuclide; and

3) Has obtained written certification that the individual has satisfactorily completed the requirements in subsections (b)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. The preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part must have experience in administering dosages in the same dosage category or categories (i.e., Section 335.9050(b)(2)(G)(i), (ii), (iii), or (iv) of this Part) as the individual requesting authorized user status.

A) Use of iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism or cardiac dysfunction in ten individuals; and
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B) Use of iodine-131 for treatment of thyroid carcinoma in three individuals.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi) Treatment of Hyperthyroidism

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 GBq (33 mCi) of only iodine-131 for the treatment of hyperthyroidism to be a physician who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of iodine-131 for treatment of hyperthyroidism and supervised clinical experience as follows:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)(G)(i) or (ii), or Section 335.9070 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

c) Has:

1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include that includes:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;
E4) Radiation biology; and

2b) Work Supervised clinical experience under the supervision of an authorized user who meets the requirements in subsections (a) or (b) of this Section, Section 335.9050 or 335.9070 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(i) or (ii) of this Part. The work experience shall involve: that includes the use of iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism in ten individuals.

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects, that includes at least 3 cases involving the oral administration of less than or equal to 1.22 BGq (33 mCi) of sodium iodide I-131; and

3) Obtained written certification that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section, or
Sections 335.9050 or 335.9070 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part, must have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(i) or (ii) of this Part.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9070  Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi) Treatment of Thyroid Carcinoma

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 GBq (33 mCi) of only iodine 131 for the treatment of thyroid carcinoma to be a physician who with experience in the diagnosis and treatment of thyroid disease who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of iodine-131 for treatment of thyroid carcinoma and supervised clinical experience as follows:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (c) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or

b) Is an authorized user under Section 335.9050 of this Part for uses listed in Section 335.9050(b)(2)(G)(ii) of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or

c) Has:

1) Successfully completed 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include that includes:

A) Radiation physics and instrumentation;
B) Radiation protection;
C) Mathematics pertaining to the use and measurement of radioactivity;
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D) Chemistry of radioactive material for medical use;

E4) Radiation biology; and

2b) **Work Supervised clinical** experience under the supervision of an authorized user who meets the requirements in subsections (a) or (b) of this Section, Section 335.9050 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) of this Part shall have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(ii) of this Part. The work experience shall involve: that includes the use of iodine-131 for the treatment of thyroid carcinoma in three individuals.

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a reportable event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects that includes at least 3 cases involving the oral administration of greater than 1.22 BGq (33 Ci) of sodium iodide I-131; and

3) Obtained written certification that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010 of this Part. The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section or
Section 335.9050 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements. A preceptor authorized user who meets the requirements in Section 335.9050(b) of this Part, must have experience in administering dosages as specified in Section 335.9050(b)(2)(G)(ii) of this Part.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9080 Training for Therapeutic Use of Soluble Phosphorus-32 (Repealed)

Except as provided in Section 335.9160, the licensee shall require the authorized user of only soluble phosphorus-32 for therapy to be a physician who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of soluble phosphorus-32 for therapy and supervised clinical experience as follows:

a) 80 hours of classroom and laboratory training that includes:

1) Radiation physics and instrumentation;
2) Radiation protection;
3) Mathematics pertaining to the use and measurement of radioactivity;
4) Radiation biology; and

b) Use of soluble phosphorus-32 for therapy, such as the treatment of ascites, polycythemia vera, leukemia or bone metastasis, in three individuals.

(Source: Repealed at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9090 Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled Phosphate Compound or Gold-198 (Repealed)

Except as provided in Section 335.9160, the licensee shall require the authorized user of only colloidal chromic phosphorus-32 labeled phosphate compound or of colloidal gold-198 for therapy to be a physician who has had classroom and laboratory training in basic radionuclide handling techniques applicable to the use of colloidal chromic phosphorus-32 labeled phosphate compound or of colloidal gold-198 for therapy and supervised clinical experience as follows:

a) 80 hours of classroom and laboratory training that includes:
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1) Radiation physics and instrumentation;

2) Radiation protection;

3) Mathematics pertaining to the use and measurement of radioactivity;

4) Radiation biology; and

b) Use of colloidal chromic phosphorus-32 labeled phosphate compound or of colloidal gold-198 for therapy, such as intracavitary treatment of malignant effusions, in three individuals.

(Source: Repealed at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9100 Training for Use of Manual Brachytherapy Sources for Brachytherapy

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a manual performing brachytherapy source in accordance with Section 335.7010 of this Part to be a physician who:

a) Is certified by in a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or:

1) Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology; or

2) Radiation oncology by the American Osteopathic Board of Radiology; or

3) Radiology, with a specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

b) Has is in the practice of therapeutic radiology, has:
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1) **Completed a structured educational program** completed 200 hours of instruction in basic radionuclide handling techniques applicable to the therapeutic use of manual brachytherapy sources that includes: and 500 hours of supervised work experience and a minimum of 3 years of supervised clinical experience.

A1) To satisfy the requirement for instruction, 200 hours of classroom and laboratory training in the following areas shall include:

i[A] Radiation physics and instrumentation;

ii[B] Radiation protection;

iii[C] Mathematics pertaining to the use and measurement of radioactivity; and

iv[D] Radiation biology; and.

B2) To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution involving and shall include:

i[A] Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;

ii[B] Checking Performing checks for proper operation of survey instruments for proper operation;

iii[C] Preparing, implanting and removing brachytherapy sealed sources;

iv[D] Maintaining running inventories and accountability of radioactive material on hand; and possessed;

E) Using administrative controls to prevent the misadministration of radioactive material; and

F) Using emergency procedures to control radioactive material.
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23) **Completed 3 years** To satisfy the requirement for a period of supervised clinical experience **in radiation oncology under an authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training shall include 1 year in a training program approved by the Residency Review Committee for Radiation Oncology Radiology of the Accreditation Council for Graduate Medical Education, or the Committee on Postdoctoral Training of the American Osteopathic Association.** This experience may be obtained concurrently with the supervised work experience required by subsection (b)(2) of this Section; and an additional 2 years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:

A) Examining individuals and reviewing their case histories to determine their suitability for brachytherapy treatment and to gain experience with the limitations and contraindications of brachytherapy;
B) Selecting the proper brachytherapy sources, dose and method of administration;
C) Calculating the dose; and
D) Post-administration follow-up and review of case histories in collaboration with an authorized user.

3) **Obtained written certification signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsections (b)(1), (2) and (3) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under Sections 335.7010 of this Part.**

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9120 Training for Ophthalmic Use of Strontium-90
Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiation therapy to be a physician who:

a) Is an authorized user under Section 335.9100 of this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements; or certified in radiology or therapeutic radiology by the American Board of Radiology;

b) Has:

1) Completed Is in the practice of therapeutic radiology or ophthalmology, and has completed 24 hours of classroom and laboratory training instruction in basic radionuclide handling techniques applicable to the use of strontium-90 for ophthalmic radiation therapy.

2) The To satisfy the requirement for instruction, the classroom and laboratory training shall include:

A) Radiation physics and instrumentation;
B) Radiation protection;
C) Mathematics pertaining to the use and measurement of radioactivity; and
D) Radiation biology; and.

2) Completed To satisfy the requirement for supervised clinical training in ophthalmic radiation therapy, training shall be under the supervision of an authorized user at a medical institution that includes the use of strontium-90 for the ophthalmic treatment of five individuals. The supervised clinical training must include:

A) Examination of each patient individual to be treated;
B) Calculation of the dose to be administered;
C) Administration of the dose; and
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D) Follow-up and review of each patient’s individual case history;

3) Obtained written certification signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100 of this Part, or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements, that the individual has satisfactorily completed the requirements in subsections (b)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9130 Training for Use of Sealed Sources for Diagnosis

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of using a sealed source for diagnostic use in a device authorized specified in Section 335.6010 of this Part to be a physician, dentist or podiatrist who:

a) Is certified by a specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or in:

1) Radiology, diagnostic radiology, therapeutic radiology or radiation oncology by the American Board of Radiology; or

2) Nuclear medicine by the American Board of Nuclear Medicine; or

3) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or

4) Nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

b) Has completed 8 hours of classroom and laboratory training instruction in basic radionuclide handling techniques specifically applicable to the use of the device. The To satisfy the requirement for instruction, the training shall include:
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1) Radiation physics, mathematics pertaining to the use and measurement of radioactivity and instrumentation;

2) Radiation protection;

3) Mathematics pertaining to the use and measurement of radioactivity;

4) Radiation biology; and

5) Training Radiation protection and training in the use of the device for the uses requested purposes authorized by the license.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

Section 335.9140 Training for Use of Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a sealed source for a use authorized under specified in Section 335.7010 of this Part for remote afterloader brachytherapy or Section 335.8010 of this Part in a teletherapy unit to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or:

1) Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology; or

2) Radiation oncology by the American Osteopathic Board of Radiology; or

3) Radiology, with specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or
b) **Has:**

1) **Completed a structured educational program.** Is in the practice of therapeutic radiology and has completed 200 hours of instruction in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical teletherapy unit that includes: 500 hours of supervised work experience and a minimum of 3 years of supervised clinical experience.

A1) 200 hours of To satisfy the requirement for instruction, the classroom and laboratory training in the following areas shall include:

iA) Radiation physics and instrumentation;

iiB) Radiation protection;

iiiC) Mathematics pertaining to the use and measurement of radioactivity; and

ivD) Radiation biology; and.

B2) 500 hours of To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user who meets the requirements in this Part or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements at a medical institution that involves and shall include:

iA) Reviewing Review of the full calibration measurements and periodic spot-checks;

iiB) Preparing treatment plans and calculating treatment doses and times;

iiiC) Using administrative controls to prevent a reportable event involving the use of radioactive material misadministrations;
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iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical teletherapy unit or console; and

v) Checking and using checks for proper operation of survey instruments.

vi) Selecting the proper dose and how it is to be administered; and

23) Completed 3 years of To satisfy the requirement for a period of supervised clinical experience in radiation oncology under an authorized user who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements as a part of a formal training program approved by the Residency Review Committee for Radiation Oncology Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1) of this Section; and an additional 2 years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:

A) Examining individuals and reviewing their case histories to determine their suitability for teletherapy treatment and to gain experience with the limitations and contraindications of teletherapy;

B) Selecting the proper dose and how it is to be administered;

C)Calculating the teletherapy doses and collaborating with the authorized user in the review of patients’ progress and consideration of the need to modify originally prescribed doses as warranted by patients' reaction to radiation; and

D) Post-administration follow-up and review of case histories.
3) **Obtained written certification that the individual has satisfactorily completed the requirements in subsections (b)(1) and (2) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status.** The written certification shall be signed by a preceptor authorized user who meets the requirements in this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9150 Training for Authorized Medical Teletherapy Physicist

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized medical teletherapy physicist to be an individual who:

a) **Is** certified by a specialty board whose certification process includes all of the training and experience requirements in subsection (b) of this Section and whose certification has been recognized by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State; or the American Board of Radiology in:

1) Therapeutic radiological physics; or
2) Roentgen ray and gamma ray physics; or
3) X-ray and radium physics; or
4) Radiological physics; or

b) **Be** certified by the American Board of Medical Physics in radiation oncology physics; or

c) **Holds** a master's degree or doctorate in physics, biophysics, radiological physics, medical physics or health physics and;
1) **Has** completed 1 year of full-time training in therapeutic radiological physics and **an additional** 1 year of full-time work experience under the supervision of **an individual who meets the requirements for an authorized medical physicist** at a medical institution that includes the tasks listed in Subparts H and I of this Part as applicable; and—To meet this requirement, the individual shall have performed the tasks specified in Sections 335.2070, 335.9020, 335.9030 and 335.9040 under the supervision of a teletherapy physicist during the year of work experience.

2) **Has obtained written certification that the individual has satisfactorily completed the requirements in subsection (b)(1) of this Section and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status.** The written certification must be signed by a preceptor authorized medical physicist who meets the requirements of this Section or equivalent U.S. Nuclear Regulatory Commission, Agreement State or Licensing State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status.

(Source: Amended at 27 Ill. Reg. _______, effective _____________________________)

**Section 335.9160  Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized Users**

a) **An individual identified as a Radiation Safety Officer, or an authorized medical physicist on a Department, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State license or a permit issued by a Department, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope on or before October 24, 2004 need not comply with the training requirements of Sections 335.9010 and 335.9150 of this Part.**

b) **Physicians, dentists or podiatrists identified as authorized users for the medical use of radioactive material on a license issued by the Department, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued**
by a Department, U.S. Nuclear Regulatory Commission, Agreement State or a Licensing State broad scope licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee on or before October 24, 2004 who perform only those medical uses for which they were authorized on that date need not comply with the training requirements of Subpart J of this Part.

Practitioners of the healing arts identified as authorized users for the human use of radioactive material on a Department, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license on July 15, 1991, and who perform only those methods of use for which they were authorized on that date, need not comply with the training requirements of Sections 335.9010 through 335.9180.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9170 Physician Training in a 3-Month Program (Repealed)

A physician who, before July 1, 1984, began a 3-month nuclear medicine training program approved by the Accreditation Council for Graduate Medical Education and who has successfully completed the program is exempted from the requirements of Sections 335.9030 or 335.9040.

(Source: Repealed at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9180 Recentness of Training

The training and experience specified in Subpart J of this Part Sections 335.9010 through 335.9150 shall have been obtained within the 7 5 years preceding the date of application or the individual shall have had related continuing education and experience in the items listed in the applicable section since the required training and experience was completed.

AGENCY NOTE: Individuals specifically listed on an active Department, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license as an authorized user, Radiation Safety Officer or teletherapy physicist are considered to have met the recentness of training requirements for only those procedures for which they were authorized.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

Section 335.9190 Resolution of Conflicting Requirements During Transition Period
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

a) If the rules in this Part conflict with the licensee's radiation safety program as identified in its license, this Part shall apply, unless the statements, representations, conditions, and procedures in the license are more restrictive. However, if that licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

b) Until October 24, 2004, the Department will approve authorized users, Radiation Safety Officers and teletherapy physicists who have Certifications from the applicable Boards specified in Appendix A of this Part. The Department has the right to limit their authorizations to those uses specified in Appendix A of this Part.

(Source: Amended at 27 Ill. Reg. ______, effective _____________________________)

APPENDIX A  List of Specialty Board Certifications Recognized by the Department Until October 24, 2004

Until October 24, 2004, the Department will recognize Board Certification by the specialty boards for the uses of radioactive material as specified in the table shown in this Appendix A. The Department will also accept Boards recognized by the U.S Nuclear Regulatory Commission and listed on their website.

Section 335.9010     Training for Radiation Safety Officer

American Board of Health Physics in Comprehensive Health Physics

American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics or Medical Nuclear Physics

American Board of Nuclear Medicine

American Board of Science in Nuclear Medicine

Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science

American Board of Medical Physics in Radiation Oncology Physics

Royal College of Physicians and Surgeons of Canada in Nuclear Medicine
Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Nuclear medicine by the American Board of Nuclear Medicine

Nuclear medicine by the American Board of Osteopathic Nuclear Medicine

Diagnostic radiology by the American Board of Radiology
Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

Section 335.9040 Training for Imaging and Localization Studies

Nuclear medicine by the American Board of Nuclear Medicine

Nuclear medicine by the American Board of Osteopathic Nuclear Medicine

Diagnostic radiology by the American Board of Radiology

Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

Section 335.9050 Training for Therapeutic Use of Unsealed Radioactive Material for Which a Written Directive is Required

The American Board of Nuclear Medicine

The American Board of Radiology in radiology, therapeutic radiology or radiation oncology

Section 335.9100 Training for Use of Sources for Brachytherapy
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Radiation oncology by the American Osteopathic Board of Radiology

Radiology, with a specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"

Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons

Training for Ophthalmic Use of Strontium-90

Radiology or therapeutic radiology by the American Board of Radiology

Section 335.9130

Training for Use of Sealed Sources for Diagnosis

Radiology, diagnostic radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Nuclear medicine by the American Board of Nuclear Medicine

Diagnostic radiology or radiology by the American Osteopathic Board of Radiology

Nuclear medicine by the Royal College of Physicians and Surgeons of Canada

Section 335.9140

Training for Teletherapy

Radiology, therapeutic radiology or radiation oncology by the American Board of Radiology

Radiation oncology by the American Osteopathic Board of Radiology

Radiology, with specialization in radiation therapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons

Section 335.9150  Training for Authorized Medical Physicist

American Board of Radiology in therapeutic radiological physics, roentgen ray and gamma ray physics; X-ray and radium physics; or Radiological physics

American Board of Medical Physics in radiation oncology physics

(Source: Added at 27 Ill. Reg. _______, effective _____________________________)

(Source: Added at 27 Ill. Reg. _______, effective _____________________________)

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Medical Payment

2) **Code Citation:** 89 Ill. Adm. Code 140

3) **Section Numbers:**

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4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:**

The Department is proposing this rulemaking to make several changes concerning home health services which are covered on a short term basis for clients in their homes.

Section 140.471 - The term Ahomebound@ is being stricken because home health coverage is not restricted to only homebound persons. AResidence@ is defined as not including a hospital or long term care facility except that a resident of an ICF/MR (Intermediate Care Facility for the Mentally Retarded) may be covered for necessary home health services to the extent that those services are not provided for under 89 Ill. Adm. Code 144 (Developmental Disabilities Services).

Section 140.472 - Updating is provided by adding the ANurse and Advanced Practice Nursing Act [225 ILCS 65]@. A clarification is added that therapists who are employed by a home health agency may provide services because such services are more cost effective than services provided by independent therapists.

Section 140.474 - These cost containment changes specify that payment for home health services for wards of the Department of Children and Family Services will be at the Department=s established rates. Currently, these services are negotiated on an individual patient basis.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? Yes

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10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
NOTICE OF PROPOSED AMENDMENTS

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected:
   Providers of home health services

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:
### DEPARTMENT OF PUBLIC AID

**NOTICE OF PROPOSED AMENDMENTS**

**TITLE 89: SOCIAL SERVICES**

**CHAPTER I: DEPARTMENT OF PUBLIC AID**

**SUBCHAPTER d: MEDICAL PROGRAMS**

**PART 140**

**MEDICAL PAYMENT**

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.471 Home Health Covered Services

Short term, intermittent, home health services are provided for clients in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home. Services provided shall be of a curative or rehabilitative nature and demonstrate progress toward short term goals outlined in a plan of care. Services shall be provided for homebound individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days. For purposes of this Section, residence does not include a hospital or skilled nursing facility and only includes an intermediate care facility for the mentally retarded to the extent home health services are not required to be provided under 89 Ill. Adm. Code 144.
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(Source: Amended at 27 Ill. Reg __________, effective __________)

Section 140.472  Types of Home Health Services

a) The types of services for which payment can be made are:
   1) Skilled Nursing
   2) Home Health Aid
   3) Speech Therapy
   4) Occupational Therapy
   5) Physical Therapy

b) Home health agencies may provide covered services for which they are certified by Medicare or have been designated as Medicare certifiable by the Department of Public Health. In addition, they may provide medical equipment and appliances if it is the agency's usual and customary practice to provide such items as part of the per visit charge.

c) In the absence of a qualified agency in the area, self-employed, registered nurses may provide nursing services within the scope of their practice, as defined by the Nursing and Advanced Practice Nursing Act [225 ILCS 65] Illinois Nurse Practice Act or, in other States, by comparable authority.

d) Therapists employed by a home health agency Independent therapists may provide services for which they are qualified. Community health agencies may provide services for which they have been approved by the Department.

(Source: Amended at 27 Ill. Reg __________, effective __________)

Section 140.474  Payment for Home Health Services

a) Except for subsection (b) of this Section, home health agencies shall be paid an all inclusive, per visit rate which shall be the lowest of:
   1) the agency's usual and customary charge for the service;
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2) the agency's Medicare rate; or

3) the Department's maximum allowable rate of $65.25. Beginning with the State fiscal year 2002, the maximum allowable rate may be adjusted annually in consideration of the appropriation of funds by the General Assembly.

b) Payment for services for children whose care is subsidized by the Illinois Department of Children and Family Services shall be made at established Department rates, negotiated on an individual patient basis but shall be no greater than the agency's usual and customary charge to the general public.

c) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.

d) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department.

(Source: Amended at 27 Ill. Reg __________, effective __________)
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1) **Heading of the Part:** Hospital Services

2) **Code Citation:** 89 Ill. Adm. Code 148

3) **Section Numbers:**
   - 148.295 **Proposed Action:** Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** This proposed rulemaking provides fiscal year 2003 budget implementation changes concerning specified inpatient hospital services. The changes allow additional funding for Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments (CHAP) for certain high volume Medicaid providers of hospital services. This funding is intended to ensure continued access to necessary obstetrical care for the Department=s medical assistance clients. A spending increase of approximately $2 million during fiscal year 2003 is anticipated on the basis of these changes.

6) **Will these proposed amendments replace emergency amendments currently in effect?** Yes

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** Yes

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10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments
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centering this proposed rulemaking. All comments must be in writing and should be addressed to:
Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at http://www.state.il.us/dpa/html/publicnotice.htm. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:
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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; emergency repealed at 26 Ill. Reg. 7786, effective July 1, 2002; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amendment at 27 Ill. Reg. 4386, effective February 24, 2003; amendment at 27 Ill. Reg. __________, effective __________.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.

1) Level I Trauma Center Adjustment.

A) Criteria. Illinois hospitals that, on the first day of July in the CHAP
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rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or
above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

   A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

   B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section, that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:

A) Except for hospitals operated by the University of Illinois, children’s hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
   i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
   ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
   iii) were county owned hospitals as defined in 89 Il. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children=s hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children’s hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsections (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children=s hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A),(B),(C) or (D) of this Section, all other hospitals located
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in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

F) Except for hospitals operated by the University of Illinois, children=s hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive $69.00 per day for hospitals that do not provide obstetrical care and $105.00 per day for hospitals that do provide obstetrical care.

ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive $105.00 per day for hospitals that do not provide obstetrical care and $142.00 per day for hospitals that do provide obstetrical care.

iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive $124.00 per day for hospitals that do...
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not provide obstetrical care and $160.00 per day for hospitals that do provide obstetrical care.

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section, will also receive the following rates:

i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by $330.00 per day.

iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $41.00 per day.

viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate
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medical education programs as of July 1, 1999, will have their rate increased by $227.00 per day.

ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $110.00 per day.

x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by $202.00 per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by $11.00 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of $303.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by $487.00 per day.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of $28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by $55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by $403.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by
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$32.00 per day for hospitals that have fewer than 4,000 Total days; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or $178.00 per day for hospitals that have more than 8,000 Total days.

v) Hospitals with more than 3,200 Total admissions will have their rate increased by $248.00 per day.

E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $87.00 per day.

iv) Hospitals with a combined M IUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
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B) Payment rates will be multiplied by the Total days.

C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period October 1, 2002, to June 30, 2003, Payment payment will equal the State fiscal year 2003 amount less the amount the hospital received under DHA for the quarters ending quarter ended September 30, 2002, December 31, 2002, and March 31, 2003.

ii) For CHAP rate periods occurring after State fiscal year 2003, total payments will equal the methodologies described above.

d) Rural Critical Hospital Adjustment Payments (RCHAP)
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive $367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments
Each eligible hospital’s critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the
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CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

3) A Combined MIUR means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

4) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

5) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5,
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851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

6) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

7) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

8) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

9) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
DEPARTMENT PUBLIC AID

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10) ARCHAP general care admissions@ means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

11) ARCHAP obstetrical care admissions@ means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

12) ATotal admissions@ means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

13) ATotal days@ means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) ATotal obstetrical days@ means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amendment at 27 Ill. Reg. __________, effective ___________)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

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1) **Heading of the Part:** Illinois Plumbing Code

2) **Code Citation:** 77 Ill. Adm. Code 890

3) **Section Numbers:**

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Illustration R Repealer
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Appendix E
Illustration D Repealer
Appendix F
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Appendix G
Illustration C Repealer
Illustration D Repealer

4) Statutory Authority:
Authorized by and implementing Section 35 of the Illinois Plumbing Licence Law [225 ILCS 320/35].

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking will implement changes and updates in plumbing industry standards and practices, and will clarify existing requirements. These revisions were approved by the Plumbing Code Advisory Council and include recommendations received through testimony at public hearings held in December 2000 and January 2001. Revisions to the plumbing code add historic buildings to provisions for repairs and alterations in existing buildings; specify an exception to separate water connection requirements for individually owned residences that are part of a condominium association; specify provisions for approval of plumbing materials; specify requirements for copper press fittings under NSF Standard 61; modify existing requirements for gas and oil interceptors for consistency with U.S. Environmental Protection Agency regulations and the Illinois Private Sewage Disposal Act; and consolidate existing requirements for special waste interceptors. The amendments allow tempered and cold water to be supplied to plumbing fixtures; specify backflow protection requirements for dialysis machines; revise the minimum number of plumbing fixtures for museums, libraries, and exhibition areas and certain types of mercantile units; clarify that all plumbing fixtures for a restroom shall be located within the restroom area and not in the hallways or vestibules; exempt buildings, other than food service establishments and businesses selling motor fuel, with occupancies of less than 100 persons from providing public restrooms or drinking fountains; sets plumbing requirements for outside kiosks serving food; specify requirements concerning swimming pool waste water; update provisions for devices and assemblies for the prevention of backflow; specify provisions for when it is necessary for potable water piping to pass above or below a sanitary sewer; clarify requirements for fixtures and piping installed under a concrete floor; and specify standard setting agencies and approved certification agencies for standards incorporated in this Part. In addition, the rulemaking reorganizes certain provisions to make the Code easier to use; updates illustrations for the Part by repealing several illustrations; and updates various standards to their most recent version. All standards are available for inspection and copying in the Plumbing Program office.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes _____ No ____

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ____ No ____
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If "yes," please specify the date:

8) Does this Rulemaking Contain any Incorporations by Reference? Yes ___ No ___

9) Are there any Other Proposed Amendments Pending on this Part? Yes ___ No ___

If yes:

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10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand any state mandates on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761, (217)782-2043
e-mail: rules@idph.state.il.us
within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected:

Licensed plumbers and apprentice plumbers.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

There are no reporting requirements. Licensed plumbers and apprentice plumbers
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will have to become familiar with changes to the Plumbing Code.

C) Types of Professional Skills Necessary for Compliance:

None.

13) Date of regulatory agenda on which this rulemaking was summarized: This rulemaking was summarized on the Department’s January 2001 regulatory agenda.

The full text of the Proposed Amendments begins on the next page:
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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 890
ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

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Section 890.120 Definitions
Section 890.130 Incorporation by Reference
Section 890.140 Repairs and Alterations
Section 890.150 Workmanship
Section 890.160 Used Plumbing Material, Equipment, Fixtures
Section 890.170 Sewer and/or Water Required
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Section 890.200 Operation of Plumbing Equipment

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Section 890.220 Identification (Repealed)
Section 890.230 Safe Pan Material and Construction

SUBPART C: JOINTS AND CONNECTIONS

Section 890.310 Tightness
Section 890.320 Types of Joints
Section 890.330 Special Joints
Section 890.340 Use of Joints
Section 890.350 Unions
Section 890.360 Water Closet and Pedestal Urinal
Section 890.370 Prohibited Joints and Connections in Drainage Systems
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SUBPART D: TRAPS AND CLEANOUTS

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890.430 Cleanout Equivalent
890.440 Acid-Proof Traps

SUBPART E: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

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890.510 Grease Interceptor Requirements
890.520 Gasoline, Oil and Flammable Liquids
890.530 Sand, Bottle and Slaughter Houses Special Waste Interceptors
890.540 Laundries (Repealed)
890.550 Backwater Valves - Sanitary System and Storm System - (Repealed)

SUBPART F: PLUMBING FIXTURES

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890.690 Shower Receptors and Compartments
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890.745 Dental Units
890.750 Whirlpool Bathtubs
890.760 Pressure Type Water Treatment Units
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890.780 Garbage Can Washers
890.790 Laundry Trays and Drains
890.800 Special Fixtures and/or Items Designed For A Particular Purpose
890.810 Minimum Number of Plumbing Fixtures
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NOTE: In this Part, unless context indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.
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SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section 890.120 Definitions

For the purpose of administering and enforcing this Part, the following terms which consist of words or expressions that have a precise meaning in plumbing shall have the meaning indicated:

Refer to Appendix A for standards applicable to plumbing appurtenances and fixtures defined in this Section.

"Abutting": Abutting means to border, to touch, to terminate at point of contact, adjacent.

"Accessible": Accessible means easily approached or entered with minor modifications such as the removal of an access panel, door or similar obstruction (e.g., sheetrock or paneling). Concrete, asphalt or ceramic tile are not considered accessible.

“Air Break”: See Air Gap

"Air Gap": The air gap in a water supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. An air gap in a drainage system is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle, or interceptor at a point above the flood level rim. (See Appendix B: Illustrations A and B.)

"Anchor": An approved support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members.

"Antimicrobial": An additive or surface coating that prohibits the growth of bacteria or staphylococci.

"Anti-siphon Ball Cock": An anti-siphon ball cock is a device consisting of a float valve with a flow-splitter to provide for tank and trap refill, which has an integral vacuum breaker, and which is used in conjunction with water closet flush tanks.

"Approved": Approved means accepted or acceptable under an applicable specification stated or cited in this Part or accepted as suitable for the proposed use.

"Area Drain": A drain placed in the floor of a basement areaway, a depressed or basement entry way, a loading platform, or a paved driveway which cannot otherwise be
drained.

"Aspirator": A device supplied with fluid under positive pressure which passes through an integral orifice or constriction causing a partial vacuum. Any apparatus for producing a movement of fluid by the suction of that partial vacuum. A device supplied with water under positive pressure, which passes through an integral orifice causing a partial vacuum and resulting in movement of fluid by siphonage.

"Atmospheric Vacuum Breaker": A device consisting of a soft disc, reaction cup, stem guide with machined brass or other metal seat and large hooded atmospheric vent port used to prevent back siphonage. fully guided stem guide, air vent port, and air port shield or hood to prevent fouling of the vent port, used for protection against back siphonage.

"Back Pressure": Back pressure is a condition where reverse pressure exceeds the pressure in the intended (normal) direction, or exceeds the usual pressure of flow or thrust. Such back pressure can cause liquid or air to flow in the direction opposite to the normal direction of flow. A condition caused when a force is exerted and reverses the flow of gas, water or air in a direction opposite the intended normal direction of flow.

"Back Siphonage": The flowing back (or backflow) of fluid from a plumbing fixture, vessel or other source caused by a negative pressure. A condition caused when a negative force or vacuum is exerted and reverses the flow of gas, water or air to a direction opposite the intended normal direction of flow.

"Back Siphonage Preventer": A device designed to prevent reverse flow in a water system, specifically back siphonage. The device should be used only where no back pressure may occur.

"Back Water Valve": A device or valve that is installed in a sanitary sewer, storm drain or storm sewer to prevent sewage or drainage from backing up.

"Backflow": Backflow is the reversal of flow from that normally intended. Back siphonage is one type of backflow. The reversal of flow from that normally intended. Back siphonage and back pressure are the 2 hydraulic conditions which cause backflow.

"Backflow Connection": Backflow connection or condition is any arrangement whereby backflow can occur.
"Backflow Preventer": A backflow preventer is a device to prevent backflow into the potable water supply system. A device which prevents contaminated water or liquids from being siphoned or pushed from back pressure into the potable water supply system. A device or an assembly used to prevent contamination of the potable water supply through an actual or potential cross-connection.

"Backflow Preventer, Double Check Valve Backflow Preventer Assembly (DCV)": A double check valve backflow preventer assembly is a device covered by ASSE Standard #1015-1988, for intermittent or continuous use, low hazard conditions and consists of valves located at each end of the device. It is also supplied with test cocks. A plumbing appurtenance consisting of 2 internally force loaded, independently acting check valves which operate normally in the closed position; 2 tight closing resilient seated shut off valves; and 4 test cocks.

"Backflow Preventer, Double Check Backflow Preventer with Intermediate Atmospheric Vent Assembly": A double check backflow preventer with an intermediate atmospheric vent assembly is covered by ASSE Standard #1012-1978 and is capable of preventing back siphonage and backflow in water lines under continuous or intermittent pressure conditions. This device has two (2) independent internal force loaded check valves separated by an intermediate chamber with a means for automatically venting to the atmosphere. It is approved for low hazard use. “Dual Check Valve Type with Atmospheric Vent”: A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate chamber able to automatically vent to atmosphere.

"Backflow Preventer, Double Detector Check Valve Backflow Preventer Assembly (DDC)”: A double detector check valve assembly is a device covered by ASSE Standard #1048-1990, constructed of two (2) independent check valves internally force loaded with two (2) tightly closing valves located at each end of the device and four (4) test cocks for testing the check valves. In addition, the device has a by-pass line with a water meter and two (2) independent check valves located within that line. The device is for low hazard conditions. “Backflow Preventer, Double Check Detector Backflow Prevention Assembly (DCDA)”: A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position; 2 tight closing resilient seated shut off valves; and 4 test cocks. The assembly must include a bypass line with a water meter and double check assembly.

“Backflow Preventer, Dual Check Valve Backflow Preventer Assembly (DuC)”: A dual check valve backflow preventer assembly is a device covered by ASSE Standard #1024-
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1990, constructed to operate under intermittent or continuous pressure conditions, consisting of two (2) independent internal force-loaded check valves and is for low hazard conditions. The device must be located between two (2) tightly closing valves. The check valves are removable for testing. “Backflow Preventer, Dual Check Valve Type”: A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position.

“Backflow Preventer, Dual Check Valves, Post Mix Carbonated Beverage Dispenser Type”: A plumbing appurtenance used to prevent carbonated water or carbon dioxide from backflowing into a potable water system. The assembly consists of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, residing in a common body.

“Backflow Preventer, Reduced Pressure Detector Backflow Prevention Assembly (RPDA)”: A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force-loaded hydraulic operated relief for venting to atmosphere, designed to operate normally in the open position, 2 tight closing resilient seated shut off valves, 4 test cocks, and a metered reduced pressure backflow prevention assembly bypass.

"Backflow Preventer, Reduced Pressure Principle Backflow Preven ter Assembly (RPZ)": A reduced pressure principle backflow preventer assembly is a device covered by ASSE Standard #1013-1988 consisting of two (2) internal force-loaded check valves separated by an intermediate chamber for automatic venting/discharging to the atmosphere. The first check valve reduces the supply pressure a predetermined amount so that during normal flow, and at cessation of normal flow, the pressure between the two (2) check valves will be lower than the supply pressure. If either check valve leaks, the relief valve will discharge to atmosphere and maintain the pressure in the zone between the two (2) check valves lower than the supply pressure. This device has two (2) shut-off valves located at each end of the device and four (4) test cocks for testing the check valves. This device is for high hazard conditions and is approved for continuous use. “Backflow Preventer, Reduced Pressure Principle Backflow Prevention Assembly (RPZ)”: A plumbing appurtenance consisting of 2 internally force-loaded, independently acting check valves, designed to operate normally in the closed position, separated by an intermediate zone that includes an internally force-loaded, hydraulically operated relief for venting to atmosphere, designed to operate normally in the open position, 2 tight closing resilient seated shut off valves, and 4 test cocks.

"Ball Cock": A device consisting of a float valve equipped with a flow-splitter to provide
a tank and trap refill; used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": A battery of fixtures is any group of two (2) or more similar identical adjacent fixtures which discharge into a common horizontal waste or soil branch. (See Appendix B: Illustration C.)

"Boiler Blow-Down": Boiler blow-down is a controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": A branch is any part of the piping system other than a main, riser, or stack. (See Appendix B: Illustration D.)

"Branch Interval": A branch interval is a length of soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": A branch vent is a horizontal vent connecting one or more individual vents with a vent stack or stack vent. (See Appendix B: Illustration E.)

"Building Classification": Building classification refers to the Department's designation of buildings into differing types based upon use or occupancy, e.g., residential buildings, dormitories, office buildings, restaurants, food service establishments, etc.

"Building Drain": The building (house) drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain terminates five (5) feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Sewer": The building (house) sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer or private sewage disposal system. The building sewer commences five (5) feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Storm Drain": A building storm drain is the lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate or cooling water inside the walls of a building.
to a point five (5) feet beyond the outside of the building foundation wall.

"Building Sub-drain": A building sub-drain is that portion of a sanitary drainage system (see definition of "Drainage System") which cannot drain by gravity into the building drain. (See Appendix B: Illustration G.)

"Building Trap": A building (house) trap is a device, fitting or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Chemical Waste System": Piping which conveys corrosive or toxic chemical waste to the drainage system.

"Circuit Vent": A circuit vent is a branch vent that serves two (2) or more traps and extends from the front of the last fixture connection of a horizontal waste branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures which depend on siphonage for proper operation. (See Appendix B: Illustration H.)

"Clear Water" or "Clear Water Waste": Cooling water and condensate waste from refrigeration or air conditioning equipment, cooled condensate from steam heating systems, and seepage water.

"Closed Water System": If a backflow preventer device is installed in a water distribution system, that portion of the system on the outlet side of the device is considered a closed water system. A check valve or backflow preventer (e.g., a reduced pressure principle backflow preventer assembly) may be used to create a closed water system. A system that has a backflow device or assembly installed in the water supply system to contain backflow within the premises. Other plumbing appurtenances, such as a single check valve or a water pressure regulator installed in the water supply system may also create a closed water system.

"Code": The term "code" is commonly used to mean State or local statutes, ordinances, rules or regulations, e.g., requirements for plumbing methods, materials, etc. This Part 890, the Illinois Plumbing Code, will be referenced in this rule as "Part". In order for a state plumbing code to be enforceable, it must be authorized by Illinois statute and be promulgated pursuant to such statute. At the local level, a county, city, township, village, sanitary/water district must adopt a plumbing ordinance or resolution and a plumbing code, and such ordinance or resolution and code must be filed with the clerk's office. A standard for plumbing contained in any local code that has not been officially adopted
can only be construed as a recommended standard.

“Cold Water”: Cold water is water below 85 F.

"Combination Fixture": A combination fixture is a fixture combining two or more compartments or receptors.

"Combination Waste and Vent System": A combination waste and vent system is a system of waste piping with the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Combined Building Sewer": A combined building sewer is one which receives storm water and sewage.

"Common Vent": A common vent is a vent connecting at the junction of two fixture drains and serving as a vent for both fixtures. (See Appendix B: Illustration I.)

"Connection": A connection is the joining of two pieces of pipe, or pipes and fittings, valves or other appurtenances.

"Contaminant" means any “Contaminant”: Any solid, liquid, or gaseous matter which, that when present in a potable water supply distribution system, may cause the water to degrade so that water quality standards are not met or physical illness or injury physical illness, injury, or death to persons consuming the water could result.


"Continuous Vent": A continuous vent is a vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal. A continuous vent is also known as a back vent or an individual vent. (See Appendix B: Illustration J.)

"Continuous Waste": A continuous waste is a drain or waste line from two or more fixtures or sink compartments (of a single fixture), such as a combined three-compartment sink, connected to a single common trap.
"Critical Level": The mark on an atmospheric vacuum breaker established by the manufacturer and stamped "-CL-". This determines the minimum elevation above the flood-level rim or top of the fixture, whichever shall apply, at which the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker shall constitute the critical level.

"Cross Connection": A cross connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other fluids of any kind, whereby water or other fluids may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems. Any actual or potential connection or arrangement between two otherwise separate piping systems, one containing potable water and the other containing fluids or gases of any kind that do not meet potable water quality standards, in which the non-potable substances in one system may flow into the potable water system or enter it through backpressure or backsiphonage.

“Cross-Connection Control Assembly”: A tested and approved plumbing appurtenance, complete with shut off valves, installed in a potable water line to prevent potable water from being mixed with any substance from a piping system containing non-potable substances, connected in any manner to the potable water supply.

"Cross-Connection Control by Containment": The installation of a backflow preventer at the service connection to a premises to protect the water main. The installation of a backflow prevention device or assembly on the service line to a premises to protect water quality.

"Cross-Connection Control by Isolation": The installation of a backflow preventer at each cross connection in a premises to protect both the premises and water main. The installation of a backflow prevention device or assembly at each actual or potential cross connection within a premises to protect water quality.

"Cross-Connection Control (CCC)": An activity designed to prevent, discover, and eliminate all cross connections. The identification and elimination of all unprotected connections between a potable water system and any other substance.

"Cross-Connection Control Device": A cross-connection control device is a safety device A plumbing appurtenance installed in a potable water line to prevent potable water and fluids any substance of any kind from being mixed. Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve.
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backflow preventer, double detector check valve backflow preventer, dual check valve
backflow preventer, and reduced pressure principle backflow preventer.

"Cross-Connection Control Device Inspector": A plumber An individual who holds an
Illinois Plumbing License and who has been certified by the Illinois Environmental
Protection Agency in accordance with 35 Ill. Adm. Code 653.802 to inspect, test,
maintain and repair cross-connection control devices and assemblies. Such certification
attests to an inspector's understanding of the principles of backflow and back siphonage,
and the public health hazard presented by the improper installation of cross-connection
control devices.

"Cross-Connection, Nonpressure Type": A submerged inlet installation where a potable
water pipe is connected or extended below the overflow rim of a receptacle, or
environment that contains a non-potable fluid substance at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is
connected to a closed vessel or piping system that contains non-potable fluid substance,
above atmospheric pressure.

"Dead End": A dead end is a pipe which is terminated at a developed distance of two
feet or more by means of a plug or other closed fitting, except piping serving as a
cleanout extension to an accessible area. (See Appendix B: Illustration K.)

"Developed Length": The developed length of a pipe is its length measured along the center line of the pipe, including fittings.

"Diameter": The length of a straight line passing through the center of an object, e.g., a
circle. (For the diameter of a pipe, see "Pipe Diameter.")

"Drain": A drain is any pipe which carries waste water in a building drainage system. (See Appendix B: Illustration L.)

"Drain Laying": Drain laying encompasses the laying and connecting of piping from
five feet outside the foundation wall of a building to the public sanitary sewer system in the street or alley.

"Drainage Fixture Unit (D.F.U.)": See "Fixture Unit, Drainage."
"Drainage Piping": See "Drainage System."
"Drainage System": A drainage system includes all piping within public or private premises which conveys sewage, rain, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems, although both are part of the overall plumbing system.

"Durham System": A Durham system is a soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": The effective opening is the minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of the diameter of a circle or, if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing an air gap.)

"Existing Plumbing" or "Existing Work": Existing plumbing or existing work means a plumbing system or any part thereof which has been installed prior to the effective date of this Part.

"Extracted Mechanical Joint": A joint which is developed with a special drilling tool used to penetrate a copper pipe wall, after which two steel pins are extended from the drill. While rotating, the drill head is withdrawn from the pipe under power, raising an external collar from the hole in the pipe. The branch pipe is then brazed into the collared outlet.

"Fixed": Stationary, immovable or immobile, as in a fixed air gap.

"Fixture Branch": A fixture branch is a water supply, soil or waste pipe serving one or more fixtures.

"Fixture Carrier": A fixture carrier is a device designed to support an off-the-floor plumbing fixture.

"Fixture Drain": A fixture drain is the vertical or horizontal outlet pipe from the trap of the fixture to the junction of that pipe with any other drain pipe. (See Appendix B: Illustration M.)

"Fixture Supply": A water supply pipe connecting the fixture to a branch or main water supply pipe.
“Fixture Supply Stop”: A valve used to control water supply to an individual plumbing fixture, appurtenance, or appliance.

"Fixture Unit, Drainage" or "Drainage Fixture Unit (D.F.U.)": A drainage fixture unit, is the mathematical factor used by the plumbing industry to estimate the probable load on the drainage system caused by discharge from various plumbing fixtures. One fixture unit, drainage is equivalent to seven-and-one-half (7 ½) gallons per minute or one (1) cubic foot per minute.

"Fixture Unit, Water Supply" or "Water Supply Fixture Unit (W.S.F.U.)": Fixture unit, water supply is the mathematical factor used by the plumbing industry to estimate the probable demand on the water supply system (considering the volume, duration of flow, and intervals between operations) caused by various plumbing fixtures.

"Float Valve": A float valve is an automatic opening valve, operated by a float, used to control the water level in a vessel, tank, or other container.

"Flood Level": The flood level of a fixture or receptacle is the elevation at which a liquid will overflow the fixture or receptacle. "Flood Level Rim": The top edge of a receptacle or fixture over which a liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Overflow rim" is used interchangeably with flood level rim.

"Flooded": A fixture is flooded when the liquid therein equals the maximum capacity of the fixture or when the level of the liquid therein rises to the fixture's flood level rim. Any attempt to add additional liquid to a flooded fixture causes liquid to overflow.

"Flush Valve": A flush valve is a device for the purpose of flushing water closets and other similar fixtures. (See Appendix B: Illustration N.)

"Flushometer Valve": A flushometer valve is a device actuated by hand, a photoelectric cell, or other electronic control which discharges a predetermined quantity of water to fixtures for flushing purposes. The valve is closed by direct water pressure.

"Food Service Establishment": Any establishment selling or serving, to the public, food or liquid beverages that can be consumed on the premises.

"Grade": Grade is the fall, pitch, or slope of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fraction of an inch fall per
foot length of pipe. This may also be expressed as a percentage. (See Appendix B: Illustration O.)

**Gray Water**: Waste water, such as dishwasher, or other waste water not containing fecal matter or urine.

"Grease Interceptor": A device used to separate and retain grease, oils and other floating matter from sewage waste while permitting the remaining flow to discharge into the drainage system. See "Interceptor."

"Grey Water": Waste water, such as dishwasher, or other waste water not containing fecal matter or urine.

"Group of Fixtures": A group of fixtures means two or more fixtures adjacent to or near each other.

"Hangers": Devices for supporting and securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural member.

“High Hazard Substance”: Any substance, which when consumed along with drinking water, can cause illness, injury or death.

"High Toxicity": A substance with an oral LD₅₀ (lethal dose for 50 percent of the population) of 500 milligrams per kilogram or less is considered highly toxic. An average adult would have to ingest less than an ounce of the substance to experience severe illness or death. Cyanide is an example of a highly toxic substance.

“Historic Buildings”: All buildings, parts of buildings, facilities or sites individually listed in or eligible for listing in the National Register of Historic Places, a “contributing” building or site in a National Register Historic District as determined by the Illinois Historic Preservation Agency (IHPA) or as determined by a “Certified Local Government” designated by the IHPA, a building or site designated as a historic or architectural landmark by a local Landmarks Commission or local Historic Preservation Commission, or buildings which undergo historic reconstruction.

"Horizontal Branch": A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts the discharge to the soil or waste stack or to the building drain. (See Appendix B: Illustration P.)
"Horizontal Pipe": Horizontal pipe means any Any pipe or fitting which makes an angle of less than 45 degrees 45° with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

“Hot Water”: Hot water is water Water at a temperature of not less than 120 F.

"House Drain": See "Building Drain."

"House Trap": See "Building Trap."

"Hydrant": A valve or faucet for drawing water from a buried pipe which generally includes a stand pipe with a valve or faucet at the upper end. It usually has a threaded valve outlet to which a hose may be attached.

"Indirect Waste": An indirect waste is a pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Vent": An individual vent is a pipe installed to vent a fixture trap which connects with the vent system above the fixture served, or which terminates in the outside atmosphere.

"Individual Water System Supply (Private Water Supply)": A water supply system serving a single family dwelling. A piping system that supplies potable water for a single family dwelling, and includes the water service line and all potable water piping.

"Industrial Wastes": Industrial wastes are liquid Liquid wastes resulting from the processes employed in industrial and commercial establishments.

"Insanitary": Contaminated. Not hygienic, or unclean enough to endanger health.

"Interceptor": An interceptor is a device designed and installed to separate and retain hazardous or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the drainage system. Interceptors may be designed to remove gas, oil, sand, grit and grease. "Separator" is also commonly used to mean an "interceptor."

"Invert": The invert is the lowest part of the internal cross-section of a pipe or
"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. (See Section 890.1600, "Special Venting for Island Fixtures").

"Joint": A joint is the juncture of two pipes, a pipe and a fitting, or two fittings.

"Kiosk": A freestanding place of employment that has 5 or less employees at any time located inside or outside a building.

"Lead Free": When used with respect to solder and flux, lead free refers to solders and flux containing not more than two tenths of one percent (0.2%) lead; and when used with respect to pipe and pipe fittings, lead free refers to pipes and fittings containing no more than eight percent (8.0%) lead.

"Length of Pipe": Length of pipe is the overall distance measured along the center line of a pipe. See "Developed Length."

"Line Valve": A valve in the water supply distribution system, except those immediately controlling one fixture supply.

"Liquid Waste": Liquid waste is the discharge from any fixture, appliance, or appurtenance, in connection with a plumbing system which does not receive fecal matter.

"Load Factor": The load factor is the percentage of the total connected fixture unit flow rate which is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow above the point being considered, and probability of simultaneous use. Load factor represents the ratio of the probable load to the potential load.

"Local Ventilating Pipe": A local ventilating pipe is a pipe on the fixture side of the trap through which vapors or gases or foul air are removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe in order to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent which loops back to connect with a stack vent instead of a vent stack. Its use is limited to floor drains and floor outlet fixtures which depend on self
siphonage for proper operation.

“Low Hazard Substance”: Any substance, which when consumed along with drinking water, may cause the water to be discolored, have an unusual odor or an unpleasant taste, but will not cause illness, injury or death.

“Low Toxicity”: A substance with an oral LD₅₀ (lethal dose for 50 percent of the population) greater than 5,000 milligrams per kilogram is considered practically nontoxic. An average adult would have to ingest more than a pint of the substance to experience severe illness or death. Hydrogen peroxide is an example of a substance of low toxicity.

"Main": The main of any piping system is the principal artery of the piping system to which branches may be connected.

"Main Vent": The main vent is the principal artery of the venting system to which vent branches may be connected. (See Appendix B: Illustration Q.)

"Maximum Demand": In plumbing, the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment thereof.

"Manhole": A manhole is an opening constructed to permit a person to gain access to an enclosed space. In a sewer or any portion of the plumbing system, it is used to eliminate restriction of flow at changes of direction or junctions and to facilitate cleaning.

"Minor Repairs": Repairs that do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

"Moderate Toxicity": A substance with an oral LD₅₀ (lethal dose for 50 percent of the population) of 500 to 5,000 milligrams per kilogram is considered moderately toxic. An average adult would have to ingest between an ounce (2 tablespoons) and a pint of the substance to experience severe illness or death. Chloroform is an example of a moderately toxic substance.

"New Plumbing" or "New Work": For purposes of this Part, new plumbing or new work means any plumbing system or part thereof, or any addition to or alteration of an existing system, being installed or recently completed.
"Non-Potable Water": Non-potable water is water that does not meet public health standards for drinking water (Refer to 77 Ill. Adm. Code 900) and is not suitable for human consumption or culinary use. Any water of unknown quality is considered non-potable. Water that does not meet drinking water quality standards specified in 35 Ill. Adm. Code 611, Primary Drinking Water Standards, and is not suitable for human consumption or culinary use, or is of unknown quality.

"Non-Toxic Transfer Fluids": Fluids having no normal detrimental effect on humans.

"Occupancy": Occupancy generally means the use for which a building currently serves the purpose for which a building is currently used. In the case of a single family residence, occupancy shall mean taking possession of and living in the premises as one's sole and exclusive residence for a period of not less than six (6) months after the completion of construction, or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": An offset in a line of piping is a combination of elbows or bends which brings one section of pipe into a line parallel with the other section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible, and open to inspection. Open plumbing is also referred to as an exposed plumbing installation.

"Open Water System": A water system with no check valve or backflow preventer installed in the service pipe. A system that has no backflow device or assembly installed in the water supply system for containment purposes.

"Overflow Rim": The top edge of a receptacle or fixture over which a liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Flood level rim" is used interchangeably with overflow rim.

"p.s.i."; "P.S.I."; or "psi": Pounds per square inch of pressure.

"Part": Part means the Illinois Plumbing Code in its entirety, Part 890 (referenced as 77 Ill. Adm. Code 890), subsequent amendments thereto, or any emergency rule which the Department lawfully adopts.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by means of a "Peppermint Test."

"Peppermint Test": A test for leakage using peppermint oil and hot water as the media,
and the sense of smell to determine any leak; also known as a "scent test" (see Section 890.1930(e)).

"Pet Cock": A pet cock is a small faucet or valve used to drain water, steam, or air.

"pH": An expression of acidity and alkalinity on a scale from zero (0) to 14, with seven (7.0) being neutral. Numbers less than seven (7.0) indicate increasing acidity as the number decreases, and numbers greater than seven (7.0) indicate increasing alkalinity as the number increases.

"Pipe": A cylindrical conduit or conductor, the wall thickness of which is sufficient to receive a standard pipe thread.

"Pipe Diameter": Generally the distance measured from the inside wall of a pipe (passing through the center of the pipe) to the opposite inside wall. Any referenced pipe diameter or pipe size shall mean the nominal size or diameter as designated by the commercial manufacturer.

"Pipefitting": The installation of piping other than that piping which is defined as plumbing.

"Pipe Increments": For increasing or decreasing pipe size by a given number of pipe increments - the following examples constitute one pipe size change: 1, 1 ½, 2, 2 ½, 3, 3 ½, 4, 4 ½, 5.

"Piping": Piping is an assembly of pipes or conduit with fittings of compatible design. This term is commonly interchanged with "Pipe."

"Pitch": "Pitch" is synonymous with "grade." See "Grade."

"Plumbing": See the Illinois Plumbing License Law [225 ILCS 320/2].

"Plumbing Appliance": A plumbing appliance is a special class of plumbing fixture intended to perform a special function. This term includes water heaters, water coolers, drinking fountains, heat exchanger and water treatment equipment other than water softeners.

"Plumbing Appurtenance": An accessory or device used in a plumbing system which demands no additional water supply, nor adds any discharge load to a fixture or the drainage system. Plumbing appurtenances shall include instruments, gauges, relief valves, limit switches, backflow assemblies, solenoid valves, and devices between solenoid valves, etc.
"Plumbing Fixture":  Plumbing fixtures are approved, installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquid or liquid-borne waste, with or without discharge of such waste into the drainage system to which they may be directly or indirectly connected. Generally an installed appurtenance to the potable water supply system which makes available intended potable water, or a receptor which receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system. A permanent appendage usually designed as a receptacle and intended to receive and/or discharge liquid or liquid-borne waste to a drainage system. Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures.

"Plumbing Inspector": An employee or agent of State or local government who holds a valid Illinois Plumbing License and is authorized to inspect plumbing.

"Plumbing System": See the Illinois Plumbing License Law [225 ILCS 320/2].

"Pop-Up Waste": A pop-up waste consists of a waste outlet into which a sliding metal or plastic stopper is fitted, and the stopper can be raised to drain the waste. A common pop-up waste used for lavatories has a lever which passes out the side of the drain fitting and connects to a lift rod that extends on top of the lavatory or sink. The rod is lifted to lower the stopper, or depressed to raise the stopper and drain the lavatory.


"Pressure Gradient Monitor": A device used to protect the quality of water, failsafe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve": See "Relief Valves."

"Private" or "Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments, and private bathrooms of hotels or motels where the fixtures are intended for the use of a single family or an individual: handwashing stations (lavatories) within residents’ rooms, within shared or common resident
restrooms, or designated for staff use only in hospitals/long-term care units/mental health facilities, and hand washing stations where food is being prepared.

"Private Sewage Disposal System": This means any sewage handling or treatment facility receiving domestic sewage from fewer than fifteen (15) people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to the Private Sewage Disposal Licensing Act [225 ILCS 225/3] and Private Sewage Disposal Licensing Code (77 Ill. Adm. Code 905).

"Private Sewer": A private sewer is a sewer privately owned and not directly controlled by a public authority.

"Private Water Supply" or "Private Water System": Any potable water supply that provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling. (Section 9 (a)(5) of the Illinois Groundwater Protection Act)[415 ILCS 55/9 (a)(5)].

"Proper" or "Properly": means to be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this Part and manufacturer's recommendations.

"Public" or "Public Use": For purposes of classifying plumbing fixtures, "public" refers to any installation or use of plumbing fixtures or facilities except those in residences, apartments or private bathrooms of hotels/motels where the fixtures are intended for the personal use of an individual or single family only.

“Public Area”: An area within a building accessible to all persons, including but not limited to mercantile units, private clubs and membership organizations.

"Public Sanitary Sewer": A public sanitary sewer is controlled by a public authority and is intended to receive and transport sewage.

"Public Water System": A public water system is a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage, and distribution facility under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not
under such control which are used primarily in connection with such system. The public water system ends at and with the water service connection.

"Quarter Bend": A quarter bend is a fitting changing direction of 90 degrees $90^\circ$. (See Appendix B: Illustration R.)

"Quick Closing Valve": A valve or faucet that closes automatically when released or one that has fast action closing.

"Readily Accessible": Readily accessible means direct access without the necessity of removing or moving any panel, door or similar obstruction.

"Receptor": Devices or fixtures which receive the discharge from indirect waste pipes.

"Reduced Pressure Zone Principle Backflow Preventer Assembly (RPZ)": See "Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly (RPZ)."

"Relief Valves":

Temperature relief valve - A valve designed to release water to the atmosphere at a predetermined temperature setting.

Pressure relief valve - A valve designed to relieve excessive pressure to the atmosphere at a predetermined setting.

Temperature and pressure relief valve or pressure-temperature relief valve - A valve incorporating a temperature relief valve and a pressure relief valve in one unit.

Vacuum relief valve - A valve which admits air to the system when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent which permits circulation of air in or between drainage and vent systems. (See Appendix B: Illustration S.)

"Restaurant": Any establishment selling or serving, to the public, food or liquid beverages that can be consumed on the premises.

"Restroom": For the purpose of this Part, a restroom, as a minimum, will consist of one water closet and one lavatory all located in the same room.
"Return Offset": A double offset installed so as to return the pipe to its original alignment. (See Appendix B: Illustration T.)

"Revent Pipe": See "Individual Vent". (See Appendix B: Illustration U.)
"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe which extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roughing-In": The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

"Safe Pan": A safe pan is installed a device installed beneath piping and/or a fixture to collect and drain any leakage. Safe pans are generally found in food preparation/storage areas and sterile areas of health care facilities that have overhead, exposed, drainage piping. Safe pans are not intended to receive discharges from temperature and pressure relief valves.

"Safe Waste": See "Indirect Waste."

"Sanitary Sewer": A sanitary sewer is a A public or private sewer into which building sewers are connected.

"Sanitary Waste": Sanitary waste is sewage Sewage containing human excrement and liquid household wastes or ordinary wastes derived from a plumbing system.

"Semi-Private Water System": means a A water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling. (See the Illinois Groundwater Protection Act. (Ill. Rev. Stat. 1991, ch. 111 ½, par. 7459) [415 ILCS 55/19])

"Separator": See "Interceptor."

"Service Connection": A service connection is the The tap at the water main and any pipe to the property line.

"Sewage": Sewage is any Any waste containing animal, human, or vegetable matter in
suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by pumping means.

"Side Vent": A vent connecting to the drain pipe through a fitting at an angle not greater than 45 degrees to the vertical.

"Sillcock": A type of lawn faucet. A faucet used on the outside of a building to which a garden hose may be attached.

"Size of Pipe or Tubing": Pipe is generally sized according to the approximate dimension of its bore or inside diameter, whereas tubing is usually sized by measuring its outside diameter. Both are expressed in inches and fractions thereof. For purposes of this Part, any referenced pipe or tubing size shall mean the nominal size or diameter as designated by the commercial manufacturer.

"Slope": "Slope" is synonymous with "grade." See "Grade."

"Soil Pipe": A soil pipe is any pipe which conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain.

"Special Waste Pipe": Piping which conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Special Wastes": Wastes which require special handling and treatment before they may be discharged into the plumbing system. See Subpart H.

"Sprinkler System": There are two basic types of sprinkler systems. A fire sprinkler system is a system of piping and necessary appurtenances for conveying water or other extinguishing fluid substances to outlets for the purpose of fire extinguishment. A lawn sprinkler system is a system of piping installed for irrigation purposes.

"Stack": A general term for any vertical line of soil, waste, or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. (See Appendix B: Illustration V.)

"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.
"Sterilizer, Boiling Type": A boiling type "sterilizer" is a fixture (non-pressure type) used for boiling instruments, utensils, and/or other equipment (used for sterilization). Some devices are portable, others are connected to the plumbing system.

"Sterilizer, Instruments": A device for the sterilization of various instruments.

"Sterilizer, Pressure (Autoclave)": A fixture (pressure vessel) designed to use steam under pressure for sterilizing.

"Sterilizer, Pressure Instrument Washer-Sterilizer": A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

"Sterilizer Vent": A separate pipe or stack, which is trapped below the lowest exhaust and indirectly connected to the building drainage systems, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric, or exhaust vent.

"Sterilizer, Water": A water sterilizer is a device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer which is used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate, cooling water or other similar liquid waste (excluding sewage) from the building storm drain to an approved point of discharge.

"Sub-soil Drain": A drain which collects sub-soil drainage and conveys it to a place of disposal.

"Sub-soil Drainage": Sub-soil drainage is liquid waste such as run off water, seepage water or clear water waste, free of fecal matter and grey water.

"Sump": A sump is a receptacle which receives sanitary or storm waste, located below the normal grade level of the gravity system, and emptied by pumping or gravity.

"Sump Pump": A pump for the removal of storm, subsoil and clear water waste drainage from a sump.
"Supports": A support is a hanger, anchor or other device for securing or holding pipe fixtures to walls, ceilings, floors, or structural members.

"Swimming Pool": Refer to the Swimming Pool and Bathing Beach Act [210 ILCS 125] for minimum sanitary requirements for the design and operation of swimming pools and bathing beaches.

“Tempered Water”: Tempered water is water ranging in temperature from 85 F to, but not including 120 F.

"Terminal Heating Device": A device located within the environment to be conditioned which directly transfers its heating energy by radiation or forced or gravity convection.

"Test Cock": A test cock is a small cock, faucet, or valve set in a water pipe, pump, backflow device or water jacket used to drain water or test pressure.

"Toxic": Not fit for human consumption. Poisonous.

"Toxic Transfer Fluids": Sanitary waste, grey water or mixtures containing harmful substances including but not limited to ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Trap": A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. (See Appendix B: Illustration W.)

"Trap Arm": A trap arm is that portion of a fixture drain between a trap and its vent.

"Trap Primer": A trap primer is a device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip of the trap. (See Appendix B: Illustration W).

"Tube": A cylindrical conduit or conductor, the wall thickness of which is less than that needed to receive a standard pipe thread. Compare with "Pipe."

"Tuberculation": A condition which develops on the interior of pipe due to corrosion resulting in the creation of small, hemispherical lumps (tubercules) on the inner walls of
"Union": A union is a coupling device used to join two pipes end-to-end, but allow them to be disconnected and re-connected. This joint can be assembled and disassembled without removing any adjacent pipes.

"Unisex Restroom": A restroom shared by males and females and having only one water closet and one lavatory located in the same room. In addition, a single urinal may be installed.

"Vacuum": A pressure less than atmospheric pressure, sometimes referred to as suction. It is usually measured in inches of mercury below atmospheric pressure, such as ten (10) or twenty 10 or 20 inches of mercury. To vacuum also means to siphon.

"Vacuum Breaker": A device which prevents the creation of a vacuum by admitting air at atmospheric pressure, used to prevent back siphonage.

"Vacuum Breaker, Hose Type (HVB)": A back siphonage prevention device designed for hose connections which are not under continuous pressure, and meeting the requirements of ANSI/ASSE 1011-1982.

"Vacuum Breaker, Non Pressure Type (Atmospheric)": A vacuum breaker which is not designed to be subject to static line pressure, and meeting the requirements of ANSI/ASSE 1001-1990.

"Vacuum Breaker, Pressure Type": A vacuum breaker designed to operate under conditions of static line pressure, and meeting the requirements of ASSE 1020-1989.

"Vacuum Relief Valve": A device to prevent excessive vacuum in a pressure vessel.

"Vent, Main": See "Main Vent."

"Vent Pipe": A pipe in a plumbing system that is used to equalize pressure and ventilate the plumbing system. Also see the definition of "Vent System."

"Vent Stack": A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system and terminating to the atmosphere or in the stack vent. (See Appendix B: Illustration X.)

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system and to provide a circulation of air within the system to protect trap seals from
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siphonage and back pressure.

"Venturi": A short section in a pipe with a reduced diameter or cross sectional area (forming a throat) compared to the larger ends, thereby increasing the velocity of the fluid passing through the throat and decreasing the pressure at the throat. This decrease in pressure allows another fluid to be drawn into the venturi.

"Vertical Pipe": Any pipe or fitting which makes an angle of \(45 \text{ degrees} \) or less with the vertical.

"Wall Hung Water Closet": A water closet installed in such a way that no part of the water closet touches the floor.

"Waste": See "Sanitary Waste."

"Waste Pipe": A pipe which conveys only waste material.

"Water Distribution Pipe": A pipe within the building or on the premises which conveys water from the water service to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel due to a sudden stoppage of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit. It is also called hydraulic shock.

"Water Hammer Arrester": A device to absorb hydraulic shock.

"Water Heater": An appliance for supplying hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed \(150 \text{ degrees} \) \(150^\circ\text{F}.\)

"Water Main": A water supply pipe for public or community use.

"Water Outlet": An opening through which water is supplied to a fixture, device, appliance or an appurtenance or into the atmosphere.

"Water Riser Pipe": See "Riser."

"Water Service" or "Water Service Pipe": A water service is the \(\text{The}\) pipe from the water main or source of potable water supply to the water distribution pipe of the building.
"Water Supply Fixture Unit (W.S.F.U.)": See "Fixture Unit, Water Supply."

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

"Water Supply System": The water service pipe, the water distribution pipe, and all fittings, valves, and appurtenances in or associated with the building or premises being served.

"Wet Vent": A vent which also serves as a drain. A vent which receives the discharge of wastes other than from water closets. (See Appendix B: Illustration Y.)

"Yard Hydrant": A valve or faucet for drawing water from a buried pipe which generally includes a stand pipe with a valve or faucet at the upper end. It usually has a threaded valve outlet to which a hose may be attached.

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack. (See Appendix B: Illustration Z.)

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.140 Repairs and Alterations

a) Existing Buildings.

1) In existing buildings, including historic buildings, or premises in which plumbing installations are to be altered, renovated or replaced, materials and methods shall meet or exceed the provisions of this Part.

2) Where the Department finds that compliance with all requirements of this Part would result in an undue hardship due to excessive structural or mechanical difficulty, or impracticability, a variance may be granted. The request for a variance must be submitted in writing to the Department for approval prior to installation. The request shall include an explanation of the hardship created by compliance with all requirements of this Part, and shall state the proposed method of installation. Where a variance is granted by the Department, it shall conform with the intent of this Part and shall ensure the optimum level of public health protection practicable.
b) New Buildings. Plumbing materials, methods and workmanship shall meet or exceed the provisions of this Part in all new buildings. No variance from this Part shall be allowed on new building construction.

c) Health and Safety. Where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this Part.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.170 Sewer and/or Water Required

a) Each building which is intended for human habitation or occupancy shall have a connection to a public water system, a semi-private water system, or a private water supply constructed in accordance with the requirements of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) or the Surface Source Water Treatment Code (77 Ill. Adm. Code 930), and a connection to a public sewer system or private sewage disposal system constructed to the requirements of the Illinois Private Sewage Disposal Code (77 Ill. Adm. Code 905). All installations shall also be in accordance with any additional applicable State and local laws, ordinances, rules and regulations and local codes.

b) For purposes of this Section, individually owned residences that share a common wall or ownership right and have ground floor access, such as townhouses or rowhouses, shall be treated as separate buildings and shall have separate connections to a public water system, a semi-private water system or a private water supply as required in subsection (a) of this Section. However, such individually owned residences established as part of a condominium association may use a single water supply service line from the public water supply to a centralized location, such as an exterior manifold or meter room with independent shutoff valves to each unit. There shall be a main shutoff valve at the property line. Such arrangements shall comply with requirements set forth by the local water department or water authority.

c) Private Water Supply Interconnection. A private water supply shall not be interconnected with a public water supply unless it is located and constructed in accordance with the Water Well Construction Code (77 Ill. Adm. Code 920) and
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Water Well and Pump Installation Code (77 Ill. Adm. Code 925), and the public water is protected against backflow and back siphonage as specified in Section 890.1130.

1) A private water supply shall not be interconnected with a public water system unless it is located and constructed in accordance with the Water Well Construction Code (77 Ill. Adm. Code 920) and Water Well and Pump Installation Code (77 Ill. Adm. Code 925), and the public water system is protected against backflow and back siphonage as specified in Section 890.1130.

2) No physical connection shall be permitted between the potable water system and any non-potable water source.

d) All plumbing fixtures, drains, appurtenances, and appliances used to receive or discharge sanitary waste shall be connected to the drainage system of the building or premises in accordance with the requirements of this Part.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.180 Sewer and Water Pipe Installation

a) Trenching and Bedding. Trenches shall be of sufficient width to permit proper installation of the pipe. Where shoring is required, ample allowance shall be made in the width of the trench for working conditions, based on the materials and installation methods. Where trenches are excavated to a depth such that the bottom of the trench forms the bed for the pipe, solid and continual bearing between joints shall be provided and bell holes shall be provided at points where the pipe is joined. Where trenches are excavated to a depth such that the bottom of the trench does not form the bed for the pipe, the trench shall be backfilled to grade with sand or fine gravel placed in layers of six (6) inches maximum depth and compacted after each placement. The pipe shall not be supported on blocks. Where rock is encountered in trenching, it shall be removed to a point at least three (3) inches below the grade line of the trench; and the trench shall be backfilled to grade with the sand tamped in place, so as to provide a uniform bearing for the pipe between joints. The pipe shall not be allowed to rest on rock at any point. If soft materials of poor bearing qualities are found at the bottom of the trench, stabilization shall be achieved by over-excavating at least two (2) pipe diameters and refilling with fine gravel or sand or a concrete foundation. A
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concrete foundation shall be bedded and sand tamped in place so as to provide a uniform bearing for the pipe joints. All piping in the ground shall be laid on a firm bed for its entire length.

b) Backfilling. Until the crown of the pipe is covered by at least 18 inches of tamped earth, care shall be exercised in backfilling trenches to ensure that the pipe beneath is secure. Loose earth, free of rocks, broken concrete, frozen chunks or other rubble, shall be carefully placed in the trench in six (6) 6 inch layers and tamped in place. Care shall be taken to thoroughly compact the backfill under and beside the pipe to ensure that the pipe is properly supported. Backfill shall be placed evenly on both sides of the pipe and tamped in a manner to retain proper alignment.

c) Breakage and Corrosion. Pipes passing under or through walls or floors shall be protected from breakage caused by stress or strain. Pipes passing under or through cinder, concrete or other corrosive material shall be protected from external corrosion, stress, or strain by a protecting sleeve or a wrap-on material. (See Appendix B: Illustration AA.)

d) Sleeves. In exterior walls or floors, the annular space between sleeves and pipes shall be filled or tightly caulked with a cold tar, asphalt compound, lead, or other equally effective material. (See Appendix B: Illustration AA.)

e) Buried Piping Parallel to Footings. No buried piping shall be laid parallel to inside or outside footings bearing walls closer than three (3) feet, closer than 18 inches to the footing.

f) Depth. Piping installed parallel to footings or bearing walls shall not extend below the 45-degree bearing plane of the wall or footing.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.190 Piping Measurements

Except where otherwise specified in this Part, all measurements between pipes, and or between pipes and walls, etc., or footings shall be made to the center line of the pipe from the outside edge nearest the parallel pipe, wall, or footing (See Appendix B, Illustration I).

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)
SUBPART B: PLUMBING MATERIALS

Section 890.210 Materials

a) With the exception of faucets, grease traps, and gas and oil interceptors, all materials, piping, fittings, appliances, appurtenances and devices used in all plumbing systems shall be listed in Appendix A: Table A and shall conform to standards for use as approved by one or more of the organizations listed in subsection (b) of this Section. All faucets, grease traps, and gas and oil interceptors used shall meet the requirements for such materials, appliances and appurtenances as provided in this Part. All materials, piping, fittings, appliances, appurtenances, faucets, fixture fittings, fixtures and devices used in all plumbing systems shall be approved by the Department, in accordance with the following criteria:

a) Compliance with the requirements of this Part;

b) Compliance with the applicable standard. (See Appendix A, Table A)

c) Labeled by an agency that is approved by the Department or is an ANSI-accredited certification program. (See Appendix A, Table A)

1) Labeling indicates that the agency certifies the plumbing material to be in compliance with applicable standards.

2) Labeling includes the manufacturer's identification of material. Each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system shall have cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, class of product and the standard that applies.

d) Testing. The approved agency has tested a representative sample of the material or piping being labeled to the relevant standard. The approved agency maintains a record of all tests performed, which provides sufficient detail to verify compliance with the testing standard.

e) Inspection and identification. The approved agency periodically performs inspections, which shall include in-plant inspections during the manufacturing
process, to verify that the product being manufactured meets the applicable standard.

f) Independent. The approved agency discloses all possible conflicts of interest.

g) Equipment. An approved agency has necessary equipment to perform all required tests. The equipment shall be calibrated according to manufacturers recommendations.

h) Personnel. An approved agency employs personnel experienced and educated in conducting, supervising and evaluating tests.

i) Manufacturers Identification of Material. The approved agency ensures that each length of pipe, each pipe fitting, trap, fixture, device and appurtenance used in a plumbing system has cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, class of product and the standard that applies.

b) Reference for Agencies and Organizations. Abbreviations used in Appendix A, Table A, refer to the following agencies or organizations:

1) ANSI – American National Standards Institute; 1430 Broadway, New York City, New York 10018.

2) ARI – Air Conditioning and Refrigeration Institute; 1501 Wilson Boulevard, Arlington, Virginia 22209.

3) ASHRAE – American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305.

4) ASME – American Society of Mechanical Engineers; United Engineer Center, 345 East 47th Street, New York City, New York 10017.

5) ASSE – American Society of Sanitary Engineering; P.O. Box 40362, Bay Village, Ohio 44140.


7) AWWA – American Water Works Association;
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6666 West Quincy Avenue, Denver, Colorado 80235.

8) CISPI - Cast Iron Soil Pipe Institute;
   Suite 419, 5959 Shallowford Road, Chattanooga, Tennessee 37421.

9) FM - Factory Mutual Standard; 1151 Boston-Providence Turnpike,
    P.O. Box 9102, Norwood, Massachusetts 02062.

10) NSF (National Sanitation Foundation) - NSF International Midwestern
     Regional Office, 2311 Green Road, Ann Arbor, Michigan 48105.

11) PDI - Plumbing and Drainage Institute; 1106 W. 77th Street,
    South Drive, Indianapolis, Indiana 46260-3318.

12) UL - Underwriter Laboratories, Inc.;
    333 Pfingsten Road, Northbrook, Illinois 60062.

(Source: Amended at 27 Ill. Reg. ___________, effective _________________________)

Section 890.220 Identification Repealed

Identification of Material. Each length of pipe, each pipe fitting, trap, fixture, device and
appurtenance used in a plumbing system shall have cast, stamped or indelibly marked on it the
maker's mark or name, the weight, type, class of product and the standard that applies.

(Source: Repealed at 27 Ill. Reg. ___________, effective _________________________)

Section 890.230 Safe Pan Material and Construction

a) Material. Safe pans shall be made only of lead, copper, aluminum, galvanized
   steel, stainless steel, ABS, PVC or fiberglass material.

   1) Lead sheets for safe pans shall weigh at least four (4) 4 pounds per square
      foot.

   2) Copper sheets for safe pans shall weigh at least twelve (12) 12 ounces per
      square foot.

   3) Aluminum, galvanized steel and stainless steel safe pans shall be of at
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least 24 gauge material.

4) ABS or PVC safe pans or liners shall be 30 mil or 40 mil.

5) Fiberglass for safe pans or liners shall be equally durable to the ABS and PVC material described in subsection (a)(3) of this Section.

b) Construction. All safe pans shall be constructed with preformed dam corners, shall be watertight, adequately reinforced and provided with a drain opening designed to make a watertight joint. ABS and PVC safe pans and liners shall be solvent welded together with the proper cement.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________)

SUBPART C: JOINTS AND CONNECTIONS

Section 890.320 Types of Joints

a) Caulked joints. Caulked joints for (drain, waste and vent systems only) cast iron hub-and-spigot pipe shall be firmly packed with oakum or hemp and filled with molten lead at least one inch (1") deep and be firmly caulked not to extend more than one eighth inch (1/8") below the rim of the hub. Paint, varnish, or other coatings shall not be permitted on the jointing material until after a plumbing inspector has been given the opportunity to test and approve or disapprove the joint. (See Appendix C: Illustration A.)

b) Threaded/Screwed Joints. Threaded joints shall conform to American National Taper Pipe Thread, ASME B.1.20.1-1983 (General Purpose). All burrs shall be removed; pipe ends shall be reamed or filed to size of the bore and all chips shall be removed. Pipe joints compound shall be insoluble in water and non-toxic.

c) Wiped Joints. Joints in lead pipe or fittings, or between lead pipe fittings and brass or copper pipe ferrules, solder nipples, or traps shall be full-wiped joints. Wiped joints shall have exposed surface on each side of the joint at least three-fourths inch (3/4") and at least as thick as the material being joined. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at the wall or floor. Joints between lead pipe and cast iron, steel or wrought iron shall be made by means of a caulking ferrule, soldering nipple, or bushing.
d) Soldered Joints. The surface to be soldered shall be cleaned bright. The joints shall be properly fluxed (lead free) and made with approved lead free solder conforming to ASTM Standard B32-1989. Joints in copper water tubing shall be made with approved cast bronze or wrought copper pressure fittings, properly soldered together. All solders or flux containing more than 0.2% lead shall bear a warning label which states that the solder or flux is not approved for private or potable water use as required by Section 4 of the federal Hazardous Substances Act (15 USC 1263). Use of this product in the making of joints or fittings in any private or public potable water system is prohibited. No part of a DWV (drain, waste and vent) system shall be joined or fitted with a solder or flux containing more than 0.2% lead.

e) Flared Joints. Flared joints for plastic pipe and tubing and soft copper water tubing shall be made with approved fittings. The tubing shall be expanded with a proper flaring tool. (See Appendix C: Illustration B.)

f) Hot-Poured Joints. Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry surface shall have a bond of at least 100 pounds per square inch (p.s.i.). All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a suitable primer such as oil or tar shall be applied. The compound shall not soften sufficiently to destroy effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit 160°F, and not be soluble in any of the waste carried by the drainage system. Approximately 25 percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar rope or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one (1) hour after pouring.

g) Precast Joints. Precast collars shall be formed in both the spigot and bell of the pipe in advance of use. Prior to making joint contact, surfaces shall be cleaned. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket.

h) Brazed Joints. Brazed joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact. (See Section
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890.330(b.) An extracted mechanical joint may be made in copper tube types K or L only for water distribution. The joint shall be made with a mechanical extraction tool and joined by brazing. To prevent the branch tube from being inserted beyond the depth of the extracted joint, depth stops shall be provided. This joint shall be for above ground use only.

i) Cement Mortar Joints. Except for repairs, cement mortar joints are prohibited.

j) Burned Lead (Welded). (For drain, waste and vent system only) Every burned (welded) joint shall be made in such manner that the two or more sections to be joined shall be uniformly fused together into one continuous piece. The thickness of the weld shall be at least as thick as the lead being joined.

k) Bituminized Fiber Pipe Joints. Joints in bituminized fiber pipe shall be made with tapered type couplings of the same composition as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an adaptor coupling caulked as required in subsection (a) of this Section.

l) Plastic Pipe Joints.

1) Every joint in plastic piping shall be made with approved fittings by either solvent welded or fusion welded connections, compression fittings, approved insert fittings, metal clamps and screws of corrosion resistant material, or threaded joints. (See Appendix A: Table A for approved pipe, fittings and solvent.)

2) Joints and Fittings in Plastic Pipe. Potable water piping fittings and joints shall be in accordance with the manufacturer's recommendations subject to the following: (See Appendix A: Table A, "Approved Standards for Fittings").

A) Polyethylene (PE) pipe shall be installed only with compression fittings, insert and clamp type fittings or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Appendix A: Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)
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B) Polyvinyl chloride (PVC) pipe shall be installed with solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be made with the use of adaptor fittings. The fittings shall be molded from polyvinyl chloride. The primer and solvent cement used shall be in accordance with the manufacturer's recommendation for polyvinyl chloride piping.

C) Polybutylene (PB) pipe shall be installed only with insert and clamp type fittings, compression type, flanged type, or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Appendix A, Tables D, N and O, for minimum allowable sizes for water service/distribution piping.)

3) Joints in Plastic Drainage. Joints in plastic drainage piping or vent piping within a building shall be solvent welded. Threaded or flanged joints may be used with adaptor fittings. The solvent cement shall be specific for the type of piping material. O-ring expansion joints are acceptable if accessible.

m) Ground Joint Connections. Ground joint connections (when accessible) may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint connections shall not be used in any inaccessible drainage piping.

n) No-Hub Soil Pipe Joints. Shielded joints for no-hub cast iron soil pipe shall be made with an elastomeric gasket covered by either a stainless steel shield secured by two (2) or more stainless steel bands or clamps, or covered by cast iron couplings secured with stainless steel nuts and bolts. When a stainless steel shield is used, the shield and clamps shall be corrosion resistant and homogeneous throughout. The joint materials shall comply with ASTM C564-78 and CISPI 310-90 and/or FM 1680-1989.

o) Compression Type Joints.

1) Compression type joints for hub and spigot cast iron soil pipe shall be made with neoprene insert gaskets in accordance with ASTM C564. The pipe shall comply with the specifications contained in ASTM A-74 with
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regard to hub and spigot dimensions and tolerances. (See Appendix C: Illustration C.)

2) Compression type joints for copper water tube or brass tube shall be made with brass ferrules and ground joint connections.

p) Grooved Type Mechanical Couplings.

1) Cut grooved type mechanical couplings, fittings and valves used on standard weight galvanized steel pipe, cast iron pipe or ductile iron pipe shall comply with the grooving dimensions of the AWWA specifications C606-78, limited to water distribution piping and downspout pipe above ground.

2) Rolled grooved type mechanical couplings, fittings and valves used on standard weight galvanized steel pipe or type K or L copper tubing shall comply with the manufacturer's standard, limited to water distribution piping above ground. Fittings, couplings and valves shall be compatible with the pipe material. Transition adapters shall be dielectric type.

3) Gaskets for use with potable water piping shall be fabricated from material that is non-toxic, durable and impervious.

q) Copper press fittings. Copper press fittings for joining copper water tubing shall have an elastomeric o-ring that forms the joint. The fitting shall be made by pressing the socket joint under pressure in accordance with the manufacturer’s installation requirements and NSF Standard 61.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.340 Use of Joints

a) Clay Sewer Pipe. Joints in vitrified clay pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(f), (g), or (o), if applicable.

b) Concrete Sewer Pipe. Joints in concrete sewer pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.320(f), (g) or (o), if applicable.
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c) Cast Iron Pipe. A joint in cast iron water supply pipe shall be made in accordance with Section 890.320(a) and (b) or shall be a mechanical joint in accordance with ANSI A21.12-71. Joints in cast iron soil pipe shall be made in accordance with Section 890.320(a), (b), (n), (o), or (p).

d) Screw Pipe to Cast Iron. Joints between wrought iron, steel, brass, or copper pipe, and cast iron pipe shall be either caulked or threaded joints which are made as provided in Section 890.320 (a) or (b) and shall be made with proper adaptor fittings.

e) Lead to Cast Iron, Wrought Iron or Steel. Joints between lead and cast iron, wrought iron, or steel pipe shall be made by means of wiped joints to a caulking ferrule, soldering nipple, or brushing as provided in Section 890.320(c).

f) Copper Water Tube. Joints in copper tubing shall be made with cast bronze or wrought copper pressure fittings, properly soldered or brazed, or by means of compression or flared joints as provided in Sections 890.320(d), (e), (h) and (p)(2). Flared joints and compression fittings shall not be installed underground except for water services, water meter yokes and stop box connections.

g) Plastic Pipe. Joints between plastic pipe and non-plastic material shall be made only with an appropriate type adaptor as provided in Section 890.320(l) and 890.330(g).

1) Plastic-Commingling. There shall be no commingling of plastic materials within the same plumbing system except through the use of proper adaptors.

2) Plastic Pipe. Plastic pipe shall not be installed in any tunnel or chase that contains uninsulated hot water, hot air or steam piping which causes the ambient air temperature in the tunnel or chase to exceed 180°F.

method of installation shall be followed.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.350 Unions

Unions may be used in the drainage and venting system when accessibly located above ground. Unions shall be installed in a water supply system within five (5) feet of regulating equipment, water heaters, water conditioning tanks, water conditioning equipment, pumps, and similar equipment which may require service by removal or replacement. Where small equipment may be unscrewed, only one union shall be required.

a) Drainage System. Unions may be used in the trap seal and on the inlet and outlet side of the trap. Unions shall have metal to metal seats except that plastic unions may have plastic to plastic seats.

b) Water Supply System. Unions in the water supply system shall be metal to metal with ground seats, except that plastic to metal unions may utilize durable, non-toxic, impervious gaskets. Unions between copper pipe/tubing and dissimilar metals shall either be made with a brass converter fitting or be made with a dielectric type union.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

SUBPART D: TRAPS AND CLEANOUTS

Section 890.410 Traps

a) Fixture—Traps Continuous Waste. All directly connected plumbing fixtures, except those having integral traps, shall be separately trapped by a water-seal trap, placed as close to the fixture outlet as possible. A kitchen sink with up to three (3) basins may be installed on one trap if one compartment is not more than six (6) inches deeper than the other and the waste outlets are not more than 30 inches apart. (See Appendix D: Illustration A.)

b) Distance of Trap to Fixture. The developed length from the fixture outlet to the trap weir shall not exceed 24 inches, except when an interceptor is used as a trap, it shall be located as close as possible to the fixture. The maximum developed length from the fixture outlet to the inlet of the interceptor shall not exceed five (5) feet. (See Appendix D: Illustration B.) The standpipe inlet for an automatic
c) Trap Size. The size of trap for a fixture shall comply with Appendix A: Table E for minimum size of traps. No trap shall be larger than the fixture drain to which it is connected or the drainage pipe into which it discharges.

d) Type of Traps. Traps shall have a uniform and smooth interior, and shall have no partitions or movable parts. The trap seal shall be non-adjustable. (See Appendix D: Illustration C.)

e) Drum Traps. Drum traps shall be three (3) or four (4) inches in diameter and provided with a fixed water seal of at least two (2) inches. The trap cleanout shall be one size less than the trap diameter.

f) Trap Seal. Each trap shall have a water seal of two (2) inches except where a deeper seal is required to prevent the loss of the trap seal by evaporation. Where loss of the trap seal may occur due to evaporation, one of the following shall be used:

1) Vegetable oil may be added to the trap.

2) A deeper seal not to exceed eight (8) inches may be used.

3) An automatic trap primer may be used.

g) Trap Cleanouts

1) Each fixture trap, except those cast integrally or in combination with fixtures in which the trap seal is readily accessible or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible threaded or cam lock cleanout plug of ample size protected by the water seal. (Exception: See subsection (g)(4) of this Section.) The cleanout plug shall be of brass or other non-corrosive type material. (See Appendix D: Illustration D.)

2) Trap cleanouts shall be made gas and watertight with a threaded cleanout plug and approved washer.

3) When a P-trap is used on a bath waste, it shall be directly below the tub overflow. The overflow shall be fastened to the tub by means other than the face plate.
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4) A P-trap on a plumbing fixture which is not accessible may be installed without a cleanout plug or having a portion of the trap readily removable, provided there is access to a cleanout within three (3) feet of the trap.

h) Trap Level and Protection. Traps shall be set level with respect to their water seals and, where necessary, they shall be protected from freezing.

i) Traps Underground. Underground traps shall be provided with accessible and removable cleanouts, except for separate "P" traps into which floor drains, urinals and other fixtures with removable drain strainers discharge.

j) Building (House) Traps. No trap shall be installed at the base of a soil or waste stack or in a building drain.

k) Prohibited Traps. Use of the following traps is prohibited (see Appendix D: Illustration E):

1) Traps which depend upon the action of movable parts for their seal.

2) Full "S" traps. Exception: Water closet and similar fixtures which depend on self-siphonage for their proper operation.

3) Bell traps.

4) Crown vented traps.

5) Unvented running traps.

6) Fixtures with concealed interior partitioned traps. Exception: Fixtures with integral traps constructed of vitrified earthenware and penal institutional fixtures with integral traps constructed of ferrous material.

l) Double Trapping. No fixture shall be double trapped.

(Source: Amended at 27 Ill. Reg. __________, effective ________________)

SUBPART E: INTERCEPTORS - SEPARATORS AND BACKWATER VALVES
Gas and Oil Interceptors. Commercial vehicle repair garages and gasoline stations with grease racks or pits, storage garages, enclosed parking garages, fire stations, emergency vehicle garages, and all facilities which generate oil and/or flammable waste shall be provided with floor drains or trench drains connected to an approved gas and oil interceptor. Residential garages with floor drains shall have a gas and oil interceptor if they have four (4) or more vehicle bays or exceed 900 square feet in size.

a) Commercial vehicle repair garages, gasoline stations with grease racks or pits, and oil change facilities shall be provided with floor drains or trench drains connected to a gas and oil interceptor. When these facilities are connected to a private sewage disposal system, the floor or trench drains shall be connected to a holding tank in lieu of a gas and oil interceptor in accordance with the Private Sewage Disposal Act and USEPA regulations. Where trench drains are used to carry wastes to a gas and oil interceptor, the trench drain shall either extend the entire length of the work area or shall be installed in each working stall. For all facilities specified in this Section in which floor drains are installed, a minimum of one floor drain per working stall or one floor drain for each 500 square feet shall be installed.

b) Commercial and residential vehicle storage areas greater than 1,000 square feet with floor or trench drains installed shall comply with either Section 890.520(c)(1)(2) or (3). Exception: residential garages with less than 5 vehicle bays are exempted from this requirement.

c) All facilities, other than those specified in subsection (a) of this Section, that generate fuel, oil or flammable waste shall meet one of the following requirements:

1) provide floor drains or trench drains connected to a gas and oil interceptor.

2) provide floor or trench drains connected to a holding tank in lieu of a gas and oil interceptor when these drains are connected to a private sewage disposal system.

3) provide an alternative system approved by the Department. (i.e. an oil reclamation system or containment area).
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a d General Requirements

1) Gas and oil interceptors shall be of cast iron, steel, polyethylene, polymer concrete or equally durable fiberglass materials suitable for gas and oil. fiberglass interceptors shall not be used for receiving any substance other than gas and oil. Poured concrete interceptors are prohibited.

2) Each gas and oil interceptor or basin shall be provided with a heavy metal cover which shall be bolted into place and made gas and water-tight.

3) Each gas and oil interceptor and, if provided with separate compartments, each compartment and basin shall be provided with a vent of at least two (2) 2 inches, which shall extend independently to the outer air. two (2) 2 or more vents may be connected to a header which shall be six (6) 6 inches or higher than the lowest floor drain served.

4) The inlet of the gas and oil interceptor or the first basin shall be trapped except when floor drains are individually trapped.

5) Floor drains above the level of the gas and oil interceptor or basins shall connect to a separate stack vent extending independently to the outer air.

6) Interceptors Gas and oil interceptors must be constructed in accordance with the Illinois State Fire Marshal's rules and regulations for underground storage tanks (41 Ill. Adm. Code 170), where applicable, and shall be maintained to prevent loss of gas, oil, etc. Interceptors Gas and oil interceptors utilizing an automatic draw off feature must install a separate U.L. approved underground storage tank or storage tank integral with the interceptor.

7) Minimum Dimension. Oil Gas and oil interceptors shall have a depth of at least two (2) 2 feet below the invert of the discharge drain.

8) Performance. The gas and oil interceptor shall have at least a 12 inch water seal with a minimum 90 percent efficiency rating or have a minimum of an 18 inch water seal. Gas and oil in the effluent from the gas and oil interceptor or triple basin shall not exceed the levels specified by the sewage treatment authority having jurisdiction, as promulgated by local ordinances and regulations.
9) Trench drains shall be of cast iron, steel, polymer concrete or fiberglass material comparable to schedule 40 PVC. Poured concrete trench drains are prohibited for gas/oil discharges are prohibited.

b) Commercial Requirements. For all commercial facilities specified in this Section, a minimum of one (1) floor drain per working stall or one (1) floor drain for each 500 square feet shall be installed. Where trench drains are used to carry wastes to the gas/oil interceptor, the trench drain shall either extend the entire length of the work (stall) area or shall be installed in each working stall. Continuous trench drains shall have a trapped and vented opening no less than every 40 lineal feet. Intermittent trench drains shall be treated as individual floor drains and shall meet the trap and venting requirements for floor drains. Floor drains for such areas shall be provided with an interceptor or a series of three (3) basins before discharging into the building drainage system.

e) Aircraft hangars used exclusively for the storage of aircraft shall be exempt from the provisions of this Section under the following conditions:

1) No operation of aircraft or maintenance of any kind, including, but not limited to, mechanical work upon an aircraft, fueling of aircraft, oiling or lubricating aircraft, or washing of an aircraft, may be performed in the hangar.

2) No oil, gasoline, or flammable materials of any kind, may be stored in the hanger.

3) The hangar shall not be provided with floor drains or trench drains.

4) The hangar shall not contain drains of any kind which are connected to a public sewer/private sewage disposal system/holding tank.

5) In lieu of the above, aircraft storage hangars may install floor drains or trench drains that comply with the requirements of Section 890.520.

e) f) Sizing

1) Motor Vehicle Servicing. Interceptors are required for motor vehicle servicing areas. The minimum size interceptor shall be six (6) cubic feet (45 gallons) for the first 100 square feet of garage floor area plus one (1) cubic foot for each additional 100 square feet to be drained into the interceptor. (One (1) cubic foot equals seven and one half (7 ½) gallons.)
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The minimum size interceptor for all facilities required to comply with this Section, shall be 6 cubic feet (45 gallons) for the first 500 square feet of floor area plus 1 cubic foot per each additional 500 square feet to be drained into the interceptor.

2) The minimum size interceptor for all facilities, except those facilities required to conform to subsection (e) of this Section, shall be six (6) cubic feet (45 gallons) for the first 3,000 gross square feet plus one (1) cubic foot per each additional 1,000 square feet to be drained into the interceptor. Floor area for parking decks or garages shall be determined by the gross square feet of the parking spaces.

d) Catch Basins. In all motor vehicle wash racks, drainage shall discharge into a watertight catch basin at least 36 inches in diameter, or three (3) feet by two and one-half (2 ½) feet (rectangular shape). The bottom shall not be less than 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be cast iron or schedule 40 plastic with a seal of at least six (6) inches and a cleanout of at least four (4) inches.

e) Interceptor for Special Waste. Before installing any interceptor for any other flammable or special wastes, a drawing including all pertinent information shall be submitted to the Department for its approval.

(Source: Amended at 27 Ill. Reg. __________, effective _________________)

Section 890.530 Sand, Bottle and Slaughter Houses Special Waste Interceptors

a) Catch Basins. In all motor vehicle wash racks, drainage shall discharge into a watertight catch basin at least 36 inches in diameter, or 3 feet by 2 ½ feet (rectangular shape). The bottom shall not be less than 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be constructed of cast iron or schedule 40 plastic with a seal of at least 6 inches in diameter and a cleanout of at least 4 inches in diameter.

b) Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent materials detrimental to the sewage system from passing into the system. (See Appendix E: Illustration E.)
c) Sand, bottle and slaughter houses that produce wastes that will either settle or float (Example: oil or grease from meat packing operations, bottling establishments, heavy solids, etc.) shall have an interceptor installed which complies with Section 890.510(a). (See Appendix E: Illustration D.)

d) Interceptor for Special Waste. Before installing any interceptor for any other flammable or special wastes, a drawing including all pertinent information shall be submitted to the Department for approval.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.540 Laundries (Repealed)

Interceptors. Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent materials detrimental to the sewage system from passing into the system. (See Appendix E: Illustration E.)

(Source: Repealed at 27 Ill. Reg. ___________, effective ______________________)

Section 890.550 Backwater Valves - Sanitary System and Storm System (Repealed)

Backwater valves shall be installed in the building storm drain or the building drain to prevent backflow into the building, where backflow of storm water or sewage could occur.

a) Fixture Branches. Backwater valves may be installed in the branches of the building drain which are below grade.

b) Diameter. Backwater valves, when fully opened, shall have a capacity at least that of the pipes in which they are installed.

c) Location. Backwater valves shall be installed to be accessible. (See Appendix E: Illustration F.)


e) Backwater valves shall have all bearing parts of corrosion resistant material.

(Source: Repealed at 27 Ill. Reg. ___________, effective ______________________)

SUBPART F: PLUMBING FIXTURES
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Section 890.630 Installation

a) Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning.

b) Securing Fixtures. Floor outlet or wall hung fixtures shall be secured by screws or bolts of copper, brass, or other equally durable corrosion resistant materials.

c) Wall-Hung Bowls Fixtures. Wall-hung water closet and urinal bowls fixtures shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.

d) Setting. Plumbing fixtures and traps shall be set level and in a true alignment.

e) Water Supply Connection. Hot and cold, tempered and cold, or only tempered water shall be supplied to all plumbing fixtures which need or that are designed for hot and cold, tempered and cold, or tempered water. All mixing faucets and single lever faucets shall have both hot or tempered water connected to them with the hot or tempered water supply on the left side of the faucet. Further, no mixing faucet of standard manufacture shall be allowed that will permit internal modification for cross piping of hot or tempered and cold water connections. The cross piping of hot or tempered and cold water to a mixing faucet by internal modification of the faucet shall not be allowed. Each lavatory and sink faucet shall have supply pipes which are accessible.

f) Improper Location. Piping, fixtures, or equipment shall not be located or installed in such a manner as to interfere with the normal operation of windows, doors, or other exit openings. Plumbing fixtures shall be installed in an area where there is sufficient room for the fixture to be used for its intended purpose.

g) Where plumbing is installed it shall meet the requirements of the "Illinois Accessibility Code" (71 Ill. Adm. Code 400).

h) Surrounding Materials. Where water closets or urinals are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the water closet or urinal, and extending from the back of the water closet or urinal to the wall, shall be of non-absorbent material.

i) A hot water heater thermostat shall not be an acceptable alternative water
temperature control device.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.640 Prohibited Fixtures

a) Drinking fountains shall not be installed in public toilet rooms.

b) Fixed wooden, concrete, cement or tile wash trays or sinks used for food preparation, utensil washing or hand washing shall not be installed in any restaurant food service establishment or commercial food establishment.

c) Bathtub liners/inserts are prohibited unless all of the following conditions are met:

1) Bathtub liners/inserts must be manufactured to an exact fit over existing bathtubs or be custom fabricated according to the dimensions of an existing bathtub;

2) The floor (bottom surface) of the liner/insert must have a slip resistant surface; and

3) The bathtub liner/insert must be manufactured/fabricated from high impact plexiglass/ABS or acrylic/plastic material complying with ANSI Z124.8-1990 or from porcelain enameled formed steel complying with ASME/ANSI A112.19.4M-1984 1994.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.650 Water Closets

a) Public Use.

1) Water closet bowls for public use shall be the elongated type and the seat shall be an antimicrobial plastic open-front seat. Exception: Water closet bowls for public use may have closed front seats provided the seat is encased with a continuous plastic sleeve capable of providing a clean surface for every user.

2) The activating handle, button or mechanism of the flush valve shall be at least 22 inches above the overflow rim of the bowl and not more than 10
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44 inches above the floor. Exception: The activating handle, button or mechanism for water closets installed to meet the "Illinois Accessibility Code" shall be at least ten (10) inches above the overflow rim of the bowl.


4) In schools that are not licensed by the Illinois Department of Children and Family Services as day care centers or homes, water closets provided for the use of children under five (5) years of age shall be of size and height suitable for children's use, either child or juvenile type in accordance with ASME/ANSI A112.19.2M-1990.

5) Water closets designed for institutional use may be used in intensive care facilities and intensive coronary care facilities provided the water closet swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture. The plans and specifications shall be submitted to the Department for approval prior to installation, and such approval shall be in writing from the Department provided the above requirements are met.

b) Water Closet Tanks. Water closet tanks shall have a volume sufficient to properly flush the water closet bowls with which they are connected.

c) Ball cocks. Ball cocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.

d) Flushing Device. The flush valve seat in all water closet tanks shall be one (1) inch or more above the flood level rim of the water closet bowl, with the exception of one-piece water closets in accordance with ASME/ANSI A112.19.2M-1990.

e) Flushometer Valve. Flushometer valves shall comply with ANSI/ASSE 1037-1990. Flushometer valves shall be installed so that they are readily accessible for repair. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing completely under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be
provided for regulating flush valve flow. Protection against backflow shall be provided by an approved vacuum breaker installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) 4 inches above the overflow rim of the bowl (See Section 890.1140(a) and (b)). Not more than one water closet shall be served by a single flushometer valve.

f) Seats. Water closets shall be equipped with seats of smooth non-absorbent material. All seats of water closets provided for public use shall be an antimicrobial plastic material and an open-front style, except closed-front seats may be provided if the seat is encased with a continuous plastic sleeve ensuring a clean surface for every user. No water closet seat shall be more than one and one-half (1 ½) inches thick. Exception: Facilities for the physically disabled shall comply with the "Illinois Accessibility Code."

g) A flushometer tank (or pressurized flushometer valve in accordance with ANSI/ASSE 1037-1990) shall be used only with a water closet bowl specifically designed for that type tank/flushing device (i.e., in accordance with ASME/ANSI A112.19.2M-1990 1998) and where the flow pressure at the fixture meets the manufacturer's minimum recommendations.

h) Water closets which rely on substances other than water for proper operation shall comply with requirements of the "Private Sewage Disposal Code" (77 Ill. Adm. Code 905). Privies and chemical toilets shall not be used inside any building.

i) Bidet. A bidet shall be equipped with hot and cold water, tempered and cold or tempered water only. An atmospheric vacuum breaker shall be installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) 4 inches above the overflow rim of the bidet.

j) Prohibited Water Closets. Hopper-style water closets and water closets with concealed couplings or submerged side inlets are prohibited. (See Appendix F: Illustration A.)

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.680 Lavatories
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a) Waste Outlets. Wastes shall have a strainer or stopper and have a waste outlet at least one and one-quarter (1 1/4) inches in diameter.

b) Lavatory Faucets. All lavatory faucets shall have air gaps as specified in Appendix A: Table C.

c) When metering self-closing faucets are located on lavatories in public restrooms, they shall be adjusted to remain open for a minimum of 15 seconds, have a 0.5 gpm flow restrictor and shall comply with the water consumption requirements of Appendix A: Table C.

d) Fixture Calculation. Eighteen (18) lineal inches of wash sink or eighteen (18) inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory. (See Appendix F: Illustration B.)

e) Water Temperature. All lavatory faucets for public use shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990 or 1017-1990 in accordance with Section 890.210, and shall be adjusted to a maximum setting of 115°F, at the time of installation. Exception: Units constructed in accordance with Section 890.1220 (a) (10) (B) may be used in lieu of a automatic safety water mixing device to provide hot or tempered water to public lavatories.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________)

Section 890.690 Shower Receptors and Compartments

a) Shower Installation. All shower compartments, except those built directly on a slab floor or having receptors constructed of precast stone, terrazzo, concrete, molded stone, or molded fiberglass, or an equally durable material such as cultured stone or synthetic stone, shall have a lead, copper, ABS, PVC or fiberglass shower pan. (See Section 890.220 entitled Safe Pans) All sides of the shower pan shall turn up at least two (2) inches above the finished shower floor level. Precast molded receptors shall have a minimum of a one-quarter (1/4) inch.
inch thick flange. Traps shall be constructed so that the pan is fastened to the trap at the seepage entrance, making a water-tight joint between the pan and the trap. Shower receptacle waste outlets shall be at least two (2) inches in diameter and have a removable strainer.

b) Water Temperature Safety. All shower compartments and shower-bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic, pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990 and ANSI/ASSE 1017-1998 in accordance with Section 890.210. The automatic safety water mixing device shall be designed with a maximum handle rotation limit/stop, or comply with ASSE 1017-1998 in accordance with Section 890.210. The automatic safety water mixing device shall be adjusted to a maximum setting of one hundred fifteen (115) degrees F. at the time of installation. The temperature of mixed water provided to multi-shower units or gang showers shall be controlled by a master automatic safety water mixing device or the mixed water temperature for such showers shall be individually regulated by automatic safety mixing valves for each shower unit. A hot water heater thermostat shall not be an acceptable alternative water temperature control device.

c) Dimensions. Single family shower compartments or stalls shall have at least 1,024 square inches outside dimension (O.D.) floor area and shall be at least 32 inches in shortest outside dimension. All other shower compartments or stalls shall have no less than 1,296 square inches outside dimension floor area and shall be at least 32 inches in shortest outside dimension.

d) Materials. Shower walls shall be constructed of durable, smooth, non-absorbent, non-corrosive, and waterproof materials, such as fiberglass, enameled metal, plastic sheeting, etc. All shower compartments or stalls shall have a slip resistant floor (bottom) surface.

e) Public or Institution Showers. Floors of public shower rooms shall be drained so that no waste water from any bather will pass over areas occupied by other bathers. This will not prohibit the use of column showers.

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.700 Sinks
Waste Outlets. Kitchen sinks shall be provided with waste outlets at least one and one-half (1 1/2) inches in diameter. Other special purpose sinks such as bar sinks, lab sinks, and dipper wells may have smaller waste outlets. Waste outlets shall be of the flat or basket (cup) strainer type. No special use sink shall be substituted for kitchen purposes.

Food Grinders. Sinks in which food grinders are installed shall have a waste opening inlet for the food grinder at least three and one-half (3 1/2) inches in diameter.

No special purpose sink shall be substituted for kitchen purposes.

Installation. Food waste disposal units shall be trapped separately from any other fixture or compartment, shall be connected directly to the sanitary drainage system, and shall be properly vented. Dishwashers shall not discharge into food waste disposal units. Units may have either automatic or hand-operated water supply control. (See Sections 890.1130(a), (b) and (c).)

Commercial-Type Grinders. Commercial-type food grinders shall be provided with a waste line at least two (2) inches in diameter. (See Appendix F: Illustrations C and D.)

Design and Construction. Drinking fountains shall conform to the standard Specifications for Drinking Fountains (ARI 1010-1985 or ASME/ANSI A.112.19.2M-1990). No modification of the mouth guard or nozzle shall be made. (See Appendix F: Illustration E.)

Protection of the Water Supply.

1) All drinking fountain nozzles, including those which may at times extend through a water surface, with an orifice not greater than seven-sixteenths
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(7/16 or 0.440) 7/16 of 0.440 of an inch diameter or 0.150 square inches area, shall be placed so that the lower edge of the nozzle orifice is at an elevation at least three quarters (3/4) 3/4 of an inch above the flood level rim of the receptacle.

2) The three-quarter (3/4) 3/4 inch elevation shall also apply to nozzles with more than one orifice, provided that the sum of the area of all orifices shall not exceed the area of a circle seven sixteenths (7/16) 7/16 of an inch in diameter or shall not exceed 0.150 square inches area.

3) The nozzle shall be set at an angle from vertical such as to prevent the return of water in the jet to the orifice.

c) Material. The fountain shall be constructed of impervious materials such as vitreous china, porcelain, enameled cast iron, stainless steel, or other metals or stoneware. (See Section 890.610.)

d) Flow Regulator. The water supply for the drinking fountain shall be provided with an adjustable valve fitted with a loose key stop or an automatic valve regulating the rate of flow of water through the fountain so that the valve manipulated by the user of the fountain will merely turn the water on or off.

e) Installation and Location. Drinking fountains shall not be installed as an integral part of or connected to any other plumbing fixture, such as a lavatory or sink, nor shall a drinking fountain be installed in a restroom or toilet room, except those in correctional facilities.

f) Substitution. Whenever a drinking fountain is required by this Part, bottled drinking water or a water dispensing faucet (water station) may be substituted for a drinking fountain, provided it is readily drinking water is accessible to the public. When bottled drinking water is provided in lieu of a drinking fountain, the bottled water used must be commercially sealed in accordance with the Bottled Water Act (Ill. Rev. Stat. 1991, ch. 111 ½, par. 121.100 et seq) [815 ILCS 310] or must comply with the Department's "Public Area Sanitary Practice Code" (77 Ill. Adm. Code 895).

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.730 Floor Drains/Trench Drains
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a) Trap and Strainer. Floor drains shall be trapped and have a minimum water seal of two (2) inches, and shall be provided with a removable strainer. The open area of the strainer shall be at least two thirds (2/3) of the area of the drain line to which it connects. (See Appendix F: Illustration F.)

b) Trench drains for gas or oil discharges shall be constructed of cast iron, steel, polymer concrete, fiberglass or Schedule 40 PVC material. Continuous trench drains for gas or oil discharges shall have a trapped and vented opening no less than every 40 lineal feet. Intermittent trench drains shall be treated as individual floor drains and shall meet the trap and venting requirements for floor drains.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.740 Kidney Dialysis Machines

a) Water Supply Inlet. The water supply inlet to kidney dialysis equipment shall have a reduced pressure principle backflow preventer assembly conforming with ASSE 1013-1988 or a fixed air gap.

1) A portable dialysis unit or machine must have a reduced pressure principle backflow preventer assembly installed on the water supply inlet on the unit.

2) Stationary dialysis equipment within a facility shall require, at the filter room or the dialysis machines, a reduced pressure principle backflow preventer assembly on the water supply or a water supply with a fixed air gap.

3) Dialysis equipment shall be installed in accordance with this Part and the manufacturers’ specifications. Any conflicts shall be submitted to the Department for resolution.

b) The water supply to a dialysis reuse room or dialysis machine repair room shall be isolated from all other deionized (D.I.) or reverse osmosis (R.O.) water lines by an RPZ or an air gap.

c) A sign no smaller than 8" X 10" with the wording “This Water For Dialysis Only” shall be placed above a sink with deionized (D.I.) water or reverse osmosis (R.O.) water supplied to the faucet.
b) Discharge. The discharge for each dialysis unit or machine, portable or stationary, shall be provided with an individual indirect waste connection to the sanitary drainage system. Each stand pipe shall be individually trapped and vented.

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.745 Dental Units

a) A reduced pressure principle backflow preventer assembly conforming to A.S.S.E. 013-1999, or a fixed air gap, shall be installed on each dental unit or group of dental units.

b) Dental vacuum systems connected to the water supply shall be provided with backflow protection.

(Source: Added at 27 Ill. Reg. __________, effective ______________________)

Section 890.750 Whirlpool Bathtubs

a) Whirlpool bathtubs shall be installed so that the tub, pump, jets and pump tubing drain completely after each use. The pump shall be located above the weir of the whirlpool tub trap.


(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.790 Laundry Trays/Sinks and Drains

a) Waste openings. Each compartment of a laundry tray shall be provided with a waste opening at least one and one half (1 1/2) 1 1/2 inches in diameter and with a stopper or strainer.

b) Commercial Laundry Drains. Commercial laundry machines shall discharge
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individually into a trapped and vented outlet or may discharge into a trapped and vented trench drain. (Also see Section 890.540 890.530 (b), which requires all commercial laundries to have a lint separator/interceptor.

c) All laundry/washer boxes shall have a minimum of a 2 inch drain that is properly trapped and vented. See Section 890.410(b).

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.800 Special Fixtures and/or Items Designed for a Particular Purpose

a) Emergency showers and eye wash stations within a building shall be provided with potable water and a trapped and vented receptor and shall comply with ANSI standard Z358-1-1998.

b) Emergency eye wash stations shall not be installed on a faucet spout.

c) Baptistries, ornamental and lily ponds, aquariums, ornamental fountain basins, and similar type constructions, when provided with water supplied from the potable water system, shall be protected from back-siphonage as required in Section 890.1130(f).

d) Approval. A request for permission to install special fixtures and/or items designed for a particular purpose requiring water and waste connections not otherwise provided for in this Part shall be submitted, in writing, to the Department for approval prior to installation.

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.810 Minimum Number of Plumbing Fixtures

a) Minimum Number of Fixtures Required. Plumbing fixtures shall be provided, for each building type and occupant load, in the minimum numbers shown in Appendix A, Table B, "Minimum Number of Plumbing Fixtures", except as noted in footnote 2. Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required. The Department's decision shall be in writing based on Appendix A, Table B.
1) Building Classification. For purposes of this Part, buildings shall be classified according to the types shown in Appendix A, Table B. Buildings that incorporate more than one type of building use or occupancy, as classified by the Department, shall provide the combined numbers of fixtures required for the individual uses. For example, a building that serves as both a restaurant food service establishment and office building shall provide the minimum numbers of plumbing fixtures required for that portion operating as a restaurant food service establishment plus the number of fixtures required for the office space.

2) Occupant Load. For those building types where the minimum number of plumbing fixtures required in Appendix A, Table B, is dependent upon the building's occupant load, such occupant load shall be the estimated total occupant load. Where the building's occupant load is not known or determinable, the following shall be used to estimate the total occupant load:

A) In assembly places (sports arenas, stadiums, convention centers, theaters, auditoriums, gymnasiums, or other facilities for spectator events); worship places and funeral homes; schools; office buildings; restaurant food service establishments; and mercantile units, the total occupant load (employees and public users of the facility) shall be based on the capacity of the rooms or spaces used for assembly purposes or other intended occupancy, and shall be determined as follows:

i) In rooms or spaces with fixed seating, the occupant load shall be the actual number of seats provided. When no divisions between seats are provided (e.g., benches or pews), fixed seating shall be computed assuming 18 inches per person.

ii) In rooms or spaces without fixed seating, the occupant load shall be determined by dividing the gross floor area by the estimated floor area per person shown in the following table:

<table>
<thead>
<tr>
<th>Building Type or Occupancy</th>
<th>Floor Area per Person (Sq. Ft.)</th>
</tr>
</thead>
</table>


Assembly Places - Facilities for Spectator Events; Worship Places and Funeral Homes 15
Museums, Libraries, Exhibition Areas and Similar Uses 40
Schools 50
Day Care Centers 70
Office Buildings 200
Restaurants, Food Service Establishments, Clubs, Taverns, and Other Eating/Drinking Facilities 30
Mercantile Units, Except Grocery Stores, Auction Houses, Sale Barns, Car Auction Centers, and other similar Mercantile Units
- First Floor 100
- All Other Floors 120
Combination Grocery Store/Non-Grocery Mercantile Units 150
Mercantile Units such as Auction Houses, Sale Barns, Car Auction Centers, and other similar mercantile units 40
Grocery Stores 200
Storage/Shipping Area 400
Power Plants/Industrial Units 500

iii) For a drive-in restaurant food service establishment, the occupant load shall be considered as equal to the number of parking stalls.

B) Dormitories and Institutions. For dormitories, penal institutions and other residential institutions other than hospitals, the total occupant load shall be based upon the number of beds in the dormitory or institution.

C) Restroom Location and Requirements

The required number of plumbing fixtures for a restroom shall be located within the restroom area and not in the hallways or vestibules. Lavatories required by Appendix A, Table B shall be installed in restrooms at a ratio of not less than one lavatory per 2 water closets or urinals (See Footnote 2, Appendix A, Table B)

b) Required Restroom Facilities and Drinking Fountains
1) Employee Restrooms and Drinking Fountains

A) Restroom facilities and drinking fountains shall be provided for all employees within each place of employment. The minimum numbers of fixtures provided shall be based on the maximum number of male and female employees working at any one time, as shown in Appendix A, Table B. (The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Appendix A, Table B, entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other buildings/facilities that do not appear in Appendix A, Table B.)

i) If there are more than five (5) employees working at any one time, separate restrooms for men and women shall be provided.

ii) If there are no more than five (5) employees working at any time, one (1) restroom may serve both sexes. A restroom must have a minimum of one (1) water closet and one (1) lavatory.

iii) Location. For schools, day care centers and office buildings, the employee restrooms and drinking fountains shall be located on the same floor or one floor above or below each location where employees regularly work.

iv) Individual businesses within the same building or within an enclosed mall, may share public/employee restroom facilities, provided the access to the restrooms does not require trespass on adjoining business or leased space. The restrooms must be designed for the combined occupant load of the individual businesses served, be open at all times when any individual business is open, and be located no more than 300 feet from the entrance of each business served. Exception: Any food service establishment which sells or serves food or beverages to be consumed on its premises or
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within the building/mall must be located no more than 100 feet from the shared public/employee restrooms and must be on the same floor.

Kiosks, which are free standing places of employment located in the aisle of a mall or another building, that have five (5) or less employees at any time who have access to public restrooms and a drinking fountain located inside the same building within 300 feet of the kiosk, shall not be required to have employee restroom facilities or a drinking fountain.

B) If public restrooms and drinking fountains are also required for the building type, employees may share the restrooms and drinking fountain(s) with the public, provided the numbers of fixtures are sufficient for the combined numbers of males and females and the restrooms and drinking fountain(s) are provided within the place of employment (and within the required location for schools, day care centers and office buildings).

C) Buildings Under Construction. For temporary buildings or buildings under construction which are not yet occupied for their intended purpose, sanitary facilities (including toileting and handwashing facilities) shall be provided for the convenience of all workers.

i) Toileting facilities provided shall be enclosed and shall be discharged into a sanitary sewer. In lieu of connecting to a sewer, the sanitary facility provided shall be a portable, enclosed, chemically-treated, tank-tight unit.

ii) Toileting facilities (water flush type or non-sewered units) shall be provided for employees at construction work sites; however, separate toileting facilities need not be provided for males and females if individual portable units are used. Toileting facilities shall be provided as follows: for one (1) through 200 employees, one (1) toilet facility shall be provided for every 40 employees or fraction thereof; for over 200 employees, one toilet facility shall be added for every 50 employees or fraction thereof. Agricultural work
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places with ten (10) or more employees shall provide toilet facilities in compliance with the Department's rules entitled "Field Sanitation Code" (77 Ill. Adm. Code 910).

iii) All non-sewered units shall be pumped regularly to assure adequate working facilities.

2) Public Restrooms and Drinking Fountains

A) General Requirements.

i) Buildings with 5,000 square feet gross area or more to be used by the public shall provide public restrooms and drinking fountains as shown in Appendix A, Table B. Buildings, other than those exceptions in subsection (b)(2)(B) of this Section, with less than 5,000 square feet gross area to be used by the public need not provide public restrooms or drinking fountains. Buildings with 5,000 square feet of gross public area or with occupancies of 100 or more persons, shall provide public restrooms and drinking fountains as shown in Appendix A, Table B. Buildings other than those exceptions in subsection (b)(2)(B) of this Section, with less than 5,000 square feet of gross public area, or with occupancies of less than 100 persons, need not provide public restrooms and drinking fountains.

ii) Individual businesses within the same building, e.g., retail stores or within an enclosed mall, may share public/employee restroom facilities, provided the access to the restrooms does not require trespass on adjoining business or leased space. The restrooms must be designated for the combined occupant load of the individual businesses served, be always open when any individual business is open, or when employees are present, and be not located no more than 300 feet from the entrance of any business served. Exception: Any restaurant food service establishment which sells food or beverage to be consumed on its premises or within the building/mall must be located no more than 100
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feet from the shared public/employee restrooms and must be on the same floor.

iii) Where public restroom facilities are required by this Part, separate facilities for males and females shall be provided. If additional public restroom facilities are provided in excess of the minimum requirements of this Part, one restroom may serve both males and females; however, that restroom shall not have more than one (1) water closet and one (1) lavatory. They shall comply with the following:
One restroom may serve both males and females; however, that restroom shall not have more than one water closet and one lavatory, and the option of one urinal.
For each additional 2 water closets or urinals installed in a restroom, one additional lavatory must be installed in that restroom.

iv) Where public restroom facilities are required by this Part; they shall be accessible to the public and plumbing is installed it shall meet the requirements of the "Illinois Accessibility Code" (71 Ill. Adm. Code 400). Where plumbing fixtures are installed for the physically disabled, such plumbing and plumbing fixtures shall comply with the "Illinois Accessibility Code".

B) Additional Requirements for Special Building Types

i) All restaurants food service establishments which that sell or serve food or beverage to be consumed on the premises (regardless of their gross area) shall provide readily accessible restroom facilities for the public. If such public restrooms are not provided within the premises of the restaurant food service establishment, they shall be located within the same building, on the same floor/level and within 100 feet of an entrance to the restaurant food service establishment; and they shall be available for public use at all times that the restaurant food service establishment is open. Exception: Restaurants Food service establishments with no more than ten (10) combined employees and seats (for
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patrons) at any one time need not provide public restrooms, provided the employee restroom(s) is (are) accessible and made available to the public.

ii) All businesses selling motor vehicle fuel to the public (regardless of their gross area) shall provide at least one public restroom for male use and one public restroom for female use. Exception: Facilities that do not have any employees working as attendants during any part of a twenty-four (24) hour period and sell only motor fuel to the public using automated machines need not provide male/female public restrooms or drinking fountains. There shall be, however, one (1) employee restroom for use by maintenance staff when such personnel is present.

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)

Section 890.820 Outside Kiosks Serving Food

a) General Plumbing. All plumbing shall be sized, installed and maintained in accordance with applicable provisions of this Part.

b) General Restrooms. Restrooms for employees shall be provided and accessible to employees at all times. If a restroom is not located within the building, then there shall be an accessible and available restroom within 300 feet of the building.

(Source: Added at 27 Ill. Reg. __________, effective ______________________)

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Section 890.930 Horizontal Piping

a) Support. Horizontal piping shall be supported at sufficiently close intervals to keep the piping in alignment and prevent sagging. (See Appendix G: Illustration C.)

b) Cast Iron Soil Pipe. Where joints occur, suspended cast iron pipe shall be supported within 18 inches of each hub or joint and at not more than five (5) foot intervals; however, pipe exceeding five (5) feet in length may be supported at not more than ten (10) foot intervals. Hubless or compression gasket joints must be
supported at least at every other joint except that when the developed length between hubless or compression gasket joints exceeds four (4) feet, supports shall be provided at each joint. Supports shall be placed on or immediately adjacent to the joint. Suspended pipes shall be braced to prevent horizontal movement. (See Appendix G: Illustration D.)

(c) Threaded Pipe. Threaded pipe one and one-half (1 1/2) inches and larger shall be supported at least at 12 foot intervals; smaller pipe (e.g., one and one-quarter (1 1/4) inch pipe) shall be supported at least at eight (8) foot intervals. Supports shall be of ferrous material.

d) Copper Tube. Hard drawn copper tube shall be supported at least every eight (8) feet for one (1) inch and smaller tube, and at ten (10) foot intervals for larger sizes. Annealed copper tubing shall be supported at least every eight (8) feet. Supports shall be of copper material or other material of sufficient strength to support the tubing and which will not react with copper piping material.

e) Lead Pipe. Lead pipe shall be supported for its entire length. Supports in contact with the pipe shall be of lead or softer material.

f) Plastic Pipe. Hangers and straps shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe. Wire pipe hooks shall not be used to support plastic pipe. Restraining joints and expansion joints shall be installed as required. All horizontal piping shall be supported at intervals of not more than four (4) 4 feet, and at ends of branches, and at changes of direction or elevation. Trap arms in excess of three (3) feet shall be supported as close as possible to the trap.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________)

SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Section 890.1010 Indirect Waste Piping

a) Food and Beverage Handling. Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers and other similar fixtures shall have their drain lines indirectly discharged to a proper receptor. The only exception shall be when such fixtures are located
adjacent to a floor drain. The waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by this Part (see Appendix H: Illustrations A and B), and the floor drain is located within four (4) 4 feet horizontally of the fixtures and in the same room. In the case of direct connection, no other fixture waste shall be connected between the floor drain trap and the fixture protected. All indirect waste shall discharge to a vented trap located as close as possible to the fixture and in the same room (See Appendix H: Illustrations C and D).

b) Connection. Indirect waste connections shall be provided for drains, overflows, and relief valves from the water supply system. (See Appendix H: Illustration E.) A clear water waste shall discharge through an indirect waste into a sanitary or storm drain system located on the same floor.

c) Sterile Materials. Stillst, sterilizers and other appliances, fixtures, devices and water and waste connections used for preparation of sterile material shall be indirectly discharged to the drainage system.

d) Swimming Pools. Piping carrying backwash or other washwater from a swimming pool filter shall be installed as an indirect waste to the building drain or building sanitary waste system. Piping utilized to drain water from the pool proper, such as the main drain waste and gutter waste, shall be installed as an indirect waste to a storm sewer. Piping utilized for carrying wastewater from deck drains around a pool shall be installed as an indirect waste to the storm or sanitary sewer when the deck drains toward the pool. When backwash or other waste water from a swimming pool filter discharges to the sanitary waste system it shall be indirectly wasted. When deck drains around a pool discharge to the sanitary waste system they shall be indirectly wasted.

e) Clear Water Wastes. Water lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans, or similar devices which discharge clear water only shall discharge indirectly into a building storm drain, building drain or building sewer, located on the same floor.

f) Fire Sprinkler Systems. The relief valve (port) of a backflow device located on a fire sprinkler system which contains an additive shall drain indirectly to the building drain.

g) Cleaning. Indirect waste piping shall be so installed as to permit access for flushing
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and cleaning.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.1030  Length and Grade

a) Maximum Length. The maximum developed length of the indirect waste of any sanitary waste line shall not exceed five (5) feet. The maximum developed length of any indirect clear-water waste shall not exceed 15 feet.

b) Maximum Grade. Indirect waste pipes shall be installed at a uniform grade, in compliance with Section 890.1320(f), (g) and (h).

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.1050  Receptors

a) Installation. Receptors serving indirect waste pipes shall be trapped and vented and shall not be installed in any concealed, in accessible or unventilated space, and shall be sized to prevent overflow.

b) Strainers and Baskets. A receptor shall be equipped with either a readily removable basket over which the indirect waste pipe shall discharge or the indirect waste receptor shall be equipped with a strainer. The basket or receptor shall be constructed of approved material for the waste that will discharge into it.

c) Splashing. All plumbing receptors receiving the discharge of indirect waste pipes shall be of such design and capacity as to prevent splashing or flooding under normal conditions. No plumbing fixtures with potable water connected to them, except service sinks, shall be used to receive the discharge of an indirect clear water waste pipe.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section 890.1130  Protection of Potable Water

a) Cross Connection (Submergence). Potable water supply piping and water discharge
outlets shall not be submerged in any sewage or toxic substance. Where potable water supply piping or water discharge outlets are submerged in other substances, they shall be provided with backflow protection as listed in Section 890.1140(f).
(See Appendix I: Illustrations A, B and C.)

b) Approval of Devices and Maintenance. All devices for the prevention of backflow or back siphonage shall comply with the standard listed in Appendix A, Table A, "Approved Standards for Plumbing Appliances/Appurtenances/Devices". Each double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, and reduced pressure principle backflow preventer assembly (RPZ) shall be tested in-line and approved by a cross-connection control device inspector before being placed into service. Such backflow preventers (DCVs, double check backflow preventer with intermediate atmospheric vent assemblies, and RPZs) installed in a potable water supply system shall be tested and maintained at least annually by a cross-connection control device inspector, and records to verify testing and maintenance shall be available at the site of the installation of the device or at other approved locations. (See Section 890.1130(g)(5).) Approval of Devices and Maintenance. All devices and assemblies for the prevention of backflow shall comply with the standards listed in Appendix A, Table A of this Part. All reduced pressure principle (RP), reduced pressure detector (RPDA), double check (DCA) and double check detector (DCDA) backflow prevention assemblies shall be tested and approved by a Cross-Connection Control Device Inspector (CCCDI) before initial operation, and at least annually thereafter. Records to verify testing and maintenance shall be available at the site of the installation.

c) Backflow. The water distribution system shall be protected against back siphonage and backflow. Each water outlet shall be protected from back siphonage and/or backflow by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a minimum fixed air gap. Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessible backflow prevention device (e.g., a vacuum breaker or backflow preventer) complying with applicable standards, or assembly in accordance with 890.1130 (f) or 890.1140.

d) Fire Safety Systems. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:

1) A fire safety system that does not have chemical additives or a method of
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supplying chemical additives to the system, does not have any non-potable connection, does not have a fire department hose (siamese) connection, and has less than five (5) sprinkler heads shall be separated from the potable water supply system by a double check valve backflow preventer assembly. **Backflow protection is not required for fire safety systems constructed as follows:**

A) The system shall be looped, with no dead ends, to allow circulation, to prevent the stagnation of water in the line;

B) **Does not have any non-potable connections, or a fire department hose (siamese) connection;**

C) Has less than 20 sprinkler heads; and

D) **Is constructed of potable water supply quality pipe in accordance with Appendix A Table A of this Part.**

2) A double detector check valve or **double check valve** backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when a fire safety system has no chemical additives or non-potable connection, but has **one** (1) one or more fire department hose connections (for boosting pressure and flow to the fire safety system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply:

A) A fire safety system has no chemical additives, non-potable connection or fire department hose connection (but has five (5) or more sprinkler heads); or

B) A fire safety system has no chemical additives or non-potable connection, but has one (1) or more fire department hose connections (for boosting pressure and flow to the fire safety system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply:
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3) A fixed air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer assembly (RPZ) shall be installed at the fire safety system's point of connection to the potable water supply when:

A) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or

B) Non-potable water flows into the fire safety system by gravity; or

C) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or

D) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)

e) Prohibited Connections.

1) Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1140(a).

2) Chemical or Petroleum Pressure Vessels. There shall be no direct connection between any potable water supply and any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals. Where it is necessary to discharge from a potable water line to such a vessel, such
discharge shall be through a minimum fixed air gap as outlined in Section 890.1140(a). Exception: Chemical pressure vessels containing chemicals used in the water treatment process, for uses other than private purposes, are exempt from the provisions of this subsection.

3) If water under pressure is required, as in subsections (e)(1) and (2) of this Section, it shall be supplied by means of an auxiliary pump taking suction from a tank provided for this purpose only with an overrim supply having the required minimum fixed air gap.

4) Refrigerant Condensers. A potable water line to a single wall refrigerant condenser shall be provided with a backflow preventer complying with ASSE 1012 or 1013.

5) No pipe or fitting of the water supply system shall be drilled or tapped nor shall any band or saddle be used except at the water main in the street. Exception: See Section 890.320(h) for potable water use only.

f) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:

1) Inlet to receptacles containing non-toxic low hazard substances (steam, compressed air, food, beverages, etc.):
   A) fixed air gap fitting;
   B) reduced pressure principle backflow preventer assembly;
   C) atmospheric vacuum breaker unit;
   D) double check valve backflow preventer assembly; or
   E) double check backflow preventer with atmospheric vent assembly.

F) dual check valve
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2) Inlet to receptacles containing toxic high hazard substances of low or moderate toxicity (vats, storage containers, plumbing fixtures, etc.):
   A) fixed air gap fitting;
   B) reduced pressure principle backflow preventer assembly; or
   C) atmospheric vacuum breaker unit.

3) Outlets with hose attachments which may constitute a cross connection:
   A) fixed air gap fitting;
   B) reduced pressure principle backflow preventer assembly; or
   C) atmospheric vacuum breaker unit.

4) Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic high hazard substances:
   A) fixed air gap fitting; or
   B) reduced pressure principle backflow preventer assembly.

5) Direct connections which are subject to back pressure:
   A) Receptacles containing non-toxic low hazard substances (vats, storage containers, plumbing fixtures, etc.):
      i) fixed air gap fitting;
      ii) reduced pressure principle backflow preventer assembly;
      iii) double check valve backflow preventer assembly; or
      iv) double check backflow preventer with atmospheric vent assembly.
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v) dual check valve

B) Receptacles containing toxic high hazard substances of low or moderate toxicity (vats, storage containers, etc.):
   i) fixed air gap fitting; or
   ii) a reduced pressure principle backflow preventer assembly.

6) Inlet to or direct connection with sewage or lethal high hazard substances of high toxicity: fixed air gap fitting.

6) Hose and spray units or stations shall be protected by one of the appropriate devices as indicated below:

A) Fixed air gap:

B) Reduced pressure principle backflow preventer assembly;

C) Double check valve backflow preventer assembly

D) Double check valve backflow preventer with atmospheric vent assembly

E) Dual check valve backflow preventer assembly

F) Atmospheric Vacuum Breaker Unit

g) Installation of Devices.

1) Devices of All Types. Backflow preventers and back siphonage-preventing devices shall be installed so as to allow accessibility, observation, maintenance and replacement services. No backflow preventer assembly shall be installed where it would be subject to freezing conditions.

2) All in-line backflow/back siphonage preventers preventer assemblies shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer, and located within five (5) feet of the preventer. Relocation of the valve is not permitted.
3) A protective strainer shall be located upstream of the first check valve on all backflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.

4) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker. (See Sections 890.1140(a), (b) and (c).)

5) Double Check Valve, Double Check with Intermediate Atmospheric Vent, and Reduced Pressure Principle Backflow Preventer Assemblies. No in-line double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than five (5) 5 feet above a floor, or be installed where it is subject to freezing or flooding conditions. After installation, each double check valve (DCV), double check with intermediate atmospheric vent, and reduced pressure principle (RPZ) backflow preventer assembly shall be field tested in-line in accordance with the manufacturer's instructions by a cross-connection control device inspector before initial operation. (See subsection (b) of this Section.)

6) A double check backflow preventer with atmospheric vent assembly shall not be installed where it is subject to freezing or flooding conditions.

6) 7) Closed water systems (as created by properly installed backflow prevention devices) shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank. Exception: In existing buildings with a closed water system, a properly sized pressure relief valve may be substituted in place of a thermal expansion tank. For closed water systems created by backflow protection in manufactured housing, as required in Section 890.1140 (i), a ballcock with a relief valve may be substituted for the thermal expansion tank.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)
Section 890.1140 Special Applications and Installations

a) An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the pressure incidental to water flowing to the fixture. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.

b) Flushometer Valve. Flush valves shall be equipped with vacuum breakers installed on the discharge side of the flushing valve with the critical level at least four (4) 4 inches above the overflow rim of the bowl or four (4) 4 inches above the top of the urinal. (See Appendix I: Illustration D.)

c) Flushing Tanks. Flushing tanks shall be equipped with anti-siphon ball cocks. The ball cock shall be installed with the critical level of the vacuum breaker at least one (1) one inch above the full opening of the overflow pipe. In cases where the ball cock has no hush tube, the bottom of the water supply inlet shall be installed one (1) one inch above the top of the overflow pipe. (See Section 890.650(d.).)

d) Lawn Sprinklers. Any lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it is protected from freezing or is removed at the end of the season, and it conforms with Section 890.1130(g)(1).

e) Valve Outlets for Hose Attachments.

1) All threaded valve outlets shall have backflow protection in accordance with Section 890.1130. All outside threaded valve outlets shall not be subject to freezing.

2) Yard hydrants shall be installed as follows:

   A) Potable Water

      i) All hydrants with threaded spigots shall have backflow protection attached to the hydrant spigot (if threaded); and

      ii) Hydrants with buried drain down (weep) holes shall have the drain down (weep) holes protected from ground water backup
by proper open site drainage. A backflow preventer shall not be used on the buried drain down (weep) hole to protect the hydrant from ground water backup.

iii) Canister type hydrant

B) Non-potable Water

One or more hydrants may be installed for non-potable use if they are isolated from the potable water supply by a properly installed backflow preventer device in accordance with Section 890.1130(f). The hydrants must be clearly identified as non-potable by color (see Section 890.1120) and bear a sign that reads as follows: "This water unsafe for drinking."

3) In a campground licensed in accordance with the Department’s rules entitled Youth Camp Code (77 Ill. Adm. Code 810), or Recreational Area Code (77 Ill. Adm. Code 800) backflow protection is not required if the water supply line is directly connected to a recreational vehicle and is under constant pressure.

f) Commercial Laundry Machines. The potable water supply to commercial laundry machine(s) shall be protected against back siphonage by an air gap or backflow protection device. If a vacuum breaker is used, it shall be a minimum of 26 inches above the top of the machine.

g) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of six (6) 6 inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap or a vacuum breaker located on the discharge side of the final control valve, a minimum distance of six (6) 6 inches above the overflow level or flood rim.

h) Aspirators. Water operated aspirators shall meet the following specifications:

1) The water supply line shall be equipped with a shut-off valve.

A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms, dental offices and laboratories where aspirators are installed for removing blood, pus and/or other fluids, a vacuum breaker shall be installed on the discharge side of the control valve, at ceiling height (a minimum of seven (7) 7 feet, six (6) 6
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inches); or a reduced pressure principle backflow preventer assembly shall be used.

B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back siphonage by an atmospheric vacuum breaker or a reduced pressure principle backflow preventer assembly.

2) The aspirator water discharge shall be provided with a two (2) 2 inch air gap to the receiving fixture.

i) Manufactured Housing and Mobile Home Units Manufactured Prior to June 15, 1976. At the time of water service connection, backflow protection must be installed between the water service line and any manufactured housing or mobile home unit that was manufactured prior to June 15, 1976. Backflow protection shall be provided by at least a dual check valve backflow preventer assembly (DuC) conforming to ANSI/ASSE 1024-1990. This backflow protection must be installed in all instances where a unit manufactured prior to June 15, 1976 is connected or re-connected to a water service line, e.g., for connection of a relocated unit, or re-connection of a unit that was disconnected to allow repairs to the water line; however, backflow protection is not required for existing units unless a new connection or re-connection to the water service line occurs.

j) Carbonated Beverage Dispensers Water Supply. The water supply to carbonated beverage dispensers shall be protected by one of the following methods:

1) Air gap.

2) ASSE 1022 backflow preventer.

3) ASSE 1032 backflow preventer with vent port added.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________)

Section 890.1150 Water Service Pipe Installation

a) Underground Water Service.

Water service pipe shall be installed outside the foundation wall in accordance with either subsection (a)(1) or (2) of this Section and shall comply with the
requirements of both subsections (a)(3) and (4) of this Section.

1) Water service and building drain or building sewer may be installed in separate trenches with a minimum of ten (10) feet horizontal separation. Such installation shall use material listed in Appendix A, Table A ("Approved Materials for Building Sewer" and "Approved Materials for Water Service Pipe"), provided that such material is specific for this type of installation. (See Appendix I: Illustration E.)

2) The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. For such installation, the building sewer shall be of material listed in Appendix A: Table A ("Approved Building Drainage/Vent Pipe") for a building drain. (See Appendix I: Illustration F for the proper installation of water service, building drain and building sewer.)

3) The minimum depth for any water service pipe shall be at least 36 inches or the maximum frost penetration of the local area, whichever is of greater depth.

4) No water service pipe shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, in accordance with Section 890.1210(a).

b) Potable Water Piping and Sanitary Sewer Crossing Installation Requirements

1) Where it is necessary for the potable water piping to pass above a sanitary sewer, such piping shall be installed with a minimum vertical separation of 18 inches for a distance of 10 feet on either side from the center of the sanitary sewer.

2) Where it is necessary for the potable water piping to pass beneath a sanitary sewer (or drain) or drain, the sanitary sewer (or drain) or drain shall be constructed of materials as specified in Appendix A: Table A for building drains ("Approved Building Drainage/Vent Pipe") for building drains, and shall extend on each side of the crossing to a distance of at least ten (10) feet as measured at right angles to the water line. The potable water piping shall comply with Appendix A: Table A as specified...
for a water service pipe ("Approved Materials for Water Service Pipe"). (See Appendix I: Illustration G.)

3) Wet/Dry Bore:
When it is not possible to comply with subsection (b) (1) or (2) above, a pressure rated pipe approved for building drain material listed in Appendix A, Table A shall encase the water service pipe. The casing pipe shall be sealed with a casing seal and extend ten 10 feet on either side of the center of the sanitary sewer pipe. The sleeve or case shall be at least 2 times the size of the water service.

c) When it is not possible to comply with Section 890.1150(a) or (b) above, the Department shall be contacted for consideration of alternative methods.

d) Stop-And-Waste Valve. Combination stop-and-waste valves and cocks shall not be installed in an underground potable water pipe. Frost free hydrants and fire hydrants shall not be considered stop-and-waste valves. (See Section 890.1140(e).)

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.1190 Water Supply Control Valves and Meter

a) A full-port shut-off valve shall be located near the curb or property line and immediately inside the building, either on the inlet or outlet side of the water meter. When underground, this valve shall be located in a stop box or meter vault. (See Appendix I: Illustration H.)

b) The utility meter may be installed outside in an accessible meter vault or within the building. The meter shall have unions on the inlet/outlet openings, but is not required to have a shut-off valve on the inlet side of the meter if it is inside a building. A full-port valve with an open area at least that of the water service shall be provided for all meters and when inside of a building shall be provided with a drip valve installed on the discharge side of the meter. (See Appendix I: Illustrations H and I.)

c) Tank Controls. Supply lines taken from pressure or gravity tanks shall be valved at or near their source.

d) **Water Heating Equipment.** A shut-off valve shall be provided in the cold water
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branch line within 5 feet of each water storage tank or each water heater.

d) e) Separate Controls for Each Family Unit. In multiple family dwellings, the water service or water distribution pipe to each family unit shall be controlled by an arrangement of shut-off valves which permits each group of fixtures and each individual fixture to be shut off without interference with the water supply to any other family unit or portion of the building. The location of such valves shall be uniform in each family unit of a multiple family dwelling. (See Appendix I: Illustration J.)

e) Line Valves. Valves in the water supply distribution system, except those immediately controlling one fixture supply, when fully opened, shall have a cross-sectional area of the smallest orifice or opening through which the water flows at least equal to the cross-sectional area of the pipe in which the valve is installed.

f) Buildings Other Than Dwellings. In all buildings other than dwellings and health care facilities as specified in subsection j of this section, shut-off valves shall be installed which to permit the water supply to all equipment and/or fixtures in each separate room to be shut off without interfering with the water supply to any other room or portion of the building. Exception: For plumbing equipment or fixtures that are installed back-to-back in adjacent rooms, e.g., in adjacent restrooms, a common shut-off valve may be used to shut off the water supply to the back-to-back fixtures in no more than two adjacent rooms, provided this building is not a health care facility where no such exception is allowed. (See Appendix I: Illustration K.)

g) Water Heating Equipment. A shut-off valve shall be provided in the cold water branch line within five (5) feet of each water storage tank or each water heater.

(g) Health Care Facilities. In the residence rooms of healthcare facilities the water distribution pipe to each resident unit or back-to-back rooms shall be controlled by an arrangement of line valves that permits each group of fixtures, and each individual fixture to be shut-off without interference with the water supply to any other unit or portion of the building.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.1200 Water Service Sizing
a) Water Service Pipe Sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables M, N, O, P and Q. Water service pipe and fittings shall be at least three-fourths (3/4) inch diameter. Plastic water pipe shall be rated at a minimum of 160 psi at 73.4°F. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.

b) Demand Load. The calculation of the water service demand load for a building shall be based on the total number and types of fixtures installed in the building, assuming the simultaneous use of such fixtures.

c) Unused sections of water service or water distribution piping ("dead ends"), where the water in the piping may become stagnant, are prohibited. A developed length of more than two (2) feet shall be considered a dead end.

(Source: Amended at 27 Ill. Reg. __________, effective ________________________)

Section 890.1210 Design of a Building Water Distribution System

a) Design and Installation. The design and installation of the hot and cold water building distribution systems shall provide a volume of water at the required rates and pressures to ensure the safe, efficient and satisfactory operation of fixtures, fittings, appliances and other connected devices during periods of peak use. No distribution pipe or pipes shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, including but not limited to wrap-on insulation or heat tape tracer line or wire.

b) Size of Water Distribution Pipes. The fixture supply for each fixture shall be at least the minimum size provided in Appendix A, Table D. The size of all other water distribution pipes shall be determined by calculating the water supply demand (in water supply fixture units) for that portion of the water distribution system served by the pipe. Using Appendix A, Tables M, N, O, P and Q, the cumulative water supply demand or load shall be calculated for all fixtures, piping, valves and fittings served by the water distribution pipe, and the pipe shall meet the minimum size provided in Appendix A, Table N or O, as applicable. Exception: As an alternative to using Tables M, N, O, P and Q to design and size the piping in the water distribution system, the system may be designed and sized employing current engineering practices, provided the design/plans are approved in writing by an
Illinois licensed professional engineer, an Illinois licensed architect or an individual Certified in Plumbing Engineering (C.I.P.E.) by the American Society of Plumbing Engineers and approved in writing by the Department.

c) Minimum Water Pressure. The minimum constant water service pressure on the discharge side of the water meter shall be (at least) 20 p.s.i.; and the minimum constant water pressure at each fixture shall be at least eight (8) 8 p.s.i. or the minimum recommended by the fixture manufacturer.

d) Auxiliary Pressure. Supplementary Tank. If the pressure in the system is below the minimum 8 p.s.i. at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank of a capacity to supply sections of the building installation which are too high to be supplied directly from the public water main shall be installed.

e) Low Pressure Cut-Off. When a booster pump except those used for fire protection is used on an auxiliary pressure system, there shall be installed a low-pressure cut-off switch on the booster pump to prevent the creation of pressures less than five (5) 5 p.s.i. on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within five (5) 5 feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.

f) Water Hammer. All building water supply systems shall be provided with air chambers or approved mechanical devices or water hammer arrestors to absorb high pressures. Water pressure absorbers shall be installed at the ends of long pipe runs or near batteries of fixtures.

1) Air Chambers - Where an air chamber is installed in a fixture supply, it shall be at least twelve (12) 12 inches in length and the same diameter as the fixture supply. An air chamber with a volume equivalent to one with the dimension listed above may also be used, and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser.

2) Mechanical Devices - Where a mechanical device or water hammer arrestor is used, the manufacturer's specifications for location and installation shall be followed.

g) Excessive Static Water Pressure.
1) When water main pressure exceeds 80 p.s.i., a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in the water service pipe near the entrance to the building to reduce the water pressure to 80 p.s.i. or lower, except where the water service pipe supplies water directly to a water pressure booster system, an elevated water tank, or to pumps provided in connection with a hydropneumatic or elevated water supply tank system. Sill cocks and outside hydrants may be left on full water main pressure.

2) When the water pressure exceeds 80 p.s.i. at any plumbing fixture, a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in a water supply pipe serving the fixture to reduce the water pressure at the fixture to 80 p.s.i. or lower.

h) Approval of Auxiliary Pressure Systems. Whenever in any building, structure, or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, plans of such installation shall be approved by the Department prior to installation in accordance with Section 890.1940.

i) Variable Street Pressures. When the water main has a wide fluctuation in pressure, the water distribution system shall be designed for minimum pressure available at the main.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.1220 Hot Water Supply and Distribution

a) All water heaters shall comply with the requirements of Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices"), and ASHRAE 90 Standards. Hot water storage tanks shall meet construction requirements of ASME, AGA, or UL listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/ Devices"), as appropriate. Hot water supply boilers with heat input in excess of 200,000 BTU per hour, water temperature in excess of 200°F, or capacity in excess of 120 gallons must also comply with the requirements of the "Boiler and Pressure Vessel Safety Rules and Regulations" (41 Ill. Adm. Code 120). Smaller water storage tanks that are not subject to ASME requirements shall be constructed of durable materials and constructed to withstand 150 p.s.i. (See Appendix I, Illustrations L and M, for
examples of typical water heater installations.)

1) All equipment used for heating and storage of hot water shall bear the marking of an approved testing agency certifying that it has been tested and approved and listed as meeting the requirements of the applicable standard. Listing by Underwriters Laboratories, American Gas Association or National Board of Boiler and Pressure Vessel Inspectors, or the ASME Standard shall constitute evidence of conformance with these standards.

2) A solar-heated system shall use a double-walled heat exchanger which is exposed or vented to the atmosphere between the walls.

3) Heat exchangers may be of single wall construction if a non-toxic transfer fluid with no conditioning chemicals in the system is used, or if a pressure gradient monitor system is installed to isolate the heat exchanger from the potable water system. If pressure on the potable water side reaches a pressure less than ten (10) p.s.i. above the toxic transfer fluid pressure, an audible alarm shall be activated.

4) Heat exchangers using a toxic transfer fluid or having conditioning chemicals in the system shall be separated from the potable water by double wall construction. There shall be an air gap open to the atmosphere between the two walls. Where the boiler (heating chamber) operates in excess of 65 p.s.i., the requirements of subsection (a)(5) of this Section shall also apply.

5) No heat exchanger will be permitted on any boiler system operating in excess of 65 p.s.i., or high temperature hot water system operating in excess of 250°F, or any steam boiler operating with a pressure in excess of 50 p.s.i., unless:

A) the heat exchanger is double-walled; and

B) the heat exchanger has an air gap open to the atmosphere between the two walls; and

C) the heat exchanger has a pressure gradient monitor system with "fail-safe to off" switch installed to isolate the heat exchanger from the potable cold or hot water system. If pressure on the potable water side reaches a pressure less than 20 p.s.i. above the pressure of the transfer fluid or
steam and a pressure reducing valve is installed on the inlet to the heat exchanger with a setting 20 p.s.i. lower than the potable water pressure at the heat exchanger, an audible alarm shall be activated and the heat exchanger shall be automatically shut off until the alarm and heat exchanger can be reset manually.

6) Any boiler using toxic chemicals shall have a label with a minimum size of five (5) inches x five (5) inches attached to the boiler in a conspicuous place. The label shall read as follows:

**WARNING**

Chemicals and additives used to treat the boiler feed water in this boiler are not approved for potable water. The steam or hot water produced by this boiler is not potable. If the steam or hot water produced by this boiler is used to heat water, the water will not be considered potable if the steam and potable water are mixed.

7) Indirect, External, Submerged Coils. Indirect, external, tankless or submerged coils used in heating water shall be equipped with a thermostatic mixing valve or valves when not connected to a storage tank. A pressure relief valve shall be installed on the cold water inlet of the tank. A properly sized temperature and pressure relief valve, based upon the energy input rating of the coil(s), shall be installed on the tempered line with the temperature sensing element immersed in the tempered water line as close as possible to the mixing valve.

8) Direct Fired Instantaneous Heaters. (Storage tank of more than 64 fluid ounces.) Direct fired instantaneous water heaters shall be equipped with a thermostatic mixing valve or valves which conform to ASSE 1017-1986 1999. A pressure relief valve shall be installed on or adjacent to the heater. A properly sized temperature and pressure relief valve, based upon the energy input rating of the heater, shall be installed on the tempered line with the temperature sensing element immersed in the tempered water line as close as possible to the mixing valve.

9) Water Heaters Used for Space Heating. Any water heater to be used for space heating, in addition to hot water supply, must conform to ANSI Z21.10.1a-1991, shall be constructed for continuous use, and the piping for space
heating shall be conducted to a proper terminal heating device.

A) A thermostatic mixing valve, conforming to ASSE 1017-1986 1999, shall be installed on the hot water line to the plumbing fixtures. (The mixing valve shall be set to prevent temperatures exceeding 120 degrees 120° F from reaching the plumbing fixtures.)

B) A single check valve shall be installed in the cold water line supplying the water heater. (This will prevent hot water backing up from the heating unit to the plumbing fixtures.)

C) A properly sized and approved expansion tank shall be vertically supported located on the outlet side of the check valve in the water heater's cold water supply with no shut-off valve between the heater and expansion tank.

D) Valves (manual, automatic) supplying hot water to the heat transfer unit for space heating shall have a minimum of a one-eighth (1/8) 1/8 inch orifice. (This will prohibit potable water from standing in the heat transfer unit when not in use.) This does not prohibit full shut-off/isolation valves on either side of the pump within a heat transfer unit, as needed, to permit the servicing of the pump.

E) The water heater instructions shall have a statement specifying that piping and components connected to the water heater for the space heating application shall be suitable for use with potable water and the water heater shall not exceed a developed length of more than 25 feet from the heating coil.

F) A statement specifying that toxic chemicals, such as those used for boiler treatment, shall not be introduced into the potable water used for space heating shall be included in the instructions. A label with the following words shall be firmly attached to any water heater used for space heating: "DO NOT INJECT TOXIC MATERIALS INTO THIS TANK."

G) A statement specifying that a water heater which will be used to supply potable water shall not be connected to any heating system or components previously used with a non-potable water heating
appliance shall be included in the installation instructions.

H) Each water heater shall bear a statement on the rating plate as follows: "SUITABLE FOR POTABLE WATER HEATING AND SPACE HEATING."

10) Point-of-Use Instantaneous Water Heaters. Point-of-use instantaneous water heaters (high temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements:

A) Units intended to deliver water temperatures exceeding \(110^\circ\text{F}\), or with no mechanical or electrical temperature limiting device must have the faucet located at least three (3) inches from the \(110^\circ\text{F}\) hot water or cold water faucet. All such faucet outlets shall have labels clearly and conspicuously indicating extremely hot water.

B) Units intended to deliver water temperatures \(110^\circ\text{F}\) or less shall have an internal burnout element or shall have a factory set thermostat that is not adjustable to higher than \(110^\circ\text{F}\).

C) All pressurized point-of-use water heaters shall also have provisions as a part of the unit to provide temperature and pressure relief. Valves shall be set to relieve at 20 degrees \(20^\circ\text{F}\) above the intended water temperature and at 125 p.s.i. or at 15 p.s.i. below the pressure rating of the lowest rated part of the assembly, whichever is lower.

11) Steam Heat. All water heaters including storage heaters, instantaneous shell and tube heat exchangers, steam injection heaters and any other device using steam to heat water for potable use shall meet the following requirements:

A) All chemicals and additives used to treat the boiler feed water in a boiler supplying steam to heat potable water must be proper for use with potable water. Where such approved chemicals and additives are used with steam boilers generating at 15 p.s.i. or less, or are used with pressure reducing stations with pressure relief valves set at 15 p.s.i. or less downstream from the pressure reducing valves, single
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wall heat exchangers may be used.

B) Steam injection heaters must be supplied with steam from a generator or boiler which uses only United States Food and Drug Administration (FDA) approved additives or chemicals.

C) The following warning label with a minimum size of five (5) inches x five (5) inches shall be permanently attached to each steam injection heater:

"If the chemicals used to treat the feed water to provide steam for this steam injection water heater are not approved for potable water, the hot water from this heater shall not be considered potable. Therefore, each cross connection between the hot water and cold water connections to or from this heater must be provided with a device to prevent the backflow of hot water or steam condensate into the potable water supply."

D) The following warning label with a minimum size of five (5) inches x five (5) inches shall be permanently attached on the front of any boiler providing steam to direct injection steam hot water heaters:

"If the chemicals used to treat the boiler feed water in this boiler are not approved for potable water, the steam produced by this boiler cannot be considered potable. Therefore, if steam from this boiler is used to heat water, the water shall not be considered potable and any cross connections between the hot water produced and a potable water supply must be provided with a device to prevent the backflow of the non-potable hot water into the potable water supply."

b) Water Heaters - Food Service. Water heaters installed and utilized in food service establishments with dishwashing machines shall comply with National Sanitation Foundation (NSF) Standard Number 5.

c) With the exception of special water heaters used for space heating in addition to hot water supply, as provided in subsection (a)(9) of this Section, water that leaves the potable water system for heating, cooling, use in equipment or other similar uses
shall not be returned to the potable water distribution system. When such water is discharged to the building drainage system it shall be discharged through a fixed air gap.

(Source: Amended at 27 Ill. Reg. ______________, effective ________________________)

Section 890.1230 Safety Devices

a) All equipment used for heating water or storing hot water shall be provided, at the time of installation of such equipment, with an appropriate relief valve or valves to protect against excessive or unsafe temperature and/or pressure. This shall be achieved by installing either a pressure relief valve and a temperature relief valve or by installing a combination pressure-temperature relief valve.

b) Pressure and Temperature Relief Valves

1) Pressure Relief Valves. Pressure relief valves shall have an ASME relief rating to meet the pressure conditions specified on the equipment served. They shall be installed in the cold water supply line to the heating equipment served, except where scale formation from hard water may be encountered, in which case they shall be installed in the hot water supply line from the heating equipment served. There shall not be a shut-off valve between the pressure relief valve and the tank. Except where an alternate design is approved by the Department in writing pursuant to Section 890.140(a)(2) or 890.1940, the pressure relief valve must be set to open at a maximum of the working pressure rating of the water heater, but shall not exceed 150 p.s.i. Each pressure relief valve shall have a test lever.

2) Temperature Relief Valves. Temperature relief valves shall bear an American Gas Association (AGA) relief rating, expressed in British Thermal Units (BTU) of heat input per hour, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank. The valve shall be set to open full when the stored water temperature is 210°F.

c) Combination Pressure-Temperature Relief Valves.

1) Combination pressure-temperature relief valves shall comply with the
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applicable requirements as listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices") for individual pressure and individual temperature relief valves, and shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank and have a test lever.

2) A check valve or shut-off valve shall not be installed between any safety device and the hot water equipment, nor shall there be any shut-off valve in the discharge pipe from the relief valve. (See Appendix I: Illustrations N and O.)

3) Energy cut-off devices shall not be used in lieu of subsections (c)(1) and (2) of this Section and shall be of a design to properly serve the intended use of the plumbing appliance, appurtenance or device. Exception: Instantaneous cut-off devices are exempted or may be used.

d) Relief Discharge Outlet.

1) A relief discharge outlet shall be indirectly connected to waste. The discharge pipe from the relief valve shall not be located so as to create a safety hazard or to discharge in such a way as to cause damage to the building or its contents. The relief valve shall not discharge through a wall into the outside atmosphere or where there is a possibility of freezing.

2) No reduced coupling, valve or any other restriction shall be installed in the discharge line of any relief valve that would impede the flow of discharge. The discharge line shall be installed from the relief valve to within six (6) inches of the floor or receptor and the end of such line shall not be threaded.

3) Any piping used for discharge from the relief valve shall be of metallic material and conform with the requirements of Appendix A, Table A ("Approved Materials for Water Distribution Pipe") for potable water piping and shall drain continuously downward to the outlet.

4) The discharge piping shall discharge indirectly into a floor drain, hub drain, service sink, sump or a trapped and vented P-trap which is located in the same room as the water heater. (See Sections 890.1010 and 890.1050(a), (b) and (c).) The trap must have a deep seal to protect
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against evaporation or shall be fed by means of a priming device designed and installed for that purpose. (The use of a light grade oil in the trap will retard evaporation.)

e) Pressure Marking - Hot Water Storage Tank. Hot water storage tanks shall be permanently marked in an accessible place with the maximum allowable working pressure.

f) Vacuum Relief Valve. Where a hot water storage tank or water heater is located at an elevation above the fixture outlets in the hot water system, or if the storage tank or water heater is bottom fed, a vacuum relief valve as listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices"), shall be installed on the storage tank or heater.

g) Multiple Temperature Hot Water Systems. Such systems shall be provided with thermostatic mixing valves to properly control the desired temperatures.

h) Shower Compartments and Shower-Bath Combinations. All shower compartments and shower-bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic, pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990, and designed with a maximum handle rotation limit/stop, adjusted to a maximum setting of one hundred fifteen (115) degrees F. at the time of installation. The temperature of mixed water provided to multi-shower units or gang showers shall be controlled by a master automatic safety water mixing device or the mixed water temperature for such showers shall be individually regulated by automatic safety mixing valves for each shower unit. A hot water heater thermostat shall not be an acceptable alternative water temperature control device. (See Section 890.690(b).)

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

SUBPART J: DRAINAGE SYSTEM

Section 890.1320 Drainage System Installation

a) Drain - Filled Ground. A building drain installed in filled ground shall be of cast iron, copper Type "K", or non-metallic Schedule 40 or heavier. Except for cast iron, such drains shall be installed on a continuous supporting system.
b) Existing Drain and Sewer Installation. Existing drain, waste, vent and sewer may be used in the renovation of the plumbing system of an existing structure if they are in serviceable condition and the materials conform with Appendix A, Table A, "Approved Building Drainage/Vent Pipe" and "Approved Materials for Building Sewer".

c) Freezing. No soil or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such piping from freezing. This does not prohibit a soil or waste pipe from extending from a manufactured or mobile home unit to an approved point of discharge, provided such waste line is protected from freezing.

d) Dead Ends. Dead ends shall be avoided in a drainage system, except where necessary to extend the system to install a cleanout in an accessible location. A dead end intended for future connection (extension) which is more than two (2) 2 feet above a floor or more than ten (10) 10 feet horizontally from the nearest vented connection must have a vented connection to the outside atmosphere. (See Appendix J: Illustration A.)

e) Horizontal Drainage Piping. Horizontal drainage piping shall be installed at a uniform grade.

f) Small Piping. Horizontal drainage piping of three (3) 3 inches diameter or less shall be installed with a grade of at least one-fourth (1/4) 1/4 inch per foot.

g) Large Piping. Horizontal drainage piping larger than three (3) 3 inches but less than eight (8) 8 inches in diameter shall be installed with a grade of at least one-eighth (1/8) 1/8 inch per foot. For piping larger than eight (8) 8 inches or larger in diameter, the grade is determined by the number of drainage fixture units connected to the drain pipe. (See Appendix A: Table G.)

h) Minimum Velocity. Where conditions do not permit building drains to be installed with a grade as great as that specified in subsections (f) and (g) of this Section, a lesser grade may be used provided the computed velocity will not be less than two (2) 2 feet per second.

i) Changes in Direction. Changes in direction shall be made in drainage piping by the use of 45-degree 45° wyes, long sweeps, short sweeps, quarter, fifth, sixth, eighth, or sixteenth bends, or by a combination of these fittings. Single and double sanitary
tees and short sweep quarter bends shall be used in drainage lines only where the direction of flow is from the horizontal to the vertical and may be used for making necessary vertical offsets between the ceiling and floor above. (See Appendix J: Illustrations B, C and D.) Exception: A short sweep drainage quarter bend of less than three (3) inches diameter and placed in a horizontal to horizontal position for a stack vent arm may be used to receive grey water.

j) No fittings having a hub in the direction opposite to flow, or tee branch, shall be used as a drainage fitting. No running threads, bands, or saddles shall be used in the drainage system. No drainage or vent pipe or fitting shall be drilled or tapped.

k) No fitting, connection, device or method of installation shall be used which obstructs or retards the flow of water, waste, or air in the drainage or venting system by an amount greater than the normal frictional resistance to flow. The enlargement of a three (3) inch closet bend or stub to four (4) inches shall not be considered an obstruction if it is necessary to increase the bend or stub at the floor line to four (4) inches in diameter in order to accommodate the water closet outlet.

l) Fixture Connections. Branch wastes and fittings for circuit vented fixtures shall be installed so that the fixture drain enters the side of the branch drain. (See subsection (i) of this Section and Appendix J: Illustration E.)

m) Back-to-Back Fixtures. Back-to-back fixtures shall be installed with fittings that will prevent mixing of the discharge prior to a change in direction of flow of the discharge from each fixture, or shall be installed with fittings especially designed to eliminate throw-over or backflow of the discharge from one fixture to the other fixture.

n) Location of Drains. All building drains, branches of building drains, building sewers or any sanitary sewers shall be located at least 50 feet from a well or buried suction line; except where cast iron pipe with mechanical or compression joints or Schedule 40 PVC pipe with solvent weld and watertight joints is used for the building sewer, then such drains shall be located at least ten (10) feet from a well or buried suction line.

o) Backwater valves may be installed in the building storm drain or the building drain to prevent backflow into the building, where backflow of storm water or sewage could occur. Backwater valves may be installed in the branches of the building drain that are below grade. Backwater valves, when fully opened, shall have a
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Capacity of at least that of the pipes in which they are installed. Backwater valves shall be installed to be accessible. (See Appendix E: Illustration F.) All backwater valves shall conform to ASME/ANSI A 112.14.1-1975(R1990). All bearing parts of backwater valves shall be made of corrosion resistant material.

(Source: Amended at 27 Ill. Reg. ___________, effective ______________________)

Section 890.1360 Sanitary Wastes Below Sewer

a) Sanitary Wastes Below Sewer.

1) Sanitary wastes which cannot be discharged by gravity flow shall be discharged into a gas-tight, covered and vented sump from which the waste shall be lifted and discharged into a sanitary waste drain by automatic pumping equipment. (See Appendix J: Illustrations K and L.)

2) Sumps and ejectors handling sub-soil drainage and footing drains shall not receive any sewage. Sumps and ejectors handling sewage shall not receive subsoil drainage and footing drains.

b) Design. Sump and pumping equipment shall be designed and installed to discharge, during the pumping cycle, all contents accumulated in the sump except for sump contents that must remain in the sump for the continued proper operation of the pumping equipment (e.g., contents needed to submerge or prime the pump) according to the manufacturer's recommendations.

c) Sub-Drainage. The system of drainage piping below the building drain level shall be installed and vented in the same manner as that of the gravity drainage system.

d) Duplex Equipment. Sumps receiving the discharge of more than six (6) water closets or sixty (60) D.F.U.’s shall be provided with duplex pumping equipment.

e) Vent Sizes. Building sump vents shall be sized in accordance with Appendix A: Table K.

f) Connections. No direct connection of a steam exhaust, blowoff, or drip pipe shall be made with the building drainage system waste water. When steam exhaust, blowoff or drip pipes are discharged into the building drainage system, they shall not exceed a temperature of 180 degrees 180°F. When higher temperatures exist, cooling methods shall be provided to reduce the temperature to 180 degrees 180°F.
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or less.

g) **Elevator Pits.**

1) Drains connected directly to sewers shall not be installed in elevator pits.

2) All discharges from elevator sumps shall indirectly discharge to the sanitary sewer or storm drain.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________)

Section 890.1370 Floor Drains

a) Required. Any building or structure in which plumbing fixtures or piping are installed in or under a concrete floor or concrete over a crawl space to accommodate fixtures on the level of the concrete floor shall have at least one (1) trapped and vented floor drain. When plumbing fixtures are installed on the level immediately above a concrete crawl space, at least one trapped and vented floor drain shall be installed. Additional floor drains shall be required if the installation of fixtures and appurtenances requires the use of floor drains. In a multi-family dwelling, each unit shall have a floor drain if fixtures and appurtenances installed therein require the use of a floor drain.

1) Underground floor drains connected to a building drain or a building sub-drain within four (4) 4 feet of a stack shall be individually vented. All other floor drains shall be vented as required by Appendix A, Table I.

2) Each floor drain shall be connected to a sanitary waste drain, except those drains receiving only clear water discharges which may be connected to the sub-soil drainage system. Any sump or hub drain for receiving clear water waste shall extend two (2) inches above the floor, and all indirect clear water waste lines shall be above the floor level. Any floor drain level with the floor shall discharge to a sanitary waste drain. (See Appendix A: Tables F and I.)

3) Any sump or hub drain for receiving clear water waste shall extend 2 inches above the floor, and all indirect clear water waste lines shall be above the floor level. Any floor drain level with the floor shall discharge to a sanitary waste drain. (See Appendix A: Tables F and I.)
At least one (1) floor drain shall be located in every restroom having a masonry or concrete floor except those for private use.

In hospitals and nursing homes, floor drains will not be required in toilet/bath facilities serving four (4) or fewer individual residents where access to the facilities is direct from no more than two (2) resident rooms. Toilet/bath facilities in hospitals and nursing homes serving rooms with greater than four (4) residents or consisting of multiple toilets, lavatories, etc., are required to have floor drains.

b) Size. Each floor drain shall be sized for its intended use and the surface area that it drains. Any floor drain or drain trap installed below a basement floor or underground shall be no less than two (2) inches in diameter.

c) Accessibility. Floor drains shall connect into traps, shall be accessible and readily cleaned, and shall be located so that they are easily visible.

d) Provision for Evaporation. Floor drain seals subject to evaporation shall be of the deep seal type, shall be fed by means of a priming device designed for that purpose, or shall be filled with vegetable oil.

e) Floor Drains in Food Establishments. If floor drains are installed in coolers, freezers, refrigerated holding areas, dressing rooms or processing rooms in any food (meat, milk, vegetable, fruit) establishment, they shall meet the following requirements:

1) Floor drains shall have a minimum inside diameter of four (4) inches and be of metallic construction.

2) Drainage lines from water closets and urinals shall not be connected with any other sanitary drainage lines having floor drains located in the above places within the building.

3) Floor drains must be indirectly discharged to the drainage system, or a backwater valve that conforms with the requirements of Section 890.550(b), (c), (d) and (e) shall be installed.

4) Floor drains shall comply with the requirements of subsections (b), (c), and
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(d) of this Section.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________.)

SUBPART K: VENTS AND VENTING

Section 890.1500 Installation of Wet Venting

a) Single Bathroom Groups. A single bathroom group of fixtures may be installed with the drain from an individually vented lavatory, a kitchen sink, or combination fixture or a kitchen sink serving as a wet vent for a bathtub or shower and for the water closet provided that:

1) Not more than four (4) drainage fixture units drain into a two (2) inch diameter wet vent; and

2) The horizontal branch shall be a minimum of two (2) inches and connect to the stack at the same level as the water closet drain. It may also connect to the water closet bend. (See Appendix K: Illustration S.)

b) Double Bathroom Groups. Bathroom groups back-to-back on the top floor consisting of two (2) lavatories and two (2) bathtubs or showers may be installed on the same horizontal branch with a common vent for the lavatories and with no individual vent for bathtubs or showers, provided the wet vent is two (2) inches in diameter, and the length of the fixture drain conforms to Appendix A: Table E. (See Appendix K: Illustration T.)

c) Multi-story Bathroom Groups. On the lower floors of a multi-story building, the waste pipe from one (1) or two (2) one or 2 lavatories may be used as a wet vent for one (1) or two (2) one or 2 bathtubs or showers provided that:

1) The wet vent and its extension to the vent stack is two (2) inches in diameter;

2) Each water closet below the top floor is individually back-vented; and

3) The vent stack is sized as given in Appendix A: Table J. (See Appendix K: Illustrations U and V.)
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(Source: Amended at 27 Ill. Reg. ___________, effective ________________________.)

Section 890.1520 Circuit and Loop Venting

a) Battery Venting. A soil or waste branch to which two (2) floor outlets, eight (8) water closets, eight (8) pedestal urinals, eight (8) shower stalls or eight (8) floor drains are connected in battery, may be vented by a circuit vent which shall take off from in front of the last fixture connection. Blowout type fixtures are prohibited. In addition, lower floor branches serving more than three (3) water closets shall be provided with a relief vent taken off in front of the first fixture connection. The horizontal branch for its full length to the farthest fixture opening shall be uniformly sized based on the total drainage fixture load as listed in Appendix A: Tables G, H and L. When lavatories or similar fixtures discharge above such branches, each vertical branch shall be provided with a continuous vent. (See Appendix K: Illustration Y.)

b) Dual Branches. When parallel horizontal branches serve a total of eight (8) water closets (4 on each branch), each branch shall be provided with a relief vent at a point between the two (2) water closets most distant from the soil stack. The horizontal branch for its full length to the farthest fixture opening shall be uniformly sized based on the total drainage fixture load as listed in Appendix A: Tables G, H and L. In addition, intermediate floor branches shall be provided with a relief vent taken off in front of the first fixture connection. When traps other than water closets discharge above the horizontal branch, each such trap shall be provided with a continuous vent. (See Appendix K: Illustration Z.)

c) Vent Connections. When the circuit or relief vent connections are taken off the horizontal branch, the vent branch connection shall be taken off vertically from the top of the horizontal branch. (See Appendix K: Illustration AA.)

d) Fixtures Back-To-Back in Battery. When fixtures are connected to one (1) one horizontal branch through a double "Y", a sanitary cross in a vertical position, or a manufactured fixture carrier, a common vent for each two (2) fixtures back-to-back shall be provided. (See Appendix K: Illustration BB.)

e) Fixture Connections. Branch wastes and fittings for circuit vented fixtures shall be installed so that the fixture drain enters the side of the branch drain. (See Section 890.1320(i), and Appendix K: Illustrations Y and CC.)
f) Circuit and Loop Vented Fixtures. When circuit and loop vented fixtures are installed in a multi-story building, a relief vent shall be provided at the base connection into the horizontal. This is done by connecting the vent stack, full-size, into or near the base of the soil stack, or by connecting the vent stack directly into the horizontal branch near the soil stack. The vent shall be carried full size. (See Appendix K: Illustration DD.)

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________.)

Section 890.1580 Size and Length of Vents

a) Size of Water Closet Vents. A water closet shall have at least a two (2) inch vent.

b) Size of Individual Vents. The diameter of an individual vent shall be at least one and one-quarter (1 1/4) inches or one-half (½) the diameter of the drain to which it connects, whichever is greater.

c) Size of Relief Vents. The diameter of a relief vent shall be at least one-half (½) the diameter of the soil or waste branch to which it is connected.

d) Size of Circuit Vents. The diameter of a circuit vent shall be at least one-half (½) the diameter of the horizontal soil or waste branch or the diameter of the vent stack, whichever is smaller. (See Appendix A: Table L.)

e) Size of Vent Piping. The size of vent piping shall be determined based upon its length and the total number of drainage fixture units connected thereto as provided in Appendix A: Table K. No more than 20 percent of the maximum developed length as determined from Table K may be installed in the horizontal position. Vent piping serving floor drains shall be installed in such a manner as to minimize horizontal vent distances.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________.)

Section 890.1590 Combination Waste and Vent (Floor and Hub Drains Only)

Combination Waste and Vent. A combination waste and vent is permitted only where structural conditions preclude conventional plumbing. Appurtenances delivering large quantities or surges of water shall not be discharged to a combination waste and vent.
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a) The waste piping and trap in a combination waste and an end vented (both ends) system shall be a minimum of four (4) inch diameter and in accordance with Appendix A, Tables G and H. The waste piping and trap shall be at least two (2) pipe increments larger than the pipe size required by Appendix A, Tables G and H, and at least two (2) pipe increments larger than any fixture/appurtenance discharge tail piece. Only one floor drain shall be connected to each branch of a combination waste and vent.

b) A branch more than 15 feet in length shall be separately end vented. The minimum area of any vent installed in a combination waste and vent system shall be one-half (½) the area of the drain pipe served.

c) Sinks, lavatories and other fixtures that are roughed-in above the floor shall not be permitted on a combination waste and vent system.

d) Long mains shall be provided with additional relief vents located at intervals of every one hundred feet. (See Appendix K: Illustration FF.)

(Source: Amended at 27 Ill. Reg. ___________, effective _______________________.)

Section 890.1600 Special Venting for Island Fixtures

a) Traps for island sinks and similar equipment shall be roughed-in above the floor and shall be vented by extending the vent as high as possible, but at least the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately down stream from the vertical fixture drain. Back-to-back island vented fixtures shall meet the requirements of Section 890.1460.

b) The returned vent shall be connected to the horizontal drain through a Y-branch fitting and shall be provided with a vent taken off the vertical fixture vent by means of a Y-branch immediately below the floor and extending to the nearest partition and then through the roof to the outside atmosphere or may be connected to other vents at a point at least six (6) inches above the flood level rim of the fixture served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum grade of one-quarter (1/4) inch per foot back to the drain shall be maintained. The returned bend used under the drainboard shall be a one-piece fitting or assembly of a 45 degree, a 90 degree, and a 45 degree 45°, a 90°, and a 45° elbow in the order named. (See Section 890.1340, and Appendix K:
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Illustration GG.)

(Source: Amended at 27 Ill. Reg. __________, effective _________________________.)

SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section 890.1720 Water Closets

a) All water closets shall either be of stainless steel (Type 304) construction, including framework, reinforcing and interior piping, or be vitreous china complying with ASME/ANSI A112.19.2M-1990.

b) If stainless steel water closets are used, they shall comply with the following:

1) The bowl and flushing rim shall not be less than 14 gauge.

2) The water closet shall have a minimum of a three (3) 3 inch diameter, fully enclosed stainless steel P-trap and shall pass a two and five-eighths (2 5/8) 2 1/8 inch diameter ball.

3) All welds shall be ground smooth, and exterior surfaces polished.

4) Integral contoured seats that are self-draining and crevice-free shall be a part of the water closet.

c) All water closets shall have push button flush valves.

(Source: Amended at 27 Ill. Reg. __________, effective _________________________.)

Section 890.1740 Combination Lavatory/Toilet

a) The cabinet shall be of stainless steel (Type 304) with a minimum of 12 gauge for the cabinet and 14 gauge for the top.

b) The cabinet top shall have a backsplash.

c) The lavatory shall include adjustable control valves on the hot and cold, self-closing filler valve with a maximum one-half (½) ½ gpm flow control and a combination penal filler/bubbler spout. A maximum of 115 degrees 115°F temperature is
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allowed.

d) The lavatory drain shall not have a mechanical air vent attached.

e) Supply inlets to the lavatory shall have screw driver stops, gate or globe valves.

f) The water closet shall have no less than a three (3) inch diameter, fully enclosed stainless steel toilet P-trap and shall pass a two and five-eighths (2 5/8) inch diameter ball.

(Source: Amended at 27 Ill. Reg. ___________, effective ________________________.)

Section 890 Appendix A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

Abbreviations used in Appendix A, Table A, refer to the following agencies or organizations:

1) ANSI - American National Standards Institute; 1819 L Street, N.W., Washington, DC 20036.

2) ARI - Air Conditioning and Refrigeration Institute; 1501 Wilson Boulevard, Arlington, Virginia 22209.

3) ASHRAE - American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305.

4) ASME - American Society of Mechanical Engineers; Three Park Avenue, New York, New York 10016-5990.

5) ASSE - American Society of Sanitary Engineering; 901 Canterbury Road, Suite A, Westlake, Ohio 44145-9201.


7) AWWA - American Water Works Association; 6666 West Quincy Avenue, Denver, Colorado 80235.
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8) CISPI - Cast Iron Soil Pipe Institute; 
   Suite 419, 5959 Shallowford Road, Chattanooga, Tennessee 37421.

9) FM - Factory Mutual Standard; 1151 Boston-Providence Turnpike, 
   P.O. Box 9102, Norwood, Massachusetts 02062.

10) NSF (National Sanitation Foundation) International; 
    789 Dixboro Road, Ann Arbor, Michigan 48105

11) PDI - Plumbing and Drainage Institute; 
    45 Bristol Drive, Suite 101, South Easton, Massachusetts 02375.

12) UL - Underwriter Laboratories, Inc.; 
    333 Pfingsten Road, Northbrook, Illinois 60062.

Approved Certification Agencies

1) ASSE - American Society of Sanitary Engineering; 
   901 Canterbury Road, Suite A, Westlake, Ohio 44145-9201.

2) CSA (Canadian Standards Association) International; 
   8501 E. Pleasant Valley Road, Cleveland, OH 44131-5575

3) IAPMO - International Association of Plumbing and Mechanical Officials; 
   20001 South Walnut Drive, Walnut, CA 91789-2825

4) ICBO (International Conference of Building Officials) Evaluation Service, Inc.; 
   5360 Workman Mill Road, Whittier, CA 90601-2298

5) Intertek Testing Services NA, Inc.; 
   3933 U.S. Route 11, PO box 2040, Cortland, NY 13045-0950

6) NSF (National Sanitation Foundation) International; 
   789 Dixboro Road, Ann Arbor, Michigan 48105

7) PDI - Plumbing and Drainage Institute; 
   45 Bristol Drive, Suite 101, South Easton, Massachusetts 02375.

8) Truesdail Laboratories, Inc.;
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14201 Franklin Avenue, Tustin, CA 92680

9) UL - Underwriter Laboratories, Inc.;
333 Pfingsten Road, Northbrook, Illinois 60062.

Section 890. TABLE A Approved Materials and Standards

Approved Building Drainage/Vent Pipe

1) Acrylonitrile Butadiene Styrene (ABS) Pipe
   BETTER 2661-1987 97
   ASTM-F 628-1988 97
   CSA B181.1 in B1800-1999
   Joints
   ASTM D 2235-1988 96a
   CSA B602-1999
   Solvent Cement
   ASTM D 2235-1988 96a
   CSA B181.1 in B1800-1999

2) Brass Pipe
   ASTM B 43-1988 98

3) Cast Iron Pipe
   ASTM A 74-1987 98
   ASTM A 888-1994 98a
   ASTM C 564-1988 97
   CISPI 301-1990 9
   CSA B70-1997

4) Copper/Copper Alloy Pipe
   ASTM B 42-1988 96
   ASTM B 302-1988 98

5) Copper/Copper Alloy Tubing
   (K-L-M or DWV)
   ASTM B 75-1986 97
   ASTM B 88-1988 96
   ASTM B 251-1988 97
   ASTM B 306-1988 96

6) Galvanized Steel Pipe
   ASTM A 53-1988 98
   ASTM A 120-1984

7) Glass Fiber Borosilicate Pipe
   ASTM C 1053-1985 95

8) High Silicon Content Cast Iron Pipe
   ASTM A 377-1984
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<td>Polypropylene Pipe</td>
<td>ASTM F 492-1985, CSA B137.1-1999 in B137</td>
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<td>11</td>
<td>Polyvinyl Chloride (PVC) Pipe with Cellular Core</td>
<td>ASTM F 891-1990</td>
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<td>Joints</td>
<td>ASTM D 2855-1983</td>
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<td>Primer</td>
<td>ASTM F 656-1988</td>
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<td>Solvent Cement</td>
<td>ASTM D 2564-1988</td>
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<td>12</td>
<td>Polyvinylidene Fluoride</td>
<td>ASTM D 3222-1988</td>
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<td>Solder</td>
<td>ASTM B 32-1989</td>
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<td>Stainless Steel - types 304 and 316L</td>
<td>ASME/ANSI A112.3.1-1999</td>
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<td>Stainless Steel Buttweld Fittings</td>
<td>ASTM A774, A403</td>
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<td>16</td>
<td>Stainless Steel Flanges</td>
<td>ASTM A-240</td>
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**Agency Notes:**

2. Type M copper tubing, DWV copper tubing, and galvanized steel pipe are approved for above-ground uses only.
3. Approved for corrosive waste or corrosive soil conditions.
4. PVC pipe with cellular core is approved only for gravity drainage and venting. It is not approved for pressurized drain, waste or venting applications.
Approved Materials for Building Sewer

1) Acrylonitrite Butadiene Styrene (ABS) Pipe
   - ASTM D 2661-1987 97
   - ASTM D 2751-1988 96
   - ASTM F 628-1988 97
   - CSA B181.1-1999 in B1800
     Joints
     - ASTM D 2235-1988 96
     - CSA B602-1999
     Solvent Cement
     - ASTM D 2235-1988 96
     - CSA B181.1-1999 in B1800

2) Asbestos Cement Pipe
   - ASTM C 428-1981 97
   - CSA B127.1-1999
   - CSA B127.2-M1977 (R1997)

3) Bituminized Fiber Pipe
   - ASTM D 1861-1988
   - ASTM D 1862-1988

4) Cast Iron Soil Pipe/Fittings
   - ASTM A 74-1987 98
     Hubless Soil Pipe
     - CSA B70-1997
     - CISPI 301-1990 99
     - CISPI 310-1990 7
     - CSA B70-1997
     Rubber Gaskets
     - ASTM C 564-1989 97
     - CSA B70-1997
     - CSA B602-1999

5) Copper/Copper Alloy Tubing
   - ASTM A B 88-1996

6) Concrete Pipe
   - ASTM C 14-1988 95
   - ASTM C 76-1988 95
   - CSA B602-1999

7) Polyvinyl Chloride (PVC) Pipe
   - ASTM F 1866-1998
   - ASTM D 2665-1988 98
   - ASTM D 2949-1987 98
   - ASTM D 3034-1988 98
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7) Polyvinyl Chloride (PVC) Pipe with Cellular Core
   Joints
   Primer
   Solvent Cement

8) Vitrified Clay Pipe Pressurized by
   a Pump or Ejector is Prohibited

9) Solder

Agency Note:
1 Solvent cement must be handled in accordance with
2 PVC pipe with cellular core and vitrified clay pipe are approved only for gravity drainage.

Approved Materials for Water Service Pipe

1) Acrylonitrite Butadiene Styrene (ABS) Pipe
   Joints
   Solvent Cement

2) Brass Pipe

3) Cast Iron (ductile iron)
   Water Pipe

4) Chlorinated Polyvinyl Chloride (CPVC) Pipe

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CSA B182.1-1999 in B1800
CSA B182.2-1999 in B1800
CSA B182.4-1999 in B1800
CSA B181.2-1999 in B1800
ASTM D 2855-1988
CSA B602-1999
ASTM F 656-1988
ASTM D 2564-1988
CSA B181.2-1999 in B1800
ASTM F 891-1990
ASTM D 2855-1988
ASTM F 656-1988
ASTM D 2564-1988
ASTM C 4-1981
ASTM B 32-1989
ASTM D 1527-1988
ASTM D 2282-1988
ASTM D 2257-1988
ASTM D 2235-1988
ASTM D 2257-1988
ASTM B 43-1988
ASTM A 377-1984
ASTM D 2846-1988
M - 97
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ASTM F 441-1988
ASTM F 442-1988
ASTM D 2846-1988 M - 97
CSA B137.6-1999 in B137

Joints
ASTM D 2846-1988 M - 97
CSA B137.6-1999 in B137

Solvent Cement (Orange)¹
ASTM F 493-1988 97
CSA B137.6-1999 in B137

5) Copper/Copper Alloy Pipe²,³
ASTM B 42-1988 96
ASTM B 302-1988 98

6) Copper/Copper Alloy Tubing²,³
ASTM B 88-1988 96

7) Galvanized Steel Pipe²
ASTM A 53-1988 98
ASTM A 120-1984

8) Poly Butylene (PB) Pipe/Tubing²
ASTM D 2662-1988 96a
ASTM D 2666-1988 96a
ASTM D 3309-1988 97a
CSA B137.7-1999 in B137
CSA B137.8-1999 in B137

9) Polyethylene (PE) Pipe²
ASTM D 2239-1988 96a
CSA B137.1-1999 in B137

10) Polyethylene (PE) Tubing²
ASTM D 2737-1988 96a
CSA B137.1-1999 in B137

11) Polyvinyl Chloride (PVC) Pipe²
ASTM D 1785-1988 96b
ASTM D 2241-1988 96b
ASTM D 2672-1988 96a
CSA B137.3-1999 in B137

Joints
ASTM D 2855-1983 96
CSA B137.2-1999 in B137
CSA B137.3-1999 in B137

Primer
ASTM F 656-1988 96a

Solvent Cement¹
ASTM D 2564-1988 96a
CSA B137.3-1999 in B137

12) Welded Copper Water Tube²
ASTM B 447 WK,
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WL, and WM-1989 97

13) Solder

Agency Note:

1 Solvent cement must be handled in accordance with ASTM F 402-1988.
2 Water service pipe must meet the appropriate NSF standard for potable water.
3 Type K or L copper may be installed underground.

Approved Materials for Water Distribution Pipe

1) Brass Pipe

2) Chlorinated Polyvinyl Chloride (CPVC) Pipe/Tubing

3) Copper/Copper Alloy Pipe

4) Copper/Copper Alloy Tubing

5) Cross Linked Polyethylene

6) Galvanized Steel Pipe

7) Poly Butylene (PB) Pipe/Tubing

ASTM B 32-1989 96

ASTM B 43-1988 98

ASTM D 2846-1988 97

ASTM F 441-1988 97 3

ASTM F 442-1988 97 3

CSA B137.6-1999 in B137

ASTM D 2846-1988 M - 97

CSA B137.6-1999 in B137

ASTM F 493-1988 97

CSA B137.6-1999 in B137

ASTM B 42-1988 96

ASTM B 302-1988 98

ASTM B 88-1988 96

ASTM F 876-1990 00

ASTM F 877-1989 00

CSA B137.5-1999 in B137

ASTM A 53-1988 98

ASTM A 120-1984

ASTM D 3309-1988 97a

CSA B137.7-1999 in B137

CSA B137.8-1999 in B137
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8) Polyvinyl Chloride (PVC) Pipe\(^2, 3\)

ASTM D 1785-1996b  
ASTM D 2241-1996b  
ASTM D 2672-1996a  
CSA B137.3-1999 in B137

Joints

ASTM D 2855-1996  
CSA B137.2-1999 in B137  
CSA B137.3-1999 in B137

Primer

ASTM F 656-1996a

Solvent Cement\(^1\)

ASTM D 2564-1996a  
CSA B137.3-1999 in B137

8) 9) Welded Copper Water Tube\(^2\)

ASTM B 447 WK, WL, and WM-1989 97

9) 10) Solder

ASTM B 32-1989 96

Agency Notes:

1 Solvent cement must be handled in accordance with 

2 Cross-Linked Polyethylene is approved only for above-ground use.

3 Water distribution pipe must meet the appropriate NSF standard for potable water.

3 Cold or tempered water only

Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings

1) Bathtub Liners (plexiglass/ABS or acrylic/plastic)

ANSI Z124.8-1990

2) Bathtubs, Plastic

ANSI Z124.1-1987 95 and  
ANSI Z124.1a & b-1990 95  
CSA B45.5-1999 in B45

3) Bidets

ASME/ANSI A112.19.2M-1990 98  
CSA B45-1999

4) Enameled Cast Iron Plumbing Fixtures

ASME/ANSI A112.19.1M-1987 94
5) Fittings:
   Plumbing Fixture Fittings
      (metering valves, faucets, etc.)
      ASME/ANSI A112.18.1M-1989 96
      CSA B125-2001
   Suction Fittings for Use in Swimming Pools,
      Wading Pools, Spas, Hot Tubs and Whirlpool
      ASME/ANSI A112.19.7M-1987 96
      CSA C22.2 No. 218.1-M1989
      CSA C22.2 No. 218.2-1993
   Bathtub Appliances

6) Floor Drains
   ASME A112.21.1M-(R1990) 98
   CSA B79-1994 (R2000)

7) Flushometer Bowls
   ASME/ANSI A112.19.2M-1990 98
   CSA B125-2001
   Flushometers
   ANSI/ASSE 1037-1990
   CSA B125-2001

8) Grease Interceptors
   PDI (G101) 1985 96

9) Low Consumption (1.6 gpf) Water Closets
   ASME/ANSI A112.19.2M-1990 98
   CSA B45.1-1999 in B45
   CSA B45.4-1999 in B45

10) Plastic Lavatory
    ANSI Z124.3a-1990 95
    CSA B45-1999

11) Plastic Shower Receptors/Shower Stalls
    ANSI Z124.2a-1990 95
    CSA B45-1999

12) Plastic Water Closets Bowls/Tanks
    ANSI Z124.4-1986 96 and
    ANSI Z124.4a-1990 6
    CSA B45.5-1999 in B45

13) Porcelain Enameled Formed Steel
    Plumbing Fixtures, including
    Bathtub Liners
    ASME/ANSI A112.19.4M-1984 94
    CSA B45.3-1999 in B45

14) Stainless Steel Plumbing Fixtures
    (Residential)
    ASME/ANSI A112.19.3M-1987 96
    CSA B45.4-1999 in B45
15) Vitreous China Plumbing Fixtures
   ASME/ANSI A112.19.2M-1990
   CSA B45.1-1999 in B45

16) Whirlpool Bathtub Appliances
   ASME/ANSI A112.19.7M-1987
   CSA C22.2 No. 0-M1991
   CSA C22.2 No. 14-1995
   CSA C22.2 No. 100-1995
   CSA C22.2 No. 218.2-1993
   CSA B45-1999
   CSA B45.10-2001
   CSA B125-2001
   CSA B137-1999

Agency Notes:

   The water pressure at each fixture installation shall meet the manufacturer's minimum recommended level for the fixture.

Approved Standards for Plumbing Appliances/Appurtenances/Devices

1) Anti-Backflow Freezeless Wall Hydrants
   ANSI/ASSE 1019-1978
   CSA B125-2001

2) Anti-Scald Control Valve
   ANSI/ASSE 1016-1990
   CSA B125-2001

3) Anti-siphon Self Drawing Frost Proof Sillcock
   ANSI/ASSE 1019-1978
   CSA B125-2001

4) Automatic Ice Making Equipment
   NSF Std. #12-1987
   CSA C22.2 No. 120-M1991

5) Automatic Storage Type Water Heater
   Less Than 75,000 BTU/HR
   ASHRAE 90A-1980/
   ANSI Z21.10.1a-1994
   CSA 4.1-M1998
   CSA 4.1a-2000

6) Back Water Valves
   CSA B181.1-1999 in B1800
   CSA B181.2-1999 in B1800
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<thead>
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<td>ANSI Z21.10.1a-1994/UL 499</td>
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<td>CSA B140.12-1976, C22.2 No. 110-1994</td>
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<td>Detergent/Chemical Feeders for Commercial Use</td>
<td>NSF Std. #29-1987</td>
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<td>CSA C22.2 No. 0.4-M1982, CSA C22.2 No. 68-1992</td>
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<td>CSA C22.2 No. 142-M1997</td>
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<td>Dishwashing Machine (Commercial)</td>
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<td>Diverters for Residential-Anti-Siphon</td>
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<td>Double Check Detector Assembly</td>
<td>ANSI/ASSE 1048-1990</td>
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<td>Double Check With Atmospheric Vent</td>
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<td>15</td>
<td>Double Check Valve Assembly</td>
<td>CSA B64-2001</td>
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| 16| Drinking Fountains                                                          | ARI 1010-1985 or ASME A112.19.2M-1990 98  
|   |                                                                             | CSA B45-1999                        |
| 17| Drinking Water Treatment Units - Health Effects                              | NSF Std. #53-1982 99a               |
| 18| Drinking Water Treatment Units - Aesthetic Effects                           | NSF Std. #42-1982 99                |
| 19| Drinking Water Treatment Chemicals                                           | NSF Std. #60-1986 99               |
| 20| Dual Check Valve                                                            | ANSI/ASSE 1024-1990 98             |
| 21| Dual Check Valve (Carbonated Beverage) (Relief Port Required)               | ASSE 1032 22-1980 98               |
|   |                                                                             | CSA B64-2001                        |
| 22| Food Waste Disposal (Commercial)                                            | ANSI/ASSE 1009-1990                |
|   |                                                                             | CSA C22.2 Nos. 0-M1991              |
|   |                                                                             | CSA C22.2 No. 68-1992               |
| 23| Food Waste Disposal (Residential)                                           | ASSE 1008-1986 89                  |
|   |                                                                             | CSA C22.2 Nos. 0-M1991              |
|   |                                                                             | CSA C22.2 No. 68-1992               |
| 24| Gas Water Heater Above 75,000 BTU                                           | ANSI Z21.10.3a-1990/AGA             |
|   |                                                                             | CSA 4.3-M1998                       |
| 25| Gas Water Heater 75,000 BTU or Less                                         | ANSI Z21.10.1a-1991/AGA             |
|   |                                                                             | CSA 4.1-M1998                       |
| 26| Gas Water Heater (Continuous Use)                                           | ANSI Z21.10.1a-1991                |
|   |                                                                             | CSA 4.1-M1998                       |
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28) Grease Interceptors
PDI-G 101-1985

29) Handheld Showers
ASSE 1014-1990
CSA B125-2001

30) Home Laundry Equipment
ASSE 1007-1986 92
CSA C22.2 No. 0-M1991
CSA C22.2 No. 0.4M-1982
CSA C22.2 No. 53-1968
CSA C22.2 No. 169-1997

31) Hot Water Dispensers-Electrical
ANSI/ASSE 1023-1979
CSA C22.2 No. 64-M1991

32) Hot Water Generating/Heat Recovery Equipment
NSF Std. #5-1983 92

33) Ice Makers
UL 563-1975
CSA B45-1999
CSA C22.2 No. 0-M1991
CSA C22.2 No. 0.4M-1982
CSA C22.2 No. 63-1993
CSA C22.2 No. 120-M1991

34) Individual Pressure Balancing
In-line valves for individuals fixture fittings
ASSE 1066-1997
CSA B125-2001

34) 35) Mixing Valves
Individual Thermostatic Pressure Balancing and Combination Control Valves
Temperature Actuated Mixing Valves, Domestic Use
ANSI/ASSE 1016-1990 96
CSA B125-2001

35) 36) Oil Fired Water Heaters
UL 732-1975/ASME 1975
CSA B140.0-M1987
CSA B140.12-1976
CSA C22.2 No. 0-M1991
CSA C22.2 No. 3-M1988
| *36) 37* Pressure Relief Valve | ANSI Z21.22-1986  
|                              | CSA 4.4-M1999  
|                              | CSA 4.4a-2000  
|                              | CSA 4.4b-2001  |
| *37) 38* Pressurized Flushing Device | ANSI/ASSE 1037-1990  
|                                | CSA B125-2001  |
| *38) 39* Reduced Pressure Detector Assembly | ANSI/ASSE 1047-1990
|                                    | CSA B64-2001  |
| *39) 40* Reduced Pressure Principle Backflow Preventer | ASSE 1013-1988
|                                              | CSA B64-2001  |
| *40) 41* Refuse Compactors/Compactor System | NSF Std. #13-1987
|                                              | CSA C22.2 No. 0-M1991
|                                              | CSA C22.2 No. 68-1992  |
| *41) 42* Relief Valves For Hot Water System | ANSI Z21.22-1986
|                                              | CSA 4.4-M1999  
|                                              | CSA 4.4a-2000  
|                                              | CSA 4.4b-2001  |
| *42) 43* Reverse Osmosis Drinking Water Treatment System | NSF Std. #58-1986
|                                              | 99  |
| *43) 44* Spray Type Dishwashing Machine for Commercial Use | NSF Std. #3-1996
|                                              | CSA C22.2 Nos. 0-M1991
|                                              | CSA C22.2 No. 0.4-M1982
|                                              | CSA C22.2 No. 53-1968
|                                              | CSA 22.2 No. 168-M1981  |
| *44) 45* Trap Seal Primer Valve | ASSE 1018-1986
|                                              | CSA B125-2001  |
| *45) 46* Vacuum Breakers, Anti-siphon | ANSI/ASSE 1001-1990
|                                              | CSA B64-2001  |
### Notice of Proposed Amendments

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Standard</th>
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<tbody>
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<td>46) 47</td>
<td>Vacuum Breakers Hose Connection</td>
<td>ANSI/ASSE 1011-1993 5</td>
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<td>CSA B64-2001</td>
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<td>47) 48</td>
<td>Vacuum Breaker (Laboratory Faucet)</td>
<td>ANSI/ASSE 1035-1984 95</td>
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<td>48) 49</td>
<td>Vacuum Breakers Pressure Type</td>
<td>ASSE 1020-1989 97</td>
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<td>Vacuum Relief Valve</td>
<td>ANSI Z21.22-1986</td>
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<td>Vending Machine for Food/Beverage</td>
<td>NSF Std. #25-1996 7</td>
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<td>CSA 22.2 No. 0-M1991</td>
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<td>51) 52</td>
<td>Water Closet Tank Ball Cock</td>
<td>ASSE 1002-1986 99</td>
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<td>CSA B125-2001</td>
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<td>52) 53</td>
<td>Water Hammer Arresters</td>
<td>ASSE 1010-1982 98</td>
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<td>CSA B125-2001</td>
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<td>53) 54</td>
<td>Water Heater Drain Valve</td>
<td>ASSE 1005-1986</td>
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<td>54) 55</td>
<td>Water Pressure Reducing Valves (Domestic)</td>
<td>ANSI/ASSE 1003-1982 95</td>
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<td>CSA B356-2000</td>
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</table>

Approved Standards for Fittings

1) Cast Iron Threaded Drainage Fittings

2) Cast Copper Alloy Solder Pressure Fittings
   - ANSI B16.18-1984 94

3) Cast Copper Alloy Solder Drainage Fitting (DWV)
   - ANSI B16.23-1984 92

4) Copper Fittings
   - ASME B16.15-1985 94
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5) Forged Steel Fittings, Socket, Welded, Threaded

6) Gray Iron/Ductile Iron

7) Malleable Iron

8) Plastic

9) Plumbing Fixture Fittings
   (metering valves, faucets, etc.)

10) Steel

11) Wrought Copper/Bronze Solder Pressure Fitting
12) Wrought Copper and Wrought Copper Alloy Solder [Drainage Fittings]  
ASME/ANSI B16.29-1986 94  
ASME/ANSI B16.22-1989 95  

13) Wrought Steel Buttwelding Fittings  
ASME/ANSI B16.9-1986 93  

14) Wrought Steel Buttwelding Short Radius Els  
ASME/ANSI B16.28-1986 94  

(Source: Amended at 27 Ill. Reg. __________, effective ____________________)
### Notice of Proposed Amendments

Section 890.TABLE B  Minimum Number of Plumbing Fixtures

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>All Facilities for Employee Use</th>
<th>Single Dwelling or Unit of Multiple Dwelling; Condo. or Apartment; or Hotel/Motel Unit</th>
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<tbody>
<tr>
<td>Water closets</td>
<td></td>
<td>1 per dwelling or unit</td>
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<tr>
<td>(Fixtures per person)</td>
<td>For 1-5 Total Employees See Section 890.810(b)(1)</td>
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<td>4: 56-80</td>
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<td>5: 81-110</td>
<td>5: 81-110</td>
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<tr>
<td></td>
<td>Over 110, add 1 fixture per restroom for each additional 40 males/females. (See Footnote #1)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Urinals</th>
<th>See Footnote #2</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lavatories³</td>
<td>See Footnote #2</td>
<td>1 per dwelling or unit</td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td>1: 1-15</td>
<td>1: 1-15</td>
</tr>
<tr>
<td></td>
<td>2: 16-35</td>
<td>2: 16-35</td>
</tr>
<tr>
<td></td>
<td>3: 36-60</td>
<td>3: 36-60</td>
</tr>
<tr>
<td></td>
<td>Over 60, add 1 fixture per restroom for each additional 45 males/females.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bathtubs/Showers</th>
<th>1 per 10⁷ (If Required)</th>
<th>1 per dwelling or unit</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Drinking fountains⁴</th>
<th>1 per 75</th>
<th>None</th>
</tr>
</thead>
</table>
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Fixtures per person)

<table>
<thead>
<tr>
<th>Other Fixtures</th>
<th>None</th>
<th>1 Double Kitchen Sink; or 1 Single Bowl - 24&quot; x 21&quot; x 6 1/2&quot; minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1 Laundry Tray or 1 Automatic Laundry Washing Machine connection for each 4 units</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Dormitories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Male</td>
<td>Female</td>
</tr>
</tbody>
</table>

Water Closet (Fixtures per person)

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
</tbody>
</table>

Add 1 fixture for each additional 25 males over 10; and 1 for each additional 20 females over 8.

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: 1-100</td>
<td>2: 1-100</td>
</tr>
<tr>
<td>2:101-200</td>
<td>3:101-150</td>
</tr>
<tr>
<td>3:201-400</td>
<td>4:151-200</td>
</tr>
<tr>
<td>4:400-800</td>
<td>5:201-300</td>
</tr>
<tr>
<td>6:301-400</td>
<td></td>
</tr>
<tr>
<td>7:401-500</td>
<td></td>
</tr>
<tr>
<td>8:501-650</td>
<td></td>
</tr>
<tr>
<td>9:651-800</td>
<td></td>
</tr>
</tbody>
</table>

Over 800, add 1 fixture for each additional 700 males and 1 for each 200 females.

See Footnote #1

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Dormitories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Male</td>
<td>Female</td>
</tr>
</tbody>
</table>

Assembly Places:
Sports Arenas, Stadiums, Convention Halls, Etc.
### Urinals

<table>
<thead>
<tr>
<th>Fixtures per person</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 25</td>
<td>See 1: 1-100</td>
</tr>
<tr>
<td>Over 150, add 1 fixture for each 50 males added; over 400, add 1 for each 200 males added.²</td>
<td></td>
</tr>
</tbody>
</table>

### Lavatories³

<table>
<thead>
<tr>
<th>Fixtures per person</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 12</td>
<td>See 1: 1-200</td>
</tr>
<tr>
<td>Over 12, add 1 fixture for each additional 20 males and 1 for each 15 females.</td>
<td></td>
</tr>
</tbody>
</table>

### Bathtubs, Showers

<table>
<thead>
<tr>
<th>Fixtures per person</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 8</td>
<td>None</td>
</tr>
<tr>
<td>For females, add 1 bathtub per 30; over 150, add 1 per 50.</td>
<td></td>
</tr>
</tbody>
</table>

### Drinking Fountains⁴

<table>
<thead>
<tr>
<th>Fixtures per person</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per 75</td>
<td>See 1: 1-100</td>
</tr>
<tr>
<td>Over 100, add 1 for each added 150. Over 1000, add 1 for each added 500. Over 5000, add 1 for each added 1000.</td>
<td></td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Assembly Places:</th>
<th>Dormitories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sports Arenas, Stadiums, Convention Halls, Etc.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Fixtures</td>
<td>1 Service Sink</td>
<td>1 Service Sink</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td>per Floor</td>
<td>per Floor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Etc. Building</th>
<th>Assembly Places:</th>
<th>Mercantile Units, Malls, Stores,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Spectator Events</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>1: 1-100</td>
<td>2: 1-100</td>
<td>1: 1-100</td>
<td>1: 1-50</td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td>2:101-200</td>
<td>3:101-150</td>
<td>2:101-200</td>
<td>2: 51-100</td>
</tr>
<tr>
<td></td>
<td>4:400-800</td>
<td>5:201-300</td>
<td>4:400-800</td>
<td>4:151-250</td>
</tr>
<tr>
<td></td>
<td>6:301-400</td>
<td></td>
<td>5:251-350</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7:401-500</td>
<td></td>
<td>6:351-500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8:501-650</td>
<td></td>
<td>7:501-650</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9:651-800</td>
<td></td>
<td>8:651-800</td>
<td></td>
</tr>
<tr>
<td>Over 800, add 1 fixture for each additional 400 males and 1 for each 170 females.</td>
<td></td>
<td>Over 800, add 1 fixture for each additional 500 males and 1 for each 175 females.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See Footnote #1</td>
<td></td>
<td>See Footnote #1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Assembly Places:

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Theaters, Auditoriums, Other Facilities for Spectator Events</th>
<th>Mercantile Units, Malls, Stores, Etc.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Fixtures per person</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urinals</td>
<td>1: 1-100</td>
<td>See</td>
<td>1: 1-100</td>
<td>See</td>
</tr>
<tr>
<td></td>
<td>2:101-200</td>
<td>Footnote</td>
<td>2:201-400</td>
<td>Footnote</td>
</tr>
<tr>
<td></td>
<td>3:201-400</td>
<td>#2</td>
<td>3:401-600</td>
<td>#2</td>
</tr>
<tr>
<td></td>
<td>4:401-600</td>
<td>Over 600, add 1 fixture for each additional 300 males.</td>
<td>4:601-800</td>
<td>Over 800, add 1 fixture for each additional 300 males.</td>
</tr>
<tr>
<td>Lavatories(^3)</td>
<td>1: 1-200</td>
<td>1: 1-200</td>
<td>1: 1-200</td>
<td>1: 1-200</td>
</tr>
<tr>
<td></td>
<td>2: 201-400</td>
<td>2: 201-400</td>
<td>2: 201-400</td>
<td>2: 201-400</td>
</tr>
<tr>
<td></td>
<td>3: 401-750</td>
<td>3: 401-750</td>
<td>3: 401-750</td>
<td>3: 401-750</td>
</tr>
<tr>
<td></td>
<td>Over 750, add 1 fixture per restroom for each added 400 males/females.</td>
<td>Over 750, add 1 fixture per restroom for each added 350 males/females.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking Fountains(^4)</td>
<td>1: 1-100</td>
<td>Over 100, add 1 for each added 450 500; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.</td>
<td>1: 1-100</td>
<td>Over 100, add 1 for each added 450 500; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.</td>
</tr>
<tr>
<td>Other Fixtures</td>
<td>1 Service Sink per Floor</td>
<td>1 Service Sink per Floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type Selling Motor of Building</td>
<td>Worship Places and Funeral Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male Female (See Footnote #1)</td>
<td>Male Female</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Closets (Fixtures per person)</td>
<td>1 per 250 1 per 125</td>
<td>1 per station 1 per station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urinals (Fixtures per person)</td>
<td>1 per 250 See Footnote #2</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lavatories (Fixtures per person)</td>
<td>1 per 125 1 per 125</td>
<td>1 per station 1 per station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Fixtures (Fixtures per person)</td>
<td>1 Service Sink</td>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## NOTICE OF PROPOSED AMENDMENTS

| Type of Building | Office Buildings/ Public Buildings | Restaurants, Food Service Establishments, Pubs, Lounges, Nightclubs, and Places Serving Food or Liquid to be Consumed on the Premises
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1: 1-15</td>
<td>1: 1-100</td>
</tr>
<tr>
<td></td>
<td>2: 16-35</td>
<td>2: 101-300</td>
</tr>
<tr>
<td></td>
<td>3: 36-55</td>
<td>3: 101-150</td>
</tr>
<tr>
<td></td>
<td>4: 56-80</td>
<td>4: 151-300</td>
</tr>
<tr>
<td></td>
<td>5: 81-110</td>
<td>Over 300, add 1 fixture for each additional 200 males and 1 fixture per each 100 females. See Footnote #1</td>
</tr>
<tr>
<td></td>
<td>Over 110, add 1 fixture per restroom for each additional 40 males/</td>
<td></td>
</tr>
<tr>
<td></td>
<td>females. See Footnote #1</td>
<td></td>
</tr>
<tr>
<td>Urinals</td>
<td>See Footnote #2</td>
<td>See Footnote #2</td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1: 1-15</td>
<td>1: 1-150</td>
</tr>
<tr>
<td></td>
<td>2: 16-35</td>
<td>Over 150, add 1 fixture for each added 150 males. See Footnote #2</td>
</tr>
<tr>
<td></td>
<td>3: 36-60</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4: 61-90</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5: 91-125</td>
<td></td>
</tr>
<tr>
<td>Lavatories³</td>
<td>1: 1-15</td>
<td>1: 1-100</td>
</tr>
<tr>
<td>(Fixtures per person)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2: 16-35</td>
<td>2: 101-200</td>
</tr>
<tr>
<td></td>
<td>3: 36-60</td>
<td>3: 201-400</td>
</tr>
<tr>
<td></td>
<td>4: 61-90</td>
<td>Over 400, add 1 fixture per restroom for each additional 200 males/</td>
</tr>
<tr>
<td></td>
<td>5: 91-125</td>
<td>females. See Footnotes #1 &amp; #6</td>
</tr>
<tr>
<td></td>
<td>Over 125, add 1 fixture per restroom for each additional 45 males/</td>
<td></td>
</tr>
<tr>
<td></td>
<td>females. See Footnote #1</td>
<td></td>
</tr>
<tr>
<td>Type of Building</td>
<td>Office Buildings/ Public Buildings</td>
<td>Restaurants Food Service Establishments, Pubs, Lounges, Nightclubs, and Places Serving Food or Liquid to be Consumed on the Premises(^8)</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Drinking Fountains(^4) (Fixtures per person)</td>
<td>Male: 1 per (\frac{75}{5}) public restroom (male or female)</td>
<td>Male: None, See Footnote # 12</td>
</tr>
<tr>
<td>Other Fixtures (Fixtures per person)</td>
<td>Male: 1 Service Sink per floor on which restrooms are located</td>
<td>Female: 1 Service Sink &amp; 1 3-Compartment Sink as required by 77 Ill. Adm. Code 750 See Footnote #6</td>
</tr>
</tbody>
</table>
# NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Schools-Student Use:</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools-Student Use:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery, Elementary</td>
<td>Secondary, Colleges, Universities, Adult Centers, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Closets (Fixtures per person)</td>
<td>1:1-20</td>
<td>1:1-20</td>
<td>1 per 40</td>
<td>1 per 20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2:21-50</td>
<td>2:21-50</td>
<td>See Footnote #1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 50 add 1 fixture per restroom for each additional 50 persons. See Footnote #1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urinals (Fixtures per person)</td>
<td>See Footnote #2</td>
<td>See Footnote #2</td>
<td>1 per 35-40 See Footnote #2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Footnote #2</td>
<td>See Footnote #2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lavatories^3 (Fixtures per person)</td>
<td>1: 1-25</td>
<td>1: 1-25</td>
<td>1 per 40</td>
<td>1 per 40</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2:26-50</td>
<td>2:26-50</td>
<td>1 per exercise room</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 50, add 1 fixture per restroom for each additional 50 persons. See Footnote #1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking Fountains^4 (Fixtures per person)</td>
<td>1 per 75</td>
<td>1 per 75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Fixtures (Fixtures per person)</td>
<td>1 Service Sink per floor</td>
<td>1 Service Sink per floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Day Care, Nursery and Preschool Centers (All Ages)</td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>------</td>
<td>--------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toddlers 16 - 36 Months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excludes Infants (0 - 15 Months)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male Female</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Closets (Fixtures per person)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1: 1-10</td>
<td>1: 1-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2: 11-25</td>
<td>2: 11-25</td>
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</tr>
<tr>
<td>3: 26-50</td>
<td>3: 26-50</td>
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</tr>
<tr>
<td>4: 51-75</td>
<td>4: 51-75</td>
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<td></td>
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<tr>
<td>5: 76-100</td>
<td>5: 76-100</td>
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</tr>
<tr>
<td>7: 126-150</td>
<td>7: 126-150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8: 151-175</td>
<td>8: 151-175</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 175: Add a fixture per restroom for each additional 50 males/females. See Footnote #1 and #11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urinals (Fixtures per person)</td>
<td>See Footnote #2</td>
<td>See Footnote #2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lavatories(^3) (Fixtures per person)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1: 1-10</td>
<td>1: 1-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2: 11-25</td>
<td>2: 11-25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3: 26-50</td>
<td>3: 26-50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4: 51-75</td>
<td>4: 51-75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5: 76-100</td>
<td>5: 76-100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7: 126-150</td>
<td>7: 126-150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8: 151-175</td>
<td>8: 151-175</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Day Care Centers, Nursery and Preschool (All Ages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Toddlers 16 - 36 Months</td>
</tr>
<tr>
<td></td>
<td>Excludes Infants (0 - 15 Months)</td>
</tr>
<tr>
<td></td>
<td>Over 175: Add a fixture per restroom for each</td>
</tr>
<tr>
<td></td>
<td>additional 50 males/females. See Footnote #1</td>
</tr>
<tr>
<td></td>
<td>Footnotes #1 and #11</td>
</tr>
</tbody>
</table>

| Drinking Fountains^4     | 1 per 75                                           |
| (Fixtures per person)    |                                                   |

| Other Fixtures           | 1 Service Sink Per Facility                       |

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Hospital</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Individual Room</td>
</tr>
<tr>
<td></td>
<td>Hospitals Ward Room</td>
</tr>
</tbody>
</table>

| Water Closets            | 1 per room                                        |
| (Fixtures per person)    | 1 per 8 patients                                  |
| Urinals                  | None                                              |
| (Fixtures per person)    | None                                              |
| Lavatories^3             | 1 per room                                        |
| (Fixtures per person)    | 1 per 8 patients                                  |
## NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Hospital Individual Room</th>
<th>Hospitals Ward Room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathtubs, Showers (Fixtures per person)</td>
<td>1 per room</td>
<td>1 per 8 patients</td>
</tr>
<tr>
<td>Drinking Fountains^4 (Fixtures per person)</td>
<td>None</td>
<td>1 per 75</td>
</tr>
<tr>
<td>Other Fixtures (Fixtures per person)</td>
<td>1 Service Sink per floor</td>
<td>1 Service Sink per floor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Institutional-Other than Hospitals or Penal Institutions (on each floor)</th>
<th>Penal Institutions For Prisoner Use Cells or Dormitories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1 per 25</td>
<td>1 per 20</td>
</tr>
<tr>
<td>Female</td>
<td>See Footnote #2</td>
<td>None</td>
</tr>
<tr>
<td>Urinals (Fixtures per person)</td>
<td>1 per 50^2</td>
<td></td>
</tr>
</tbody>
</table>

^4 Water closets and drinking fountains are not required in Institutional-Other Penal Institutions (on each floor) unless the inmate population exceeds 150 individuals.
## ILLINOIS DEPARTMENT OF PUBLIC HEALTH

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Institutional-Other than Hospitals or Penal Institutions (on each floor)</th>
<th>Penal Institutions For Prisoner Use Cells or Dormitories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Lavatories&lt;sup&gt;3&lt;/sup&gt; (Fixtures per person)</td>
<td>1 per 10</td>
<td>1 per 10</td>
</tr>
<tr>
<td>Bathtubs/Showers (Fixtures per person)</td>
<td>1 per 8</td>
<td>1 per 8</td>
</tr>
<tr>
<td>Drinking Fountains&lt;sup&gt;4&lt;/sup&gt; (Fixtures per person)</td>
<td>1 per 75</td>
<td>1 per 75 prisoners</td>
</tr>
<tr>
<td>Other Fixtures (Fixtures per person)</td>
<td>1 Service Sink per floor</td>
<td>1 Service Sink per floor</td>
</tr>
</tbody>
</table>

### Instructions/Footnotes For Table B

The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Table B entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other buildings/facilities that do not appear in Table B.

Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required.

### Footnotes:

1. The figures shown are the minimum number of fixtures required for the number of persons indicated or any fraction thereof. Based on the total occupant load determined, the number of fixtures shall be calculated assuming fifty (50) percent of the occupants are male and fifty (50) percent are female. The total male/female occupants shall be calculated first; then the
number of fixtures for each (males/females) shall be determined from the appropriate table.

2. Urinals may be substituted for water closets for males, not to exceed one-half (½) of the required total number of water closets. Comparable fixtures for females may be substituted for water closets for females, not to exceed one-half (½) of the required total number of water closets.

3. 18 lineal inches of wash sink or 18 inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

4. Whenever a drinking fountain is required by this code, bottled drinking water or a water dispensing faucet (water station) may be substituted for a drinking fountain, provided it is readily drinking water is accessible to the public. When bottled drinking water is provided in lieu of a drinking fountain, the bottled water used must be commercially sealed in accordance with the Illinois "Bottled Water Act" (Ill. Rev. Stat. 1991, ch. 111 ½, par. 121.100 et seq.) [815 ILCS 310] or must comply with the Department's "Public Area Sanitary Practice Code" (77 Ill. Adm. Code 895).

5. The kitchen sink and laundry tray or connection for the washer are not required for the hotel/motel unit.

6. In addition to providing separate handwashing facilities in the kitchen for employees, all restaurants food service establishments shall provide a minimum of one (1) one service/utility sink and one three 3-compartment sink to sanitize dishes and eating utensils; however, a mechanical dishwasher may be substituted for a three 3-compartment sink to sanitize dishes and utensils. (See 77 Ill. Adm. Code 750.)

7. When bathtubs/showers are required for employees by OSHA requirements, collective bargaining agreements, etc., they shall be provided at the rate of 1 one per 10 employees.

8. Restaurants Food Service Establishments with no more than ten (10) 10 combined employees and seats (for patrons) at any one time need not provide public restrooms, provided the employee restroom(s) is (are) accessible and made available to the public.

9. Bed and Breakfast facilities with more than five 5 sleeping rooms shall meet the minimum requirements of this Part for Hotel/Motel units. Bed and Breakfast facilities with 5 or fewer sleeping rooms, in conformance with P.A. 85-0399, need not provide individual restrooms for each sleeping room.
10. Businesses which sell motor fuel but do not have any employees working as attendants are not required to provide public restrooms.

11. In Day Care Centers providing restroom training facilities for occupants ages 3 and younger where continuous adult supervision is provided are not required to be separated into facilities for males and females, and are allowed to contain multiple lavatories and water closets are required by this Part. Public restrooms shall be required for everyone over the age of 3 separate from the restroom training facilities as required by this Part.

12. Drinking water shall be provided in accordance with Section 890.720(f).

(Source: Amended at 27 Ill. Reg. __________, effective _________________)
Section 890. TABLE E  Drainage Fixture Units (D.F.U.) Per Fixture Group

<table>
<thead>
<tr>
<th>Type of Fixture</th>
<th>D.F.U./ Minimum</th>
<th>Size of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fixture Trap²</td>
<td>(inches)</td>
</tr>
<tr>
<td><strong>Bathroom groups:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Tank water closet, 1 lavatory with 1 1/4 inch trap and 1 bathtub¹ or shower stall</td>
<td>7</td>
<td>1 1/4</td>
</tr>
<tr>
<td>1 Water closet with flush valve, 1 lavatory with 1 1/4 inch trap and 1 bathtub or shower¹</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Bathtub (with or without overhead shower)¹</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Bathtub¹</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Bidet</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Clothes washer, automatic</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Dental unit or cuspidor</td>
<td>1</td>
<td>1 1/4</td>
</tr>
<tr>
<td>Drinking fountain</td>
<td>½</td>
<td>1</td>
</tr>
<tr>
<td>Dishwasher², domestic</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Floor drains</td>
<td>See Appendix A, Table F</td>
<td>2</td>
</tr>
<tr>
<td><strong>Lavatories:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lavatory</td>
<td>1</td>
<td>1 1/4</td>
</tr>
<tr>
<td>Lavatory</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Lavatory, barber, beauty parlor</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Type of Fixture</td>
<td>D.F.U./Minimum Fixture Trap(^2) (Load) (inches)</td>
<td>Size of</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Lavatory, dental</td>
<td>1</td>
<td>1 1/4</td>
</tr>
<tr>
<td>Lavatory, surgeon's</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Laundry tray (1 or 2 compartments)</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Shower stall</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Showers (group) per head(^2)</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Sinks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combination sink and tray</td>
<td>3</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Combination sink and tray with food-disposal unit</td>
<td>4 Separate Traps</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Flushing rim (with valve)</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Kitchen sink, domestic</td>
<td>2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Kitchen sink, domestic, with food-waste grinder</td>
<td>3 Separate Traps</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Pot, scullery, etc.(^2)</td>
<td>4</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Service (P trap)</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Service (P trap)</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Surgeon's</td>
<td>3</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Wash sink(^2) (circular or multiple), each set of faucets</td>
<td>2</td>
<td>1 1/2</td>
</tr>
</tbody>
</table>
## Type of Fixture

<table>
<thead>
<tr>
<th>Type of Fixture</th>
<th>D.F.U. / Minimum Fixture Trap&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Size of (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urinals:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urinal, pedestal, siphon jet, blowout</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Urinal stall</td>
<td>4 3</td>
<td>2</td>
</tr>
<tr>
<td>Urinal, wall integral trap</td>
<td>4 3</td>
<td>2</td>
</tr>
<tr>
<td>Urinal, wall P trap, exposed</td>
<td>4 2</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Water closets:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank operated</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Valve-operated</td>
<td>8</td>
<td>3</td>
</tr>
</tbody>
</table>

<sup>1</sup> A shower head over a bathtub does not increase the fixture value.

<sup>2</sup> See Appendix A: Table F and Section 890.1330(b) for method of determining unit values of fixtures not listed in this Table or for rating of devices with intermittent flows.

(Source: Amended at 27 Ill. Reg. ___________, effective _________________)

(Source: Amended at 27 Ill. Reg. ___________, effective _________________)
Section 890.APPENDIX B  Illustrations for Subpart A
ILLUSTRATION N  Flush Valve (Repealed)

(Referenced in Section 890.120, Definition of "Flush Valve").

(Source: Repealed at 27 Ill. Reg.____________, effective ______________)
Section 890.APPENDIX B  Illustrations for Subpart A
ILLUSTRATION R  Quarter Bend  (Repealed)

(Referenced in Section 890.120, Definition of "Quarter Bend".)

(Source:  Repealed at 27 Ill. Reg.___________, effective _____________)

---

(Source:  Repealed at 27 Ill. Reg.___________, effective _____________)
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 890 APPENDIX B Illustrations for Subpart A
ILLUSTRATION T Return Offset (Repealed)

(Referenced in Section 890.120, Definition of "Return Offset").

(Source: Repealed at 27 Ill. Reg.________, effective ___________.)
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 890.APPENDIX E Illustrations for Subpart E
ILLUSTRATION D Interceptors for Bottling Plants (Repealed)

(Referenced in Section 890.530)

(Source: Repealed at 27 Ill. Reg.__________, effective __________)
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 890. APPENDIX F  Illustrations for Subpart F
ILLUSTRATION C  Commercial Type Grinder #1  (Repealed)

(Referenced in Section 890.710(b))

(Source: Repealed at 27 Ill. Reg. __________, effective __________)
Section 890.APPENDIX G  Illustrations for Subpart G
ILLUSTRATION C  Horizontal Piping Support  (Repealed)

(Referenced in Section 890.930(a))
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 890.APPENDIX G  Illustrations for Subpart G
ILLUSTRATION D  Cast Iron Soil Support Stack  (Repealed)

(Referenced in Section 890.930(b))

(Source:  Repealed at 27 Ill. Reg.______________, effective ________________)

[Diagram of Cast Iron Soil Support Stack]
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Procedures and Standards

2) **Code Citation:** 92 Ill. Adm. Code 1001

3) **Section Numbers: Proposed Action:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1001.410</td>
<td>Amend</td>
</tr>
<tr>
<td>1001.441</td>
<td>Amend</td>
</tr>
<tr>
<td>1001.442</td>
<td>Amend</td>
</tr>
<tr>
<td>1001.443</td>
<td>Amend</td>
</tr>
<tr>
<td>1001.444</td>
<td>Repealed</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Repealed</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart F implementing Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8].

5. **A Complete Description of the Subjects and Issues Involved:** These amendments achieve the following objectives: Implement amendments made to sections of the Illinois Vehicle Code, as follows: The General Assembly has increased the population of offenders who are required to participate in the interlock program: P. A. 92-248 (SB 823, effective 3 August 2001) amended §§6-205(h) and 11-501(i) of the Illinois Vehicle Code (IVC) to require the Secretary of State to require the use of an ignition interlock device on all vehicles owned by people who are convicted of driving under the influence (§11-501 of the IVC) a second or subsequent time. These sections were also amended to state that the Secretary of State shall establish by rule and regulation the procedures for the certification and use of the interlock system. Furthermore, P. A. 92-418 (HB 2265, effective 17 August 2001) amended §§6-205(c) and (d), and 6-206(c)(3) of the Illinois Vehicle Code to state that the Secretary of State shall condition the issuance of restricted driving permits upon the installation and use of an ignition interlock device on vehicles driven by multiple offenders under the driving under the influence and the implied consent/summary suspension statutes (§§11-501(a) and 11-501.1 of the IVC).

This increase in the interlock population (individuals who are granted driving relief conditioned upon the installation of an interlock device are also referred to as “BAIID permittees”) has increased the demand for the device which, in turn, has encouraged
more business entities to provide interlock services. The Secretary of State therefore believes that there is now sufficient demand for the devices and service providers to establish open competition for the provision of interlock devices and services, as opposed to the current system of the Secretary assigning BAIID permittees to specific providers. Improvements in interlock technology, which should make more efficient and facilitate the delivery and servicing of the devices on a statewide basis, is another reason to anticipate an increase in the number of providers. It is therefore expected that open competition will lead to cost savings for BAIID permittees.

This restructuring of the delivery of interlock services necessitates the extensive revision and reorganization of the rules on the interlock program.

Note that the amendments to and reorganization of §1001.442 is so extensive that the current rule has been stricken and replaced by the new version. This includes moving the current version of §1001.444 into the revised §1001.442. For this reason, §1001.444 also has been stricken.

6) Will this rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed amendments to this Part pending? Yes. Less extensive amendments to these same sections are currently before the Joint Committee on Administrative Rules. See 26 Ill. Reg. 18209 (Issue 52, 27 December 2002).

10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments no later than 45 days after the publication of this Notice to:

   Marc Christopher Loro, Legal Advisor
   Department of Administrative Hearings
   200 Howlett Building
   Springfield, Illinois 62756
12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses which provide interlock device services.

B) Reporting, bookkeeping or other procedures required for compliance: Those business which provide interlock services, also referred to herein as BAIID providers, must maintain extensive and accurate records of the performance BAIID Permittees while they are using the device. Most of this recordkeeping and reporting will be done electronically.

C) Types of professional skills necessary for compliance: Recordkeeping and computer skills.

13) Regulatory Agenda on which this rulemaking was summarized: December 2002.

The full text of the proposed amendments begins on the next page:
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section
1001.10 Applicability
1001.20 Definitions
1001.30 Right to Counsel
1001.40 Appearance of Attorney
1001.50 Special Appearance
1001.60 Substitution of Parties
1001.70 Commencement of Actions; Notice of Hearing
1001.80 Motions
1001.90 Form of Papers
1001.100 Conduct of Formal Hearings
1001.110 Orders
1001.120 Record of Hearings
1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section
1001.200 Applicability
1001.210 Definitions
1001.220 Hearings: Notice; Location; Procedures; Record
1001.230 Rules of Evidence
1001.240 Scope of Hearings
1001.250 Decisions and Orders
1001.260 Rehearings
1001.270 Judicial Review
1001.280 Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section
1001.300 Applicability
1001.310 Definitions
1001.320 Right to Representation
1001.330 Records and Reports
1001.340 Location of Hearings
1001.350 Duties and Responsibilities
1001.360 Decisions
1001.370 Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section
1001.400 Applicability
1001.410 Definitions
1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs Program
1001.442 Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions—BAIID Providers Certification Procedures and Responsibilities; Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer’s Responsibilities; Disqualification of a BAIID Provider
1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender—Compliance with Interlock Program
1001.444 Installer’s Responsibilities (Repealed)
1001.450 New Hearings
1001.460 Requests for Modification of Revocations and Suspensions
1001.470 Renewal, Correction and Cancellation of RDPs
1001.480 Unsatisfied Judgment Suspensions
1001.485 Reinstatement Application Based Upon Issuance of Drivers License in a State which is a Member of the Driver License Compact
1001.490 Invalidity
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

SUBPART E: FORMAL MEDICAL HEARINGS

Section
1001.500 Applicability
1001.510 Definitions
1001.520 Procedure
1001.530 Conduct of Medical Formal Hearings
1001.540 Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

Section
1001.600 Applicability
1001.610 Definitions
1001.620 Burden of Proof
1001.630 Implied Consent Hearings; Religious Exception
1001.640 Implied Consent Hearings; Medical Exception
1001.650 Rebuttable Presumption
1001.660 Alcohol and Drug Education and Awareness Program
1001.670 Petition for Restricted Driving Permits
1001.680 Form and Location of Hearings
1001.690 Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section
1001.700 Applicability
1001.710 Definitions
1001.720 Organization of Motor Vehicle Review Board
1001.730 Motor Vehicle Review Board Meetings
1001.740 Board Fees
1001.750 Notice of Protest
1001.760 Hearing Procedures
1001.770 Conduct of Protest Hearing
1001.780 Mandatory Settlement Conference
1001.785 Technical Issues
1001.790 Hearing Expenses; Attorney's Fees
OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1001.795 Invalidity

APPENDIX ABAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

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Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and drug evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the
petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (Out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and drug evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by OASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, which conforms to the standards established by OASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID Permittee permittee" means a BAIID petitioner who has been issued an RDP as a result of a hearing.
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"BAIID Multiple Offender multiple offender" means anyone who is required to install an interlock device on all vehicles he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC.

"BAIID petitioner " means anyone who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by §§6-205(c) and 6-206(c)3 of the IVC.

“BAIID provider” means an entity authorized by the Secretary to contract with BAIID Permittees and distribute, supply, install, maintain and monitor BAIID devices. A “BAIID provider” may be an authorized agent or representative of a manufacturer or an independent entity. “BAIID provider” may be synonymous with vendor, supplier, manufacturer, or installer.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint, the vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It
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should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

“Code” or “IVC” means the Illinois Vehicle Code [625 ILCS 5].

“Decertification” means the removal or cancellation by the Secretary of the authorization to sell, rent, distribute, supply, install, service, repair, or monitor BAIIDs for BAIID Permittees and BAIID Multiple Offenders. The Secretary may decertify a BAIID provider or a particular type of BAIID. “Decertification” is synonymous with disqualification.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated driver remedial or rehabilitative program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.
"DUI disposition" means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "employed" or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a rolling retest" means anytime the BAIID Permittee registers a BrAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

- symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

- within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)
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“Immediate family” means a member of the petitioner’s household, the petitioner’s parents, grandparents, children, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID provider or manufacturer to install, repair, and/or maintain, or monitor a BAIID device and employed by an authorized entity providing installation, repair, or monitoring services to BAIID Permittees through such trained individuals.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"Medical or physical BAIID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without violating sacrificing the intent of the BAIID Program rules and statutory requirements.

"Medical or Physical BAIID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

- no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and
a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI;

and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the
manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAIID Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Rolling retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State or his designee.

"Service or inspection notification" means that feature of the device that advises or notifies the BAIID Permittee to either take the vehicle with the device installed to the BAIID provider or installer or send the device to the BAIID provider or installer for the required inspection and the monitor report.

"Service center" means an authorized dealer, distributor, supplier, or other business engaged in the installation of BAIIDs and is synonymous with installer.

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).
"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

- one prior conviction or court ordered supervision for DUI, one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or
- a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or
- other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/recovery program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity; a strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.
"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device.

"24 Hour lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment " means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.
"Unsuccessful attempt to start the vehicle" means anytime the BAIID Permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Pilot Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, motorcycles and motor driven cycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 27 Ill. Reg.___________, effective ___________________)

Section 1001.441  Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs Program

a) A program is hereby established to integrate the issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by §§6-205(c) and 6-206(c)3 and/or 11-501 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of $20 per month on an annual basis, for a total annual payment of $240. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State. This fee must be paid by all petitioners for the issuance of restricted driving permits at any hearing conducted on or after 9 November 2001. The payment of the fee also applies to any petitioner who was issued a BAIID permit prior to 9 November 2001 and whose driving record requires that he/she install an interlock device participate in the interlock program according to the definition set forth in P.A. 92-418 (see §§6-205(c) and (d) and 6-206(c)3 of the IVC), and who petitions for a hearing to renew his/her restricted driving permits on or after 9 November 2001. Anyone driving on a BAIID permit on 9 November 2001 and whose driving record does not require that he/she operate a vehicle with a BAIID participate in the interlock program according to the definition set forth
in P.A. 92-418, must nonetheless drive with the interlock BAIID device until the expiration of his/her permits (without payment of the above-referenced fee). Thereafter, such a petitioner is entitled to renew the restricted driving permits without the installation of the interlock device.

A BAIID petitioner who is renewing restricted driving permit(s) and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time s/he renew the permits, shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times $20. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.

b) The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements of the program. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.

c) All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any extension or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.

d) The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a device in any motor vehicles operated by the BAIID petitioner and where applicable all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D the program. BAIIDs shall not be installed on and BAIID permittees shall not operate motorcycles or motor driven cycles.

e) Prior to the taking of evidence at the hearing:
1) The hearing officer shall make sure that the BAIID petitioner understands:
all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must
minimally meet all of the requirements of Section 1001.440 of this Subpart D Part and install and utilize the device; that a BAIID petitioner’s
agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of
an RDP; and that all costs associated with the device are the responsibility of the BAIID petitioner; and

2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID
requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the device, or comply with this Section,
he/she shall be advised that restricted driving permits cannot be granted.

f) After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.

1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.

2) If the hearing officer determines that an RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the
RDP is conditioned upon the installation and continued use of the device. All RDPs issued under Section shall require continued
use of the device until the driving privileges of the petitioner are reinstated.

g) Upon the issuance of an order granting an RDP under this Section, the Secretary shall send a list of certified BAIID providers to the BAIID permittee.
In addition to the other requirements under this Part, the BAIID Permittee may operate the vehicle for 14 days from the issuance of the RDP
without the device installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the device. The installer or
BAIID provider must notify the Secretary that a device has been installed in the vehicles designated by the BAIID Permittee within 7 days from the date
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of the installation of the device. Proof of installation shall be by such means in writing, on letterhead as determined by the Secretary from the installer or BAIID provider manufacturer. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.

h) Any BAIID petitioner receiving an RDP under this Section this program must comply with the following requirements:

1) Operate only vehicles with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID Permittee as required by the RDP issued under this Section the program.

2) Take the vehicle with the device installed to the BAIID provider manufacturer or installer or send the appropriate portion of the device to the BAIID provider or installer manufacturer within the first 30 days for an initial monitor report to help the BAIID Permittee learn how to correctly use the device, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the BAIID provider manufacturer or installer.

3) Take the vehicle with the device installed to the BAIID provider manufacturer or installer or send the appropriate portion of the device to the BAIID provider or installer as instructed manufacturer for a monitor report within 5 working days after any service or inspection notification.

4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a rolling retest, or any problems with the device. If BAIIDs have been installed on multiple vehicles pursuant to section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a rolling retest, or any problems with the device and recording the name of the driver operating the vehicle at the time of the event.

i) Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAIID Permittee to
comply with the requirements of this Subpart D Part the program will be made part of his/her record of performance to be considered at future formal hearings.

1) For any BAIID Permittee permittee who fails to take a the vehicle with the device in for timely monitor reports or send the appropriate portion of the device to the BAIID provider or installer manufacturer for timely monitor reports, send a letter to the BAIID Permittee permittee indicating that if the device is not taken in for a monitor report within 10 days after the date of the letter, the failure to comply will be made part of his/her record of performance;

2) For any BAIID Permittee permittee whose monitor reports shows 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a rolling retest, during the initial monitor period, send a warning letter to the BAIID Permittee permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a rolling retest will result in the Secretary sending a letter to the BAIID Permittee permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a rolling retest;

3) For any BAIID Permittee permittee whose monitor reports shows 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAIID Permittee permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

4) For any BAIID Permittee permittee whose monitor reports show a failure to successfully complete a rolling retest, after the initial monitor report period, send the BAIID Permittee permittee a letter asking for an explanation of the failure to successfully complete a rolling retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonable assure the Secretary, the failure to comply will be made part of his/her record of performance;
5) For any BAIID Permittee whose monitor reports shows a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID Permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID Permittee is required to abstain from alcohol, claimed abstinence at the time of the hearing, or agreed at the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle. In such case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID Permittee did not consume alcoholic beverages, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance; and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID:

6) For any BAIID Permittee who was arrested/stopped by the police for an alcohol/drug related offense, failed a rolling retest, or failed to take a rolling retest, if the police officer’s report indicates the use of alcoholic beverages and/or drugs, the Secretary shall send the BAIID Permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

7) For any BAIID Permittee whose initial monitor or monitor reports show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device, the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device.
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j) Receipt of any one of the following shall also be grounds for immediate cancellation of an RDP issued under this Section program:

1) Any law enforcement report showing operation of a vehicle by a BAIID Permittee permittee without a device as required by the RDP issued under this Section program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;

2) Written notification from a BAIID provider or manufacturer/installer on a removal/deinstallation report form stating that the device installed in a BAIID Permittee permittee’s vehicle has been removed and/or is no longer being utilized by the Permittee permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee’s failure to pay lease or rental fees due to the BAIID provider;

3) Any law enforcement report involving a DUI arrest/stop or other law enforcement report indicating use of alcohol in violation of Subpart D.

k) Any BAIID Permittee permittee whose RDP issued under this program is cancelled as provided for in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID Permittee permittee whose RDP is cancelled under the provisions of this Section and who: is required to abstain from alcohol; claimed abstinence at the time of the hearing; or agreed at the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle; and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.

l) Any BAIID Permittee permittee whose RDP issued under this program is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k). This provision does not apply to BAIID Permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct which otherwise would be grounds for the cancellation of his/her RDPs.
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m) Any formal order entered which grants the issuance of a RDP as provided for in this Section under this program shall, in addition to all other requirements, clearly indicate the following:

1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and, under the program;

2) That the BAIID Permittee permittee is aware of the program and all of its conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.

n) Any RDPs issued as provided for in this Section under this program shall, in addition to all other requirements, clearly indicate:

1) That the RDP permit is issued pursuant to the BAIID requirements of this Section under the program, and that when a vehicle operated by a BAIID Permittee permittee must be equipped with an installed, properly operating device;

2) That the provisions of the RDP also allow the BAIID Permittee permittee to drive to and from the BAIID provider manufacturer or installer for the purposes of installing the device within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.

o) The Secretary shall gather all monitor reports and any other information relative to the permittee’s petitioner’s performance and compliance with the BAIID requirements under this Subpart D program. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

p) The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section the program.

q) In determining whether a BAIID permittee is exempt from the BAIID requirement pursuant to the waiver provided for in section 6-205 and 6-206 of the IVC, the following shall apply:
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1) for the purposes of this subsection the term “employer” shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;

2) The exemption shall not apply where the employer’s vehicle is assigned exclusively to the BAIID permittee and used solely for commuting to and from employment.

r) The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days of the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days of the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee’s RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.

(Source: Amended at 27 Ill. Reg._______, effective __________.)

Section 1001.442 Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions; BAIID Providers Certification Procedures and Responsibilities; Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer’s Responsibilities; Disqualification of a BAIID Provider

a) The responsibilities of a device manufacturer shall include:

1) The manufacturer shall carry product liability insurance with minimum liability limits of $1 million per occurrence and $3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from
2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees and agents, and DPH and its officers, from all claims, demands, actions and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of a device;

3) The manufacturer of a device shall develop separate detailed written instructions regarding the installation, maintenance and the normal operation of the device;

4) The manufacturer shall provide an 800 customer service/question/complaint hotline;

5) The manufacturer shall provide a training program for the individual operating the device on operation, maintenance, and safeguards against improper operations. The manufacturer shall warn the BAIID Permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of their RDP. The manufacturer shall instruct the BAIID Permittee and other individuals participating in the training program to maintain a journal of events surrounding failed readings or problems with the device;

6) The manufacturer shall provide informational materials to the Secretary for distribution to BAIID Eligible Petitioners;

7) The manufacturer shall provide a warranty of performance to ensure responsibility for support of service within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;

8) The manufacturer shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any
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costs incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;

9) The leases, fee schedules, installation verification forms, noncompliance report forms, calibration verification/tamper report forms, and removal/deinstallation report forms used by manufacturers in the program shall be approved by the Secretary;

10) If a manufacturer requires a security deposit by a BAIID permittee and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, said security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the manufacturer's Illinois BAIID region. The manufacturer will provide the Secretary with a certified statement of the escrow account upon his request;

11) Any manufacturer whose device is installed must submit monitor reports to the Secretary no later than 7 days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer. These monitor reports shall be transmitted using agreed upon electronic transfer protocols. The Secretary shall provide an electronic copy of all monitor reports to DPH;

12) The manufacturer shall provide to the Secretary upon request additional reports, to include but not be limited to records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols and a copy shall be provided by the Secretary to DPH upon request;

13) The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence upon request;

14) The manufacturer shall service all BAIID Permittees in their designated geographic region under standards established for that region as set forth in Appendix A.

b) Approval of BAIIDs for analyzing the alcohol content of breath:
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1) Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:

A) 1.4.S, Power, if the device is not designed to be operated from the battery.

B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20°C and above +70°C.

C) 2.3.S, Warm Up, if the device is not designed to be operated below -20°C.

D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above +70°C.

2) Within 36 months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a field testing protocol developed by the DPH and review of field performance results from the program.

3) No device shall be given approval if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions.

4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025.

5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within 5 to 15 minutes after starting the vehicle. Rolling retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first rolling retest.
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6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
   A) The rolling retest is not performed;
   B) The BrAC readings of the rolling retest is 0.05 or more;
   C) Tampering or circumvention attempts are detected.

7) The device shall be required to have permanent lockout 5 days after the Service or Inspection Notification if it is not serviced or calibrated. Notification shall be given by the device in the following cases: anytime the device registers three BrAC readings of .05 or more within a 30 minute period; 10 or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAIID Permittee of the initial monitor report; a failure to successfully complete a rolling retest; after any attempted tampering or circumvention; every 60 days after the initial monitor report.

8) The device shall be required to have 24 Hour Lockout anytime the BAIID Permittee registers three BrAC readings of 0.05 or more within a 30 minute period.

9) Any device to be approved shall provide for calibration at least once every 60 days using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard.

10) Any manufacturer/service center/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle within 15 days using an agreed upon electronic transfer medium and format. The Secretary shall provide a copy of the information to DPH.

11) Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.
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12) A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH certifying the device:

A) Does not impede the safe operation of a vehicle.

B) Minimizes opportunities to bypass the device.

C) Performs accurately and reliably under normal conditions.

D) Prevents a BAIID Permittee from starting a vehicle when the BAIID Permittee has a prohibited BrAC; i.e., ≥ 0.025.

E) Satisfies the requirements for certification set forth in this Section.

13) The written request shall include all of the following information:

A) The name and address of the manufacturer of the device.

B) The name and model number of the device. A separate request is required for each model or type of device.

C) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal.

D) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.

E) A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications in this Section.

F) A description of the manufacturer's present and two year plan for distribution and service in Illinois.

G) A certification from the manufacturer that it will accept the region assigned as a result of a random draw and will service all BAIID Permittees residing in the designated region under standards established for that region.
14) The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device no later than 30 days after receipt of all required requested materials and certifications.

15) The manufacturer shall provide the Secretary:

A) A list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored in an agreed upon format. The manufacturer shall notify the Secretary of any new locations or any locations which are closed;

B) Five production devices of which three will be used for field testing;

C) Training for the Secretary's employees and DPH's inspectors and program administrator at no cost.

16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.

17) A list of approved devices shall be maintained by the Secretary.

e) DPH Inspections

DPH may conduct independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any noncompliance so reported. The manufacturer shall report in writing to the Secretary within 30 days after receiving notification of the noncompliance any corrective actions taken.

d) Disqualification of a Manufacturer
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1) The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a 30 day opportunity to come into compliance in any of the following cases:

   A) Failure to submit monitor reports in a timely manner as provided in subsection (a)(11). If the Secretary finds, through investigation, that the BAIID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the manufacturer or installer indicating that a third such occurrence within a 12 month period will result in cancellation of participation;

   B) Failure to maintain liability insurance as required;

   C) Failure to comply with all of the duties and obligations contained in this Part.

2) Upon disqualification or the cessation of the operation of a manufacturer, the Secretary shall assign future BAIID Permittees from that manufacturer’s region to another manufacturer closest to the permittee. Upon disqualification of the manufacturer, the Secretary shall:

   A) Immediately reassign all Permittees previously assigned to the manufacturer to another manufacturer closest to the permittee; or

   B) If such action does not jeopardize the safety of the public, allow the disqualified manufacturer to continue to service any permittee assigned to it prior to the disqualification. However, such Permittees shall have the option of being reassigned to another manufacturer closest to the permittee.

All costs related to such reassignments shall be paid by the Permittees.

e) Designation and Assignment of Regions

The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within its assigned...
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region to service BAIID Permittees residing in said region under standards established for that region as set forth in Appendix A.

a) No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. The Secretary shall begin accepting applications for certification immediately after the effective date of these amendatory rules. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary’s office no later than December 1 of each year. Ninety days after the adoption of these amendments of 2003, or upon the certification of at least two BAIID providers under these amendments, which ever is later, the Secretary will cease assigning BAIID permittees to BAIID manufacturers pursuant to the geographic districts set forth in previous rules.

b) BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with these rules, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.

c) Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time after the adoption of these amendments of 2003. An application for certification or recertification as a BAIID provider shall include all of the following information:

1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;

2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
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3) A description of each BAIID which the applicant proposes to install, including the name and address of the manufacturer and the model of the unit. Unless the BAIID has been certified by the Secretary pursuant to these amendatory rules of 2003, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant’s right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. Such proof may include a purchase, lease, rental or distribution agreement with the manufacturer;

5) A detailed description of the applicant’s plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant’s ability to distribute and install BAIIDs and submit reports to the Secretary within the time frames established by this Subpart D;

6) Proof that the applicant possesses the minimum liability insurance coverage required by this Section, and a statement agreeing to the indemnification and hold harmless provisions of this Section;

7) In the event an original or amended application to be certified or recertified as a BAIID provider is denied, the Secretary shall limit additional applications from that applicant to one every twelve months;

8) In deciding whether to grant or deny an application to be a BAIID provider, the Secretary may take into consideration the applicant’s past performance in manufacturing, distributing, installing or servicing BAIIDs if the applicant has previously engaged in this type of business;

9) A BAIID provider who has been certified pursuant to this Section may at any time submit an amended application seeking approval to distribute and install a type of BAIID in addition to or other than the types previously approved for that BAIID provider;

10) The Secretary shall notify the applicant in writing of his decision regarding the application for certification as a BAIID provider.
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d) After certification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:

1) The BAIID provider shall carry product liability insurance with minimum liability limits of $1 million per occurrence and $3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials, and workmanship with regard to manufacturing, calibration, installation, and removal of devices. The BAIID provider must submit proof of insurance with its application to the Secretary. The proof of insurance shall include a statement from the insurance company that 30 days notice will be given to the Secretary before cancellation of the insurance;

2) As a condition of being certified as a BAIID provider, the BAIID provider shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident thereto, relating to bodily injuries to persons (including death) and for loss of, damage to, or destruction of real and/or tangible personal property (including property of the State) resulting from the negligence or misconduct of the BAIID provider, its employees, agents, or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;

3) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;

4) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
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5) Any BAIID provider that sells, rents, and/or leases ignition interlock devices in Illinois pursuant to this Subpart D shall report to the Secretary all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle within 7 days;

6) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;

7) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee on operation, maintenance, and safeguards against improper operations. The BAIID provider shall warn the BAIID permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of his or her RDP. The BAIID provider shall instruct the BAIID permittee to maintain a journal of events surrounding failed readings or problems with the device. Copies of all materials used in this course of training shall be provided to the Secretary;

8) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;

9) The BAIID provider shall provide at the request of the Secretary expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the device, and how the device functions;

10) If a BAIID provider requires a security deposit by a BAIID permittee and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon his request;
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11) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring or whenever a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (d)(11), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in or an appropriate portion of the BAIID is sent to the BAIID provider. All BAIIDs shall be recalibrated whenever they are brought in for any type of service or monitoring using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard;

12) The BAIID provider shall report to the Secretary within one business day the discovery of any evidence of tampering with or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering circumvention and shall make that evidence available to the Secretary;

13) BAIID providers shall provide to the Secretary upon request additional reports, to include but not be limited to records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State;

14) The BAIID provider shall provide service to all BAIID permittees who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider;

15) The BAIID provider must immediately notify the Secretary in writing if it or its manufacturer or installer becomes unable to produce, supply, service, repair, maintain, or monitor BAIIDs in a manner to service BAIID permittees as required and within the deadlines as specified in this Subpart D;

16) The BAIID provider shall provide the Secretary a list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations which are closed;
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17) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to the Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, and removal or deinstallation report forms;

18) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees which will be charged to BAIID permittees, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;

19) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section;

20) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any devices present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify in writing and require the BAIID provider to correct any noncompliance revealed during any inspections. Within thirty days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary in writing of any corrective action taken;

21) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model which is certified under this Section. These models will be used for demonstration and training purposes.

e) Only BAIIDs which have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees by BAIID providers. Certification of a BAIID may be granted by the Secretary based on the following criteria:

1) Approval of a device may be granted by the Secretary, based on a review and evaluation of test results from a state or nationally recognized and
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certified laboratory test facility which is accredited by one of the following: International Standards Organization (ISO-25), National Voluntary Lab Accreditation Program-National Institutes of Standards & Technology (NVLAP), or Clinical Laboratory Improvement Amendments—U.S. Department of Health and Human Services (CLIA).

The evaluation and test results must affirm the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:

A) 1.4.S, Power, if the device is not designed to be operated from the battery;

B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below –20° C and above +70° C;

C) 2.3.S, Warm Up, if the device is not designed to be operated below -20° C;

D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above +70° C;

2) The BAIID provider must certify that the BAIID:

A) Does not impede the safe operation of a vehicle;

B) Minimizes opportunities to bypass the device;

C) Performs accurately and reliably under normal conditions;

D) Prevents a BAIID permittee from starting a vehicle when the BAIID permittee has a prohibited BrAC; i.e. <P>>> 0.025;

E) Satisfies the requirements for certification set forth in this Section;

3) No device shall be given approval if it demonstrates an accuracy rate >=0.01 in unstressed conditions or >=0.02 in stressed conditions;
4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025;

5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within 5 to 15 minutes after starting the vehicle. Rolling retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first rolling retest;

6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:

   A) The rolling retest is not performed;
   B) The BrAC readings of the rolling retest is 0.05 or more; or
   C) Tampering or circumvention attempts are detected;

7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee if it is not serviced or calibrated within that five day period. The BAIID shall give service or inspection notification to the BAIID permittee upon the occurrence of any of the following events:

   A) Every instance in which the device registers 3 BrAC readings of .05 or more within a 30 minute period;
   B) Any attempted tampering or circumvention;
   C) The time for the BAIID permittee to take the vehicle for the initial monitor report;
   D) Every 60 days after the initial monitor report;

In addition, the BAIID shall record and communicate to the BAIID permittee and to the Secretary’s office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
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8) The device shall be required to have 24 hour lockout anytime the BAIID permittee registers 3 BrAC readings of 0.05 or more within a 30 minute period;

9) Approval of a device may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the device’s ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees; and BAIID monitor reports;

10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering;

11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide at total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations designated by the Secretary. The training shall be designed to familiarize the Secretary’s employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees. The BAIID provider shall also provide the Secretary, upon his request, the following materials:

A) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal of the BAIID;

B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, and environmental features;

12) Any device which is not approved shall be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
13) Upon the effective date of these amendatory rules of 2003, the Secretary shall not accept for approval any BAIID which uses Taguchi cell technology to determine BrAC. Within 30 days of the effective date of these amendatory rules of 2003, the Secretary shall publish an initial list of BAIIDs that do not utilize Taguchi cell technology and that have been approved for use in Illinois by the Secretary. The devices on this list shall meet all standards set forth in this Section. Between January 1, 2004, and December 31, 2004, approved BAIID service providers shall only install approved devices which do not utilize Taguchi cell technology. Taguchi cell devices installed before January 1, 2004 may remain installed until the end of the contract period or until January 1, 2005, whichever occurs first. Upon January 1, 2005, no devices using Taguchi cell technology shall be permitted in BAIID permittee vehicles.

f) BAIID Installers

1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer’s compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;

2) All BAIID installers shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;

3) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions);

4) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. It is the BAIID permittee's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the device. The installer shall inform the BAIID permittee that a problem exists, but shall not be responsible for repairing the vehicle;
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5) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;

6) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;

7) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;

8) Where the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties which are associated with service after the installation and which are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;

g) The Secretary shall disqualify a BAIID provider from providing BAIID services in Illinois upon written notification and a 30 day opportunity to come into compliance in any of the following cases:

1) Failure to submit monitor reports in a timely manner as provided in subsections (d)(11) and (d)(12). If the Secretary finds, through investigation, that the BAIID permittee did take the vehicle with the installed device to the BAIID provider, or sent the appropriate portion of the device to the BAIID provider for a monitor report in a timely manner, a warning notification shall be sent to the BAIID provider indicating that a third such occurrence within a 12 month period will result in decertification;

2) Failure to maintain liability insurance as required;

3) Failure to install approved devices within the time requirements of this Subpart D;

4) Failure to comply with all of the duties and obligations contained in this Subpart D;
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5) Failure to provide BAIID permittees with correct information regarding the requirements of this Subpart D.

h) Upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees of the decertification of the BAIID or the decertification of or the cessation of the operation of a BAIID provider.

i) Designation of Installation Sites

1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees;

2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection.

(Source: Amended at 27 Ill. Reg. __________, effective __________)

1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender—Compliance with Interlock Program

a) For the purposes of this Part Section, a person “owns” a vehicle when it is registered in his or her name, regardless of whether it is registered solely in his or her name or jointly with another person or persons.

b) Anyone who is required to install an interlock device on all vehicles which he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall certify to the Secretary, in the manner stated in subsection (c), that he or she has installed an interlock
device on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 12 consecutive months.

c) A BAIID Multiple Offender shall certify compliance with the interlock program by filing an affidavit with the Secretary which states that the offender installed an interlock device on all vehicles he or she owns and which lists, by make, model, and registration plate number, each and every vehicle that the offender owns, the name and address of the installer, the date installed, and any other information deemed necessary by the Secretary. The offender must submit one certification listing all of the vehicles that he or she owns on a form provided by the Secretary. This certification must be submitted within 7 days after the date of the final installation. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

The offender must submit another, complete affidavit whenever he or she buys another vehicle, sells a vehicle listed on the affidavit, or changes the installer. This new certification must be submitted within 7 days after the date that one of these transactions is finalized. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

d) The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID Multiple Offenders, and by monitoring compliance with the terms and conditions of the interlock program as provided in §1001.441. If the Secretary finds evidence of non-compliance, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. The offender may contest the cancellation by filing a petition for a formal hearing pursuant to §2-118 of the Code.

The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID multiple offenders, and
by monitoring compliance with the terms and conditions of the interlock requirements as provided in §1001.441.

1) If the Secretary finds evidence of non-compliance with the affidavit requirements, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. BAIID multiple offenders whose driving privileges are cancelled due to a violation of the affidavit requirements will be required to certify installation of another BAIID and compliance with the affidavit requirements of this section for another 12 consecutive months from the date that their compliance is re-certified;

2) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAIID multiple offender whose driving privileges have been reinstated, then the offender’s driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to certify installation of another BAIID and compliance with the affidavit requirements of this section for another 12 consecutive months from the date that their compliance is re-certified;

3) The offender may contest a cancellation entered pursuant to this section by filing a petition for a formal hearing pursuant to §2-118 of the Code.

e) BAIID Multiple Offenders who are found to have violated the provisions of this Section will be required to certify compliance with the affidavit requirements for another 12 consecutive months.

(Source: Amended at 27 Ill. Reg.___________, effective _________________)

Section 1001.444 Installer's Responsibilities (Repealed)

The responsibilities of installers of BAIID shall include:
a) An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device.

b) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation.

c) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions).

d) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. It must be the BAIID Permittee's responsibility to repair the vehicle if any condition exists that would prevent the proper functioning of the device. The installer should inform the BAIID Permittee that a problem exists, but should not be responsible for repairing the vehicle.

e) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle.

f) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle.

g) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent.

h) The installer shall provide a warranty of performance to assure responsibility for support of service within a maximum of forty-eight (48) hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle.
a) The State of Illinois is divided into four (4) BAIID regions as follows:


2) Region 2 shall be comprised of the Counties of Adams, Calhoun, Cass, DuPage, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Knox, Macoupin, Marshall, Mason, McDonough, Menard, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Stark, Warren, Woodford, and in Cook County the City of Chicago.


4) Region 4 shall be comprised of the counties of Alexander, Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, Will, Williamson, and in Cook County the municipalities/unincorporated areas of Arlington Heights, Blue Island, Burnham, Calumet Park, Calumet City, Chicago Heights, Country Club Hills, Crestwood, Dixmoor, Dolton, East Hazel Crest, Evanston, Flossmoor, Ford Heights, Glencoe, Glenview,
b) The minimum installation/service center site location guidelines for each region follow. In the event that a BAIID is required for a Permittee who resides more than seventy-five (75) miles from any location in his/her region, installation and service must be provided by a mobile unit on site for the Permittee or at another alternative location within a seventy-five (75) mile radius of the Permittee's residence:

1) Region 1: one in Lake County; one in Winnebago County; one in LaSalle County at a site within a five mile radius of the intersection of Interstate 39 and Interstate 80; and either one in both Municipal District 4 and Municipal District 5 of the Circuit Court of Cook County or one in Lyons Township;

2) Region 2: one in DuPage County; one in Knox County; one in Morgan County; and one in Chicago in Cook County;

3) Region 3: one in Effingham County; one in Kane County; one in Kankakee County; one in Sangamon County; one in Tazewell County; one in either Champaign or Urbana in Champaign County; and one in Municipal District 3 of the Circuit Court of Cook County;

4) Region 4: one in St. Clair County; one in Jefferson County; one in Will County at a site within a five mile radius of the intersection of Interstate 80 and U.S. Route 45; and one in Municipal District 2 of the Circuit Court of Cook County.

e) Any Permittee residing in a portion of a municipality located in Cook County not specifically identified to a particular region shall be considered to be in the region of the non-Cook County portion of the Permittee's municipality.

(Source: Amended at 20 Ill. Reg. 15773, effective November 28, 1996, Repealed at 27 Ill. Reg. _____, effective ______________)
1) **Heading of the Part:** Standards and Licensure Requirements for Community-Integrated Living Arrangements

2) **Code Citation:** 59 Ill. Adm. Code 115

3) **Section Numbers:**
   - 115.120 Amended
   - 115.230 Amended
   - 115.410 Amended
   - 115.500 Amended
   - 115.510 Amended
   - 115.520 Added
   - 115.530 Added
   - 115.540 Added
   - 115.550 Added
   - 115.560 Added
   - 115.570 Added
   - 115.580 Added
   - 115.590 Added
   - 115.600 Added
   - 115.610 Added
   - 115.620 Added
   - 115.700 Added
   - 115.710 Added

4) **Statutory Authority:** Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

5) **Effective Date of Amendments:** March 17, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.**
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9) Notice of Proposal Published in Illinois Register: May 10, 2002 at 26 Ill. Reg. 6964

10) Has JCAR Issued a Statement of Objection to this rulemaking? No

11) Difference(s) between proposal and final version:

In the Table of Contents, at the entry for Section 115.215, struck “services to”.

In Section 115.120, Definitions, made the following changes:

In the definition of “Agency”, struck “which” and added “that”.

In the definition of “Diagnosis”:


In the definition of “Independence in daily living”, struck “which” and added “that”.

In the definition of “Mental health professional (MHP)”, struck “Illinois”.

In the definition of “Mental illness”, after “296.80” added “296.89” and struck first occurrence of “296.89”.

In the definition of “Psychotropics”, added “American Hospital Formulary Services” after “the”; added parentheses around “AHFS”; struck “96”; added “Manual” after “Information”; struck “, 1996), Drug Information for the Health Care Professional, USPDI, 17th edition (United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD 20852-1997) or” and added “2002) (AGENCY NOTE: This document is published annually and updated quarterly.); struck “Economic” and added “Economics”; struck “(1996), published annually)” and added “, Five Paragon Drive, Montvale NJ 07645-1742 (2002)) (AGENCY NOTE: This document is published annually.); and the Drug Facts
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and Comparisons (Facts and Comparisons, 111 West Port Plaza, Suite 300, St. Louis MO 63146-3098 (2002)) (AGENCY NOTE: This document is published annually and updated monthly.)”.

In the definition of “Qualified mental health professional (QMHP)”, struck “which” and added “that”; and struck “Illinois”.

In the definition of “Skills training”, struck “which” and added “that” in two occurrences.

In the definition of “Survey”, struck “which” and added “that”.

In Section 115.230(e)(4)(A), struck “twelve” and added “12”; struck commas after “Itasca” and the zip code; added parentheses around “1986”; added “-Revised” after “Behavior”; struck “SIB” and added “SIB-R”; struck “DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985” and added “Riverside Publishing Co., 425 Spring Lake Drive, Itasca IL 60143 (1996)”.

In Section 115.410(a)(1), struck comma in address.

In Section 115.500(b)(1), capitalized “care model”.

In Section 115.500(b)(2), capitalized “living model”.

In Section 115.550(c)(7), deleted “or not”.

In Section 115.550, at the end of subsection (c) and in Section 115.560, at the end of subsection (c), added:

“The process for submission and review of waiver requests is as follows:

1) A request packet must be compiled by the licensed provider agency and submitted to the Department.

2) The Bureau of Accreditation, Licensure, and Certification, in cooperation with the Office of Developmental Disabilities, will make final decisions on waiver requests.
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3) The request packet must include a description of the waiver being requested; information substantiating the appropriateness of the waiver; and a proposed individual service plan signed by the complete interdisciplinary team incorporating the waiver. If the waiver impacts more than one individual served, an individual service plan must be included for each individual involved.

4) The request packet must be approved and signed by the appropriate QMRP and executive director, or by an authorized Department representative.

5) The Department may develop a standardized application form for waiver requests.

6) The Department will conduct a site visit or visits to review the home, meet the host family, and meet and observe the individuals served prior to the approval of any waiver of the requirements of subsection (a).

7) The Department will consider whether the requested waiver provides for the individual’s general well-being, safety, choices and service needs in making a determination of whether to grant the requested waiver.

8) Completed requests for waiver will be responded to within 30 calendar days after receipt by the Department. If a site visit is determined necessary prior to making a determination regarding the waiver request, the Department will respond within 60 calendar days after the receipt of the request.

In Section 115.570, deleted proposed language at subsection (d).

In Section 115.580, added “(q) and” after “Section 115.230” and added “or in the care of individuals providing natural supports” after “alone”.

In Section 115.590 (a)(6), changed “CMS” to “CMMS”.

In Section 115.610 (b)(3), added “or representative payees” after “guardians”.

In Section 115.610 (b)(5), added “or individuals served” after “agency”.

In Section 115.620, changed formatting structure as follows:
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In Section 115.710(a), struck commas after “board”, “program”, “transportation” and added commas after the closing quotation marks; struck the period after “administration” and added a period after the closing quotation mark.
In Section 115.710(d), struck the comma after “Questionnaire” and added it after the closing quotation mark.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: These amendments establish provisions and requirements specific to the Host Family Living Arrangement program operated by the Department’s Office of Developmental Disabilities. The Host Family Living Arrangement program provides 24-hour residential alternatives to traditional shift staff arrangements for individuals with developmental disabilities.

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

   Mr. Karl Menninger
   Acting Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East, Third Floor
   Springfield, Illinois 62762
   Telephone: (217) 785-9772

The full text of the Adopted Amendments begins on the next page:
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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 115
STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section
115.100 Purpose
115.110 Incorporation by reference
115.120 Definitions

SUBPART B: SERVICE REQUIREMENTS

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115.200 Description
115.205 Respite services for persons with a developmental disability
115.210 Criteria for participation of individuals
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115.230 Interdisciplinary process
115.240 Medical services and medications
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SUBPART C: GENERAL AGENCY REQUIREMENTS

Section
115.300 Environmental management of living arrangements
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SUBPART D: LICENSURE REQUIREMENTS

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115.420 Application acceptance and verification
115.430 Issuing a license and period of licensure
115.440 Licensing sanctions and revocation
115.450 Non-transferability of license
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SUBPART E: HOST FAMILY LIVING ARRANGEMENTS REIMBURSEMENT RATE COMPONENTS

Section
115.500 Program Description—Purpose
115.510 Compliance with this Part—Rate components
115.520 Program requirements
115.530 Pairing of individuals and host families
115.540 Department approval of host family services
115.550 Number of individuals served in host family settings
115.560 Number of individuals living in host family settings
115.570 Provider requirements
115.580 24-hour service
115.590 Minimum agency/caregiver contract requirements
115.600 Relief services
115.610 Conflicts of interest
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SUBPART F: REIMBURSEMENT RATE COMPONENTS

Section
115.700 Purpose
115.710 Rate components

APPENDIX A Specific Level of Functioning Assessment and Physical Health Inventory
(Repealed)

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code
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[405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].


SUBPART A: GENERAL PROVISIONS

Section 115.120 Definitions

For the purpose of this Part, the following terms are defined:

“Abuse.” Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means. (Section 1-101.1 of the Code)

Physical injury means any direct physical mistreatment of an individual by an employee of a community agency, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without an injury.

Sexual abuse means any sexual penetration, molestation, or exploitation of an individual by an employee of the agency.

Sexual penetration means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

Sexual molestation means any intentional or knowing touching or fondling by one person, either directly or through clothing, of the sex organs, anus,
or breast of the other person, for the purpose of sexual gratification or arousal of either person.

Sexual exploitation means the sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

Mental injury includes verbal abuse, psychological abuse or exploitation by an employee.

Verbal abuse means the use of words by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual, whether or not there is a psychological injury.

Psychological abuse means the use of signs, gestures or other actions by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual.

Exploitation means any act of forcing, compelling, coercing, or enticing an individual to perform services for the advantage of another, with or without an injury.

Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another individual.

“Accreditation.” A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

1998 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1998);
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1997-1998 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

1997 Personal Outcome Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1997);
Behavioral Health Standards Manual (CARF, The Rehabilitation Commission, 4891 East Grant Road, Tucson, Arizona 85711, 1998);

Standards Manual and Interpretative Guidelines for Employment and Community Support Services (CARF, The Rehabilitation Commission, 4891 East Grant Road, Tucson, Arizona 85711, 1998); or

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994).

“Agency.” A community mental health or developmental services organization licensed by the Department which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit, that certifies community-integrated living arrangements for individuals with a mental disability. (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act)

“Agency supervision.” Either continuous supervision or support or intermittent supervision or support as defined in this Section.

“Applicant.” A person, group of persons, association, organization, partnership or corporation that applies for a license to provide community-integrated living arrangement services under this Part.
“Array of services.” A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports.

“Authorized agency representative.” The administrative head of an agency appointed by the agency’s governing body with overall responsibility for fiscal and programmatic management.

“Aversive procedures.” The application, contingent on the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

“Certification.” An affirmation by an agency that programs operated under this Part meet the Part’s standards and provide services to promote community-integrated living.


“Community-integrated living arrangement (CILA).” A living arrangement certified by an agency where eight or fewer individuals with a mental disability reside together in a home under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act)

“Community integration” or “integration into the community.” On-going participation in community life including at least the following:

- The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.M.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.
- Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.


“Consumer representatives.” Persons chosen by individuals and representing the interests of individuals served by an agency such as family members, guardians and advocates.
“Continuous supervision or support.” Direction or assistance provided to an individual under the auspices of the licensed agency. An employee or any other person compensated or in a volunteer capacity, but not the guardian of the individual, with responsibility for care of individuals served from the licensed agency, or another agency through which any portion of CILA services is being provided, must be physically present on-site all hours individuals are present. Continuous supervision or support may range from being in immediate line of sight to the individual receiving services, to present and accessible to the individual receiving services, depending on the individual’s services plan.

“Day.” A calendar day, unless otherwise indicated.

“Deemed status.” If an agency has been accredited by an approved accrediting body as identified in the definition of “accreditation” in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

“Developmental disability.” A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code)

“Department.” The Department of Human Services


“Economic self-sufficiency.” The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.
“Employee.” Any person on the agency payroll.

“Entitlements.” Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or income, such as Title XVIII (Medicare) (42 USCA 1395b-1 (1996)), Title XIX (Medicaid) (42 USCA 1396a (1996)) and Veteran’s Administration benefits (38 USCA 521, 541, 542 (1996)).

“Equivalency.” Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

“Family.” Anyone related by blood or marriage to the individual.

“Foster care setting.” A living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis. (Community-Integrated Living Arrangements Act)

“Governing body.” The policy-making authority of an agency that establishes policies concerning the agency’s operation and the welfare of individuals; provides for the agency’s administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency’s operation, its fiscal affairs and programmatic content to implement the organization’s mission.

“Guardian.” The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian’s duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

“Habilitation.” An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Additionally, it may include efforts to prevent regression or decelerate loss of function. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs. (Section 1-111 of the Code)
“Host family.” A residential setting that consists of one or more persons unrelated to the individual with developmental disabilities, employed by or contracting with the provider agency, who reside with the individual.

“Host family living arrangement – traditional care mode.” A 24-hour residential alternative to a typical shift staff arrangement. The setting is the residence for the person with a developmental disability and the full-time residence for the paid caregivers. It is owned, leased or rented by the paid caregivers. In these settings, host families consist of one or more persons who are unrelated to the individual with a developmental disability, and who contract with the provider agency.

“Host family living arrangement – shared living model.” A 24-hour residential alternative to a typical shift staff arrangement. The setting is the residence for the person with a developmental disability and may house either full or part-time paid caregivers in which more than 50 percent of the residential coverage is provided by individuals other than shift staff employees. It is owned, leased or rented by the individuals, caregivers, or agency. In these settings, host families consist of one or more persons who are unrelated to the individual with a developmental disability, and who are employed by or contract with the provider agency. The difference between traditional care and shared living models is shift employees routinely share supervision, care and training responsibilities with the host family caregivers in the shared living model.

“Imminent risk.” A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual as would cause a reasonably prudent person to take immediate action and that is not immediately corrected, such as environmental or safety hazards.

“Independence in daily living.” Demonstrated ability of an individual to provide for his or her own basic care without outside assistance such as:

Vocational development outside the living arrangement that enables individuals to participate in the workforce such as using on-the-job skills, riding a bus and crossing streets.

Personal care, i.e., maintaining own hygiene, personal space and social relationships.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.
“Individual” or “individuals.” A person or persons who receives or receive community-integrated living arrangement services.

“Individual integrated services plan” or “services plan.” A written plan that includes an assessment of the individual’s strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the development and implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

“Informed consent.” Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual’s services plan.

“Interdisciplinary process.” A set of steps or systems initiated to assess the strengths and needs of an individual with a mental disability with input from the individual requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual’s family, unless a legally competent individual chooses not to have the family involved or the family refuses to be involved, a qualified mental retardation professional or qualified mental health professional and other members of the community support team.

“Intermittent supervision or support.” Supervision or support provided to an individual under the auspices of a licensed agency less than 24-hours per day. When employees are not on-site, supervision or support shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

“Linkage.” Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained or regularly made accessible and available to an individual who chooses to not use them initially. The qualified mental retardation professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.
“Living arrangement.” An apartment, house or one or more units in a multi-unit dwelling where an individual has chosen to live or where the individual’s guardian has chosen for him or her to live.

“Mental disability” or “mentally disabled.” A developmental disability, a mental illness, or both.

“Mental health professional (MHP).” A mental health professional who provides services under the supervision of a qualified mental health professional, as defined below, in providing services specified in Subpart B of this Part to an individual and his or her family, as necessary. The mental health professional must possess a bachelor’s degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65] or have a minimum of five years of supervised experience in a mental health service.

“Mental illness.” For purposes of this Part, mental illness refers to the target population of adults with serious mental illness (SMI), as established by the Department’s Office of Mental Health as follows:

Individuals with serious mental illness are adults whose emotional or behavioral functioning is so impaired as to interfere with their capacity to remain in the community without supportive treatment. The mental impairment is severe and persistent and may result in a limitation in their capacities for primary activities of daily living, interpersonal relationships, homemaking, self-care, employment or recreation. This impairment may limit their ability to seek or receive local, State or federal assistance such as housing, medical and dental care, rehabilitation services, income assistance and food stamps, or protective services.

The individual must have one of the following diagnoses that meets DSM-IV criteria and that is the focus of the treatment being provided:

- Schizophrenia (295.xx)
- Schizophreniform disorder (295.4)
- Schizo-affective disorder (295.7)
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Delusional disorder (297.1)

Shared psychotic disorder (297.3)

Brief psychotic disorder (298.8)

Psychotic disorder NOS (298.9)

Bipolar disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90, 296.89)

Cyclothymic disorder (301.13)

Major depression (296.2x, 296.3x)

Obsessive-compulsive disorder (300.30)

Anorexia nervosa (307.1)

Bulimia nervosa (307.51)

And the individual must meet the criteria for either treatment history or functional criteria as follows:

Treatment history. (Treatment history covers the client’s lifetime treatment and is restricted to treatment for the DSM-IV diagnosis specified in this definition.) To qualify under treatment history, the individual must meet at least one of the following criteria:

Continuous treatment of six months or more, including treatment during adolescence, in one, or a combination of, the following modalities: inpatient treatment, day treatment or partial hospitalization;

Six months continuous residence in residential programming (e.g., long-term care facility or assisted, supported or supervised residential programs);
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Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential programming within a 12-month period;

A history of using the following outpatient services over a one-year period, either continuously or intermittently, psychotropic medication management, case management, outreach and engagement services; or

Previous treatment in an outpatient modality, and a history of at least one mental health psychiatric hospitalization.

Functional criteria. (Functional criteria have been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairment.) To qualify under functional criteria, the individual must meet at least two of the following. The individual:

Has a serious impairment in social, occupational or school functioning;

Is unemployed or working only part-time due to mental illness and not for reasons of physical disability or some other role responsibility (e.g., student or primary caregiver for dependent family member); is employed in a sheltered setting or supportive work situation; or has markedly limited work skills;

Requires help to seek public financial assistance for out-of-hospital maintenance (e.g., Medicaid, SSI, other indicators);

Does not seek appropriate supportive community services, e.g., recreational, educational or vocational support services, without assistance;

Lacks supportive social systems in the community (e.g., no intimate or confiding relationship with anyone in his or her personal life, no close friends or group affiliations, is highly transient or has inability to co-exist within a family setting);

Requires assistance in basic life and survival skills (must be reminded to take medication, must have transportation to mental health clinic and other
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supportive services, needs assistance in self-care, household management, food preparation or money management, etc., is homeless or at risk of becoming homeless); or

Exhibits inappropriate or dangerous social behavior that results in demand for intervention by the mental health and/or judicial/legal system.

If the individual does not currently meet the functional criteria listed above, but is currently receiving treatment and has a history within the past five years of functional impairment meeting two of the functional criteria listed above that persisted for at least 12 months, and there is documentation supporting the professional judgment that regression in functional impairment would occur without continuing treatment, then the individual will be determined to have met the functional criteria.

“Mental retardation.” The essential feature of mental retardation is significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, work, leisure, health, and safety. The onset must occur before age 18 years. (See DSM-IV.)

“Moral turpitude.” Moral quality of being inherently base, depraved, vile or wicked.

“Natural environment.” Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

“Natural supports.” Unpaid assistance provided to an individual with a developmental disability typically by a person who has some type of friendship, kinship or other relationship (co-worker, member of the same social group) with the individual, whom the individual accepts into his or her life and with whom the individual has chosen to spend time. A natural support includes an informal agreement to assist in a particular way for some duration of time (i.e., not just a one time action done out of courtesy).

“Neglect.” The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to an individual or in the deterioration of an individual’s physical or mental condition.

Any failure by an agency or employee thereof to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician
or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or

Any act or omission by an agency or employee thereof that endangers an individual’s health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Any act or omission by an agency or employee thereof that results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the agency has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults that are allegedly the result of employee or agency neglect; or

Any act or omission by an agency or employee thereof that results in an individual’s absence that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

Any act or omission by an agency or employee thereof that results in any sexual penetration, sexual molestation, or sexual exploitation where one of the participants in unwilling or unable to consent to sexual activity of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

Any act or omission by an agency or employee thereof that results in any exploitation of an individual by another individual of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred.

“Notice of violation.” A report submitted to an agency by the Bureau of Accreditation, Licensure and Certification (BALC)–OALC listing the agency’s deficiencies with this Part noted during a survey.

“OCAPS.” The Department’s Office of Clinical, Administrative and Program Support (OCAPS); Bureau of Accreditation, Licensure and Certification (BALC)–“OALC.” The Department’s Office of Accreditation, Licensure and Certification.
“Paraprofessional.” An employee or contractual worker not designated as a professional by virtue of license, certification, or education, and who assists a professional.

“Plan of correction.” A written plan submitted by an agency to the Bureau of Accreditation, Licensure and Certification (BALC) Office of Accreditation, Licensure and Certification (OALC), in response to a notice of violation, that describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.

“Pre-admission screening (PAS) agent.” Contracted community agency acting as a Department agent to provide comprehensive documentation for Illinois’ pre-admission screening system and to incorporate the requirements imposed by the Centers for Medicare and Medicaid Services (CMMS) U.S. Health Care Financing Administration (HCFA) to support reimbursement claims under Title XIX of the Social Security Act (42 USCA 1396 (1996)).

“Professional.” An employee or contractual worker designated as professional by virtue of license, certification, or education.

“Progress notes.” Narrative documentation in an individual’s record of service provision and its relationship to the individual integrated services plan.

“Psychotropics.” Drugs used for antipsychotic, antidepressant, antimanic and/or antianxiety purposes as listed in the American Hospital Formulary Services (AHFS)-96 Drug Information Manual (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda MD 20814 (2002)) (AGENCY NOTE: This document is published annually and updated quarterly); the Drug Information for the Health Care Professional, USPDI, 17th edition (United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD 20852, 1997) or the Physician’s Desk Reference (PDR) (Medical Economics–Economic Company, Five Paragon Drive, Montvale NJ 07645-1742 (2002)) (AGENCY NOTE: This document is published annually); and the Drug Facts and Comparisons (Facts and Comparisons, 111 West Port Plaza, Suite 300, St. Louis MO 63146-3098 (2002)) (AGENCY NOTE: This document is published annually and updated monthly) (1996), published annually.

“Qualified mental health professional (QMHP).” One of the following:

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one
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year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents;

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a master’s or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed under the Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health service or a master’s degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;

An individual with a master’s degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or

An individual possessing a master’s or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling or family therapy, or related field, who has successfully completed a practicum and/or internship that includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional or who is a licensed social worker holding a master’s degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master’s degree with one year of experience in mental health services.
“Qualified mental retardation professional (QMRP).” A QMRP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the Illinois Nursing and Advanced Practice Nursing Act;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master’s degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor’s degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meeting the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);
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A professional recreation staff person with a bachelor’s degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association;

A human services professional with a bachelor’s degree in a human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

“Quality assurance.” A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services and supports that enable individuals with a mental illness or developmental disability to achieve defined outcomes in their lives.

“Relative.” Spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any such person denoted by the prefix “grand” or “great” or the spouse of any of the persons specified in this definition.

“Relief.” A paid service for caregivers that provides support to individuals with developmental disabilities in host family living arrangements. Relief services enable the caregivers to have free time apart from the individuals with developmental disabilities.

“Residence.” See “living arrangement.”

“Respite.” Services provided to individuals who are unable to care for themselves, furnished on a short-term basis due to the absence of or need for relief of those persons normally providing care.

“Seclusion.” Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. When an individual is placed in a behavior modification program pursuant to his or her integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code)

“Secretary.” The Secretary of the Department or his or her designee.
“Self-administration of medications.” An individual’s ability to correctly take prescribed medications independently or with prompts when the individual has a mental illness or, if the individual has a developmental disability, has been assessed and determined to be at Level 4 with the Department approved self-administration of medication tool, in accordance with 59 Ill. Adm. Code 116.

“Site.” Any living arrangement under one continuous roof in which individuals receiving CILA services live.

“Skills training.” Activities that focus on the development of daily living skills enable individuals to achieve optimal independent functioning and economic self-sufficiency.

“Substantial compliance.” An evaluation result that determines that a surveyed program meets the requirements set forth in this Part sufficiently to be at a Level 1, 2 or 3, as described in Section 115.440, and in good standing.

“Survey.” A process to determine the degree of compliance with this Part an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and employees and observation of a sample of CILA sites are also a part of the survey.

“Tardive dyskinesia.” An abnormal involuntary movement disorder associated with long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

“Time-out.” Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

“Treatment.” An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals. (Section 1-128 of the Code)
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“Waiver.” An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

(Source: Amended at 27 Ill. Reg. 5376, effective March 17, 2003)

SUBPART B: SERVICE REQUIREMENTS

Section 115.230 Interdisciplinary process

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

a) Through the interdisciplinary process, the CST shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.

b) The following shall be included in the interdisciplinary process:
   1) The individual or his or her legal guardian, or both;
   2) Members of the individual’s family unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;
   3) Significant other(s) chosen by the individual;
   4) The QMRP or the QMHP; and
   5) Other members of the CST.

c) As needed to meet the individual’s needs, the following shall be included in the interdisciplinary process:
   1) Persons in addition to the CST who provide habilitation, treatment or training; and
   2) Professionals who assess the individual’s strengths and needs, level of functioning, presenting problem(s) and disability(ies), service needs and who assist in the design and evaluation of the individual’s services plan.
d) Upon the individual’s entry into a CILA, the QMRP or the QMHP shall:

1) Document in the record those services being provided to the individual until an individual integrated services plan is developed; and

2) Explain all rights enumerated in Section 115.250 and document in the individual’s record that this has been done.

e) The agency shall assure that each individual receives an initial assessment and reassessments that shall be documented in the individual’s record and the results explained to the individual and guardian.

1) The assessments shall determine the individual’s strengths and needs, level of functioning, the presenting problems and disabilities, diagnosis and the services the individual needs.

2) Assessments shall be performed by employees trained in the use of the assessment instruments.

3) Through the selection of the assessment instruments and the interpretation of results, all assessments shall be sensitive to the individual’s:

A) Racial, ethnic and cultural background;
B) Chronological and developmental age;
C) Visual and auditory impairments;
D) Language preferences; and
E) Degree of disability.

4) Initial assessment for individuals with mental disability shall include:

A) A physical and dental examination, both within the past 12 months, which shall include a medical history;
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B) Previous and current adherence to medication regimen and the level of ability to self-administer medications or participate in a self-administration of medication training program;

C) A psycho-social assessment including legal status, personal and family history, a history of mental disability and related services, evaluation of possible substance abuse, the resource availability such as income entitlements, health care benefits, subsidized housing and social services;

D) An assessment with form DMHDD-1215, “Specific Level of Functioning Assessment and Physical Health Inventory,” (SLOF) for individuals with a mental illness and with the Inventory for Client and Agency Planning (ICAP) (Riverside Publishing Co., 425 Spring Lake Drive, Itasca, IL 60143; 1986) or the Scales of Independent Behavior-Revised (SIB-R) (Riverside Publishing Co., 425 Spring Lake Drive, Itasca IL 60143 (1996)–DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985) for individuals with a developmental disability;

E) An educational and/or vocational assessment including level of education or specialized training, previous or current employment, and acquired vocational skills, activities or interests;

F) A psychological and/or psychiatric assessment; both must be conducted for individuals with both a mental illness and a developmental disability;

G) A communication screening in vision, hearing, speech, language and sign language; and

H) Others as required by the individual’s disability such as physical therapy, occupational therapy and activity therapy.

5) Annual reassessments for individuals with a mental disability shall include:

A) A physical and dental examination including a review of medications;
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B) The SLOF for individuals with a mental illness or ICAP or SIB for individuals with a developmental disability;

C) An annual psychiatric examination for individuals with a mental illness;

D) Other initially-assessed areas, as necessary.

f) Within 30 days after an individual’s entry into the CILA program, a services plan shall be developed that:

1) Is based on the assessment results;

2) Reflects the individual’s or guardian’s preference as indicated by a signature on the plan or staff notes indicating why there is no signature and why the individual’s or guardian’s preference is not reflected;

3) Identifies services and supports to be provided and by whom; and

4) States goals and objectives. Objectives shall:

   A) Be measurable;

   B) Have timeframes for completion; and

   C) Have an employee assigned responsibility.

g) The individual integrated services plan shall identify the CILA site chosen with the individual’s and guardian’s participation and shall indicate the type and the amount of supervision provided to the individual.

h) The services plan shall address goals of independence in daily living, economic self-sufficiency and community integration.

i) The services plan shall include the names and titles of all employees and other persons contributing to the plan.
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j) The services plan shall be signed by the QMRP and the QMHP and the individual or guardian.

k) The individual or guardian shall be given a copy of the services plan.

l) The services plan shall become a part of the individual’s record.

m) At least monthly, the QMRP and QMHP shall review the services plan and shall document in the individual’s record that:

   1) Services are being implemented;

   2) Services identified in the services plan continue to meet the individual’s needs or require modification or change to better meet the individual’s needs; and

   3) Actions are recommended when needed.

n) The CST shall review the services plan as a part of the interdisciplinary process at least annually for individuals with developmental disabilities and semi-annually for individuals with mental illness and shall note progress or regression which might require plan amendment or modification.

o) All services specified in the services plan, whether provided by an employee of the licensed agency, consultants, or sub-contractors, shall be provided by or under the supervision of a QMRP or a QMHP, as appropriate, based on the individual’s primary disability.

p) The provider agency must ensure that current copies of individuals’ service plans are kept at the individuals’ residences. The provider agency must also ensure that direct care workers (including employees, contractual persons, and host family members) are knowledgeable about the individuals’ service plans, are trained in their implementation, and maintain records regarding the individuals’ progress toward the goals and objectives of the individual service plans.

qP) Through the interdisciplinary process the CST shall be responsible for determining an individual’s ability to transition from continuous supervision or support to an intermittent level of supervision or support.
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1) If a determination is made that the individual is appropriate for a less restrictive environment, documentation shall be included in the individual’s plan identifying time frames for transition. The individual’s QMRP or QMHP shall be responsible for monitoring the individual’s transitional plan and for documenting the individual’s progress toward intermittent supervision and supports.

2) If a determination is made that an individual with a developmental disability is appropriate for intermittent supervision and supports, the PAS agency in conjunction with the provider agency must submit a completed CILA rate determination packet to the Department for development of a rate to support the intermittent supervision and supports.

3) For individuals with a developmental disability, funding will remain at the individual’s current level of funding for the first three months. At the end of the first three months, the QMRP or QMHP shall convene the CST to assess the individual’s attainment of his or her goal for less restrictive supervision and supports. If the CST determines that the individual requires additional time to complete a successful transition, a request shall be made in writing to the Department for an extension not to exceed a total of six months. If the CST determines that the individual has not met, and is not likely to meet, his or her goal for less restrictive supervision and supports, the individual will continue to receive continuous supervision or support.

An individual who requires continuous supervision or support indefinitely may stay alone or access the community independently under specific circumstances. The CST must determine that the individual has the ability and desire to stay alone safely for brief periods of time, or access specified locations in the community independently, or with supervision and support other than that provided by agency employees. The individual service plan must state the periods of time and restrictions on activities when at home, and locations and time frames for accessing the community. The individual will successfully complete an assessment demonstrating the skills necessary to assure his or her safety, and this must be part of the individual’s record. This should occur only as part of the individual’s habilitation/treatment process, and not to accommodate staffing concerns.

(Source: Amended at 27 Ill. Reg. 5376, effective March 17, 2003)
SUBPART D: LICENSURE REQUIREMENTS

Section 115.410 License application

a) Forms

1) Agencies shall apply by completing application forms available from:
   Accreditation, Licensure and Certification
   Department of Human Services
   303 East Monroe, 2nd Floor-405 Stratton Building
   Springfield, IL 62762-62765

2) The application shall require agencies to certify that individuals being served and programs and services provided in CILAs comply with Section 4 of the Community-Integrated Living Arrangements Licensure and Certification Act, Chapter 2 of the Code, the Confidentiality Act and this Part. The application shall request information including, but not limited to:

A) The agency, including the type of ownership, the names of all owners, partners and stockholders;

B) The individuals being served or to be served in the CILAs supervised by the agency including their disabilities, disability and diagnosis, any special needs such as visual or hearing impairments or mobility issues, the kind of supervision received and whether individuals are in living arrangements owned or leased by the agency; Also, the application shall require agencies to identify if individuals are visually or hearing impaired and/or non-ambulatory;

C) The living arrangements used as CILA sites including site addresses and telephone numbers;

D) A budget of the agency’s estimated first year expenses and revenues;

E) Policies and procedures of the agency;
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F) Organizational chart, staffing patterns and staff qualifications for the agency.

3) The authorized agency representative shall sign and date the application forms.

b) Fees
The Department shall charge a licensure fee up to $200 as provided by Section 4(d) of the Community-Integrated Living Arrangements Licensure and Certification Act.

c) Renewal
On Department notification, each licensed agency shall submit a signed and dated renewal application at least 120 days prior to expiration of the license.

(Source: Amended at 27 Ill. Reg. 5376, effective March 17, 2003)

SUBPART E: HOST FAMILY LIVING ARRANGEMENTS REIMBURSEMENT RATE COMPONENTS

Section 115.500 Program Description Purpose

a) This Subpart details those requirements specific to the Host Family Living Arrangement Program (traditional care model and shared living model) beyond the basic CILA requirements.

b) The Host Family Living Arrangement Program consists of two major program components, the Traditional Care Model and the Shared Living Model.

1) Traditional Care Model
Host family living arrangements, traditional care models, are 24-hour residential alternatives to typical shift staff arrangements. The setting is the residence for the person with a developmental disability and the full-time residence for the paid caregivers. It is owned, leased or rented by the paid caregivers. In traditional care settings, host families consist of one or more persons who are unrelated to the individual with a developmental disability and who are under contract with the provider agency to provide host family services.
2) Shared Living Model
Host family living arrangements, shared living models are also 24-hour residential alternatives to typical shift staff arrangements. The setting is the residence for the person with a developmental disability and may house either full or part-time caregivers in which more than 50 percent of the residential coverage is provided by individuals other than shift employees. It is owned, leased or rented by either the individual, the caregivers, or the agency. In shared living models, host families consist of one or more persons who are unrelated to the individual with a developmental disability and who are under contract, or employed by the provider agency, to provide host family services. The difference between traditional care and shared living models is that, in the shared living model, shift employees of the provider agency routinely share supervision, care and training responsibilities with the host family caregivers who are providing services under contract.

(Source: Former Section 115.500 renumbered to Section 115.700; new Section 115.500 added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.510 Compliance with this Part

For purposes of clarification, host family arrangements, whether traditional care or shared living models, are subject to all provisions of this Part, including Subparts B and C. The provider agency shall ensure that host families are aware of and comply with all requirements of this Part.

(Source: Former Section 115.510 renumbered to Section 115.710; new Section 115.510 added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.520 Program Requirements

Maximum emphasis is to be placed on the needs and requests of the individual with developmental disabilities who is under consideration to receive host family services.

a) The provider agency is responsible for assessing potential host family caregivers’ capabilities to provide appropriate services to individuals with developmental disabilities.

b) The provider agency shall ensure that all host family caregivers are either employed by or have a signed contract with the licensed provider agency.
c) The provider agency shall ensure that the primary caregiver is at least 21 years of age.

d) The provider agency shall conduct criminal background checks on all other persons living in the home of the host family who are age 16 or older.

e) The provider agency shall ensure that host family members are not relatives or guardians of the individuals with developmental disabilities for whom they provide services.

f) The provider agency shall ensure that host families do not also provide foster care services to children. Waivers may be requested for long-standing relationships as children age out of DCFS programs. The intent of such waivers is to provide uninterrupted services to successful, current family arrangements. Waiver requests will be reviewed through on-site observations and interviews to determine that both the site and the program meet requirements as specified in this Part and are in the best interest of the person with developmental disabilities. The Department reserves the right to deny any such waiver requests.

g) The provider agency shall ensure that at least one member of the host family has a current driver’s license with a safe driving record; a vehicle to accommodate the needs of the person with developmental disabilities; and automobile insurance with at least minimum coverage as required by the State of Illinois. This requirement may be waived by the Department if the family has access to and uses public transportation and public transportation is appropriate for the individual.

h) The provider agency shall ensure that persons under contract as host family members who engage in additional employment or contract work commit the resources necessary (including time and energy) to meet the requirements of this Part in providing services and supports for individuals. In doing so, the provider agency must ensure that:

1) In situations where the host family encompasses only one responsible adult, that adult may not engage in additional employment or contract work without the knowledge of the provider agency.
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2) In situations where the host family encompasses more than one responsible adult, the primary caregiver may not engage in additional employment or contract work without the knowledge of the provider agency.

3) The primary caregiver has demonstrated that he or she can be available in the event an individual unexpectedly requires support, e.g., becomes ill, etc.

i) Licensed provider agencies must ensure that caregivers who provide a preponderance of care furnish services and supports that ensure the individual’s general welfare.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.530 Pairing of Individuals and Host Families

The provider agency shall ensure that at least the following areas are factors in the pairing of individuals with developmental disabilities and host family members:

a) smoking habits;

b) waking and bed times;

c) meal preferences;

d) social interests;

e) cultural needs;

f) chores; and

g) other unique needs.

Differences in preferences and needs must be identified and must be avoided or addressed in individual service plans.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)
Section 115.540 Department approval of host family services

a) Any provider agency desiring to provide host family services must meet the following requirements:

1) demonstrate knowledge and experience in the provision of such services;

2) provided shift-staff services under the CILA program for the past two consecutive years;

3) achieved a compliance level of 1 or 2 during the most recent CILA licensure survey process.

b) An interview and record review process may also be used to determine the ability of the agency to provide host family services.

c) The provider agency shall seek and obtain prior Department approval for all host family arrangements before service implementation.

1) During this prior approval process, the provider agency shall submit materials and information regarding, but not limited to, the following issues:

   A) number and characteristics of individuals living in and routinely visiting the setting;

   B) physical characteristics of the environment;

   C) needs of the individuals to be served;

   D) proposed service plans;

   E) relief; and

   F) monitoring of the setting.

2) The provider shall assist the Department as needed in conducting site visits of each proposed host family setting during the prior approval process.
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d) The provider agency must report to the Department changes in the host family arrangements that impact the lives of the individuals with developmental disabilities. The provider agency shall seek and obtain Department approval to continue services in the event of such changes in host family arrangements subsequent to service implementation. These changes may include, but are not limited to:

1) movement to a new residential location;
2) changes in the makeup of the household;
3) changes in the working arrangements of the host family; and
4) significant changes in the needs of the individuals with developmental disabilities.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.550 Number of individuals served in host family settings

a) No more than two individuals with developmental disabilities may reside with any one host family.

b) The provider agency is responsible for informing the Department, the individual, and his or her guardian of any changes, prior to the changes occurring, involving individuals moving into or out of the home, as well as host family relocation to another residence.

c) The provider agency may request a waiver of subsection (a) to allow up to four persons with developmental disabilities to be served in the same setting. The process for submission and review of waiver requests is as follows:

1) A request packet must be compiled by the licensed provider agency and submitted to the Department.

2) The Bureau of Accreditation, Licensure, and Certification, in cooperation with the Office of Developmental Disabilities, will make final decisions on waiver requests.
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3) The request packet must include a description of the waiver being requested; information substantiating the appropriateness of the waiver; and a proposed individual service plan signed by the complete interdisciplinary team incorporating the waiver. If the waiver impacts more than one individual served, an individual service plan must be included for each individual involved.

4) The request packet must be approved and signed by the appropriate QMRP and executive director, or by an authorized Department representative.

5) The Department may develop a standardized application form for waiver requests.

6) The Department will conduct a site visit or visits to review the home, meet the host family, and meet and observe the individuals served prior to the approval of any waiver of the requirements of subsection (a).

7) The Department will consider whether the requested waiver provides for the individual’s general well-being, safety, choices and service needs in making a determination of whether to grant the requested waiver.

8) Completed requests for waiver will be responded to within 30 calendar days after receipt by the Department. If a site visit is determined necessary prior to making a determination regarding the waiver request, the Department will respond within 60 calendar days after the receipt of the request.

d) In the event of a denial of a waiver request involving settings in existence prior to 2001, individuals whose services are funded by the Department would be required to choose another residential setting if they wish funding to continue.

e) The Department reserves the right to deny any waiver requests.

f) The Bureau of Accreditation, Licensure and Certification (BALC), in cooperation with the Office of Developmental Disabilities, will make the final decision on waiver requests. Requests for waivers will be responded to within 30 days after receipt. If an on-site visit is deemed necessary, the Department will respond within 60 days.
Section 115.560 Number of individuals living in host family settings

a) No more than six persons, including members of the host family and individuals with developmental disabilities, may reside in a single site.

b) This number shall include extended family members who routinely and continually visit the home for support. Examples may include preschool children such as grandchildren, nieces or nephews who stay during the working hours of their parents/guardians, sons or daughters who routinely return from college on weekends, and persons who move to the setting at a later date.

c) The provider agency may request a waiver of subsection (a) to allow up to eight persons to reside in a single site. The process for submission and review of waiver requests is as follows:

1) A request packet must be compiled by the licensed provider agency and submitted to the Department.

2) The Bureau of Accreditation, Licensure, and Certification, in cooperation with the Office of Developmental Disabilities, will make final decisions on waiver requests.

3) The request packet must include a description of the waiver being requested; information substantiating the appropriateness of the waiver; and a proposed individual service plan signed by the complete interdisciplinary team incorporating the waiver. If the waiver impacts more than one individual served, an individual service plan must be included for each individual involved.

4) The request packet must be approved and signed by the appropriate QMRP and executive director, or by an authorized Department representative.

5) The Department may develop a standardized application for waiver requests.
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6) The Department will conduct a site visit or visits to review the home, meet the host family, and meet and observe the individuals served prior to the approval of any waiver of the requirements of subsection (a).

7) The Department will consider whether the requested waiver provides for the individual’s general well-being, safety, choices and service needs in making a determination of whether to grant the requested waiver.

8) Completed requests for waiver will be responded to within 30 calendar days after receipt by the Department. If a site visit is determined necessary prior to making a determination regarding the waiver request, the Department will respond within 60 calendar days after the receipt of the request.

d) The Bureau of Accreditation, Licensure and Certification (BALC), in cooperation with the Office of Developmental Disabilities, will make the final decision on these waiver requests. Requests for waivers will be responded to within 30 days after receipt. If an on-site visit is deemed necessary, the Department will respond within 60 days.

e) The Department reserves the right to deny any waiver requests.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.570 Provider requirements

a) The provider agency is responsible for adhering to Department of Labor and Internal Revenue Service regulations. The agency is also responsible for assuring compliance with DHS Office of Developmental Disabilities contractual requirements, rules and procedures, and quality assurance and accreditation requirements, as applicable.

b) The provider agency is responsible for informing the Department, the individual and/or his or her guardian of any changes in host family composition and of any changes in staffing, prior to the changes occurring if possible.

c) The provider agency is responsible for the training of caregivers as described in Section 115.320(d).
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(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.580  24-hour service

Individuals living in host family arrangements are considered in need of 24-hour service. For this reason, the provider agency shall:

a) Ensure that, in accordance with Section 115.230(q) and (r), host families do not leave the individuals they serve alone or in the care of individuals providing natural supports, unless such action is specifically called for in an individual’s service plan to support training initiatives to increase independence, and then only for the duration specified in the individual’s ISP.

b) Ensure that individuals shall not be left alone for the convenience of the host family or provider agency. For example, individuals shall not be left alone before or after day program hours while host family members travel to and from work or school.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.590 Minimum agency/caregiver contract requirements

a) All independent contractors or caregivers shall provide services in compliance with a contract or signed agreement made with the provider agency. The contract or signed agreement shall include, at a minimum, the following provisions:

1) Names of the caregivers and all other individuals residing in the home.

2) Names of the individuals served.

3) Legal address and phone number of the residence.

4) Signed assurance of compliance with all applicable federal and State rules and regulations.

5) Description and documentation of training of the primary caregivers.

6) Detailed description of how the home will be monitored by the provider agency and related entities, including assurance of the host family’s
compliance with investigations of the Department’s Office of the Inspector General, federal CMMS, DPA, DHS, and the provider agency.

7) Description of how the transportation needs of the individual will be met.

8) Description of the expected daily schedule of the individuals and caregivers.

9) Indication of participation in the development and/or review of the individual’s service plan and how ongoing documentation of service delivery will occur.

10) Description of relief services, including number per month, arrangements for relief services, requests for additional relief services, and responsibility to take relief time.

11) How documentation of the individual’s financial resources will occur.

12) If the primary caregiver is employed outside the home, information relative to the outside employment, including:

   A) the provider agency’s approval of outside employment for the caregiver;

   B) employer’s name, address and phone number;

   C) employer’s type of business;

   D) hours caregiver will be working in this employment;

   E) name, address and phone number of the authorized substitute caregiver who will provide care in the absence of the primary caregiver; and

   F) copy of the documentation of training of the substitute caregiver.

13) Other information as determined by the individual receiving services and his or her family/guardian, the host family caregiver, the provider agency, and the Department.
b) Additional staff support

1) In exceptional circumstances, the Department may require provider agencies to utilize shift staff support in addition to the services provided by the host family. These exceptional circumstances may include, but are not limited to, the following:

A) settings serving more than two individuals, per approval of a waiver by the Department;

B) transitional periods during initial service implementation;

C) circumstances where individuals are experiencing serious maladaptive behaviors;

D) circumstances where individuals are experiencing serious medical issues;

E) situations where host families are experiencing transitional or crisis periods;

F) provider agencies with no experience in host family arrangements;

and

G) provider agencies under sanction by the Department.

2) Other staff coverage may be determined by the agency, DHS, and the contractor (as applicable), as guided by the individual’s needs and following the agency’s quality assurance plan for service delivery.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.600 Relief services

a) Each host family shall develop and submit a plan for the provision of relief services to the provider agency for approval. The plan will be controlled by the host family in accordance with Department of Labor rules and regulations.
b) For each traditional care setting, the provider agency shall develop, maintain, and implement a plan to provide relief services.

1) The relief plan shall provide, at a minimum, an average of 20 hours of relief services monthly per individual served, and two weeks per year of vacation/personal time for each caregiver.

2) Relief hours shall be documented by the provider agency.

3) The provider agency shall develop criteria and implement procedures for host families to request more than the required minimum average hours of relief based on an individual’s needs. The provider agency must submit this criteria and procedures to the Department for review. The Department may require changes based upon its review.

4) The provider agency shall employ or contract with, train, and pay all persons providing relief services to the host family. These functions shall not be performed by the host family.

5) The provider agency shall not allow for relief services for a host family by a relative of the host family.

6) All relief workers must meet the same training requirements and background checks of the host family.

7) The provider agency shall ensure that host families do not leave individuals in the care of untrained and/or unauthorized persons.

8) Individuals shall not be moved from their residence for durations of overnight stays or longer for the sole purpose of providing relief to host families. Overnight or absence from the host family arrangement for the benefit of the individuals must be addressed in the ISP.

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.610  Conflicts of interest
In order to avoid conflicts of interest or the appearance of conflicts of interest, the provider agency shall:
For host families of the traditional care model, observe and include in the contract of host family caregivers policies including, but not limited to, those identified in subsection (b).

For host families of the shared living model, inform and ensure that host family caregivers are knowledgeable regarding policies including, but not limited to, the following:

1) A host family relative may not provide agency administrative direction and/or monitoring oversight of the host family;

2) A host family member may not serve in a supervisory or administrative position within the provider agency’s host family program;

3) Employees of provider agencies and members of host families may not serve as guardians or representative payees of individuals for whom they have direct care or supervisory responsibilities;

4) No provider agency administrator, Board of Directors member, or officer shall serve as a host family member for the provider agency with which he or she is affiliated; and

5) No person employed by or contracting with the provider agency as a host family member shall enter into any independent financial relationship or transaction with the agency or individuals served, including, but not limited to, rental or lease arrangements, personal cash loans, or property transactions (including sale, trade or transfer).

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.620 Quality assurance plan

In addition to general oversight requirements stated or implied in other Sections of this Part, the provider agencies’ own quality assurance plans must ensure that additional monitoring occurs through visits by the following staff:

A QMRP employed by the provider agency will conduct a minimum of one 1-hour visit per month with each individual served in host family settings. These
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face-to-face visits shall occur at the individual’s residence while the individual is present. Issues to monitor include, at a minimum:

1) health of the individual;
2) safety of the individual;
3) provision of services as outlined in the individual’s service plan;
4) individual’s satisfaction with level of service received; and
5) individual’s integration into the recommended living environment outlined in the individual’s service plan.

b) Program management or professional services staff will visit each individual two times per month for a minimum of one hour each visit. The staff member shall be knowledgeable about the individual’s service plan and the applicable rules and regulations covering the setting. These face-to-face visits shall occur at the individual’s residence while the individual is present. The Department reserves the right to require additional visits if deemed necessary. At least one visit each month shall be unannounced. Issues to monitor include, at a minimum, those identified in subsection (a)(1).

(Source: Added at 27 Ill. Reg. 5376, effective March 17, 2003)

SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section 115.700 Purpose

The Department funds CILA services for persons with developmental disabilities and for persons with mental illness using two separate mechanisms due to the differences in the nature of the mental disability. CILA services for persons with mental illness are funded through grants under 59 Ill. Adm. Code 103 and 132. CILA services for persons with developmental disabilities are funded through the rate methodology described in this Subpart, as mandated by Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9]. Rates for all host family settings shall be determined by the Department through the CILA rate methodology. The Department may develop a version of the methodology specifically modified for host family settings.
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(Source: Section 115.700 renumbered from Section 115.500 and amended at 27 Ill. Reg. 5376, effective March 17, 2003)

Section 115.710 Rate components

The components of Department reimbursement for CILA services for persons with developmental disabilities may include, but shall not be limited to, the following, using costs as reported on the Interagency Statistical and Financial Report, or its successor, and other sources as deemed appropriate by the Department:

a) Base support costs including allowances for “room and board,” “program,” “transportation,” and “administration.” Base support costs are considered to be those that are incurred in the delivery of CILA supports to individuals with developmental disabilities for the purchase of services that are common to all CILA recipients with similar living arrangements and direct service staffing and transportation needs.

1) Room and board cost centers
   The “room and board” allowance includes costs incurred in keeping a home in normal operation. Cost centers under the room and board major allowance category may include:

   A) Housing;
   B) Utilities;
   C) Telephone;
   D) Building and Property Insurance;
   E) Maintenance and Housekeeping;
   F) Food Supplies;
   G) Nonfood Supplies; and
   H) Other, not elsewhere classified.

2) Program cost centers
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The program allowance includes costs incurred in providing habilitation services and supports to the extent allowed by the CILA rate model. Cost centers under the program major category may include:

A) Direct care staff and supervision;
B) Fringe benefits;
C) Other supplies;
D) Miscellaneous consultant services; and
E) Other, not elsewhere classified.

3) Transportation
Transportation cost may be incurred while providers assist and/or train the persons living in the CILA home in the activities of daily living.

4) Administration
All administrative costs associated with community agency overhead expenses as they relate to the delivery of CILA supports are included within the “administration” cost center reimbursement. Community agency overhead is assumed to include all the costs associated with administrative staff, administrative clerical staff, office space costs, office operating expenses, insurance, management consultants, accounting, the cost of hiring staff, staff physical examinations, staff travel and training, conferences, conventions, association fees, and all other costs incurred in the overhead associated with the delivery of CILA supports.

b) Nonbase support costs are expenses incurred due to the special added services required by specific persons living in CILAs to the extent allowed by the CILA rate model. Nonbase supports can include other individually required supports such as nursing, special dietary needs, and therapies. Nonbase support additions to the rate generated by the CILA rate model must be indicated as necessary by the interdisciplinary team (IDT), are not common to all individuals residing in CILAs, and may be required more intensely soon after an individual moves into a CILA, with decreasing need for them over time. Department staff review all requests for individual nonbase supports and must approve any hourly
reimbursements added to an individual’s CILA rate. Nonbase support hours must be periodically reaffirmed by professional assessment.

c) An individual CILA rate includes reimbursement for costs associated with providing day programs to individuals living in CILA homes. For persons receiving day program supports that do not fit the definition of those with fixed rates, an “other day program” option is available. Community agencies that include the “other day program” selection must submit a description of the supports to be provided and a proposed annual budget for Department review. Individuals between the ages of 18 and 59 are expected to be participating in out-of-home, work-oriented day programs, unless there are medical or behavioral issues that prevent such participation.

d) Third party payment information concerning an individual’s earned and unearned income is obtained from the “Community Reimbursement Subsystem Financial Questionnaire,” and used to calculate the third party payment. The third party payment may be subtracted from the top line rate to produce the bottom line rate, or the rate paid by the Department to the community provider agency.

(Source: Renumbered from Section 115.510 and amended at 27 Ill. Reg. 5376, effective March 17, 2003)
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Licensing of Radioactive Material

2) **Code Citation:** 32 Ill. Adm. Code 330

3) **Section Numbers:** 
   
   330.220  
   
   **Adopted Action:** 
   
   Amendment

4) **Statutory Authority:** Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

5) **Effective Date of Amendments:** March 17, 2003

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 amendments, including any material incorporated by reference, is on file at the Department’s headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:**

   December 13, 2002 (26 Ill. Reg. 17623)

10) **Has JCAR issued a Statement of Objections to these Amendment?** No

11) **Differences between proposal and final version:** None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) **Will these amendments replace an emergency rule currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** This amendment will ensure that certain categories of general licensees will comply with the new reporting requirements
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT


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

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
 LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section 330.10 Purpose and Scope
Section 330.15 Incorporations by Reference
Section 330.30 License Exemption - Source Material
Section 330.40 License Exemption - Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses
Section 330.210 General Licenses - Source Material
Section 330.220 General Licenses - Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.240 Filing Application for Specific Licenses
Section 330.250 General Requirements for the Issuance of Specific Licenses
Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
Section 330.270 Special Requirements for Specific Licenses of Broad Scope
Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
Section 330.290 Requirements for Emergency Plans
Section 330.300 Issuance of Specific Licenses
Section 330.310 Terms and Conditions of Specific and General Licenses
Section 330.320 Expiration and Termination of Licenses
Section 330.330 Renewal of Licenses
Section 330.340 Amendment of Licenses at Request of Licensee
DEPARTMENT OF NUCLEAR SAFETY

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330.350 Department Action on Application to Renew or Amend
330.360 Persons Possessing a License for Source, Byproduct, or Special
Nuclear Material in Quantities Not Sufficient to Form a Critical
Mass on Effective Date of This Part (Repealed)

Section
330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring
Radioactive Material on Effective Date of This Part (Repealed)
330.400 Transfer of Material
330.500 Modification and Revocation of Licenses
330.900 Reciprocal Recognition of Licenses

SUBPART D: TRANSPORTATION (Repealed)

Section
330.1000 Transportation of Radioactive Materials (Repealed)

APPENDIX A Exempt Concentrations
APPENDIX B Exempt Quantities
APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need
for an Emergency Plan for Responding to a Release

TABLE A Group I (Repealed)
TABLE B Group II (Repealed)
TABLE C Group III (Repealed)
TABLE D Group IV (Repealed)
TABLE E Group V (Repealed)
TABLE F Group VI (Repealed)

APPENDIX D Limits for Broad Licenses (Section 330.270)
APPENDIX E Schedule E (Repealed)
APPENDIX F Schedule F (Repealed)
APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E))
Repealed

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420
ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the
Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill.
Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg.
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NOTICE OF ADOPTED AMENDMENT


SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses - Radioactive Material Other Than Source Material

a) Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.

1) Static Elimination Device. Devices designed for use as static eliminators contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.

2) Ion Generating Tube. Devices designed for ionization of air contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device or a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

b) Certain Measuring, Gauging or Controlling Devices

1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions
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of subsections (b)(2) through (4) of this Section, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2) The general license in subsection (b)(1) of this Section applies only to radioactive material contained in devices that have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to Section 330.280(d) of this Part or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license in subsection (b)(1) of this Section:

A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;

B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified in the label; however:

i) Devices containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
ii) Devices containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that testing (including testing required by subsection (b)(3)(B) of this Section), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:

i) In accordance with the instructions provided by the labels;

or

ii) By a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities;

D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B) and (C) of this Section. The records shall show the results of tests concerning the installation, testing for leakage or contamination, servicing and removal of radioactive material, its shielding or containment. The records also shall show the dates of performance of and the names of persons performing these tests. Records of tests for leakage of, or contamination by, radioactive material required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test for leakage or contamination is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by subsection (b)(3)(C) of this Section, other than records of tests for leakage of, or contamination by, radioactive material, shall be
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maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;

E) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nCi) or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Department a report containing a brief description of the event and the remedial action taken;

F) Shall not abandon the device containing radioactive material;

G) Except as provided in subsection (b)(3)(H) of this Section, shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes him to receive the device and, within 30 days after transfer of a device to a specific licensee shall furnish to the Department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

H) Shall transfer the device to another general licensee only:

i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) of this Section and any safety documents identified in the label on the device and, within 30 days after the transfer, report to the Department the manufacturer's name and model number of device
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transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee; or

ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;

I) Shall notify the Department in writing no later than 30 days after receiving a device containing radioactive material. Such notification shall include:

i) The name and mailing address of the general licensee;

ii) Information about the device, including the manufacturer, model, serial number, date of receipt, location of use within the radiation installation, and radionuclides and activities within the device;

iii) Addresses at which devices are used or stored; and

iv) The name and telephone number of an individual responsible for having knowledge of the applicable regulations and the authority to take required actions to achieve compliance. The appointment of a responsible individual does not relieve the general licensee of its responsibility to ensure compliance with the regulations;

J) Shall report changes in the information submitted pursuant to subsection 330.220(b)(3)(I) of this Section. Changes Such changes shall be reported within 30 days after they occur;

K) Shall comply with the provisions of 32 Ill. Adm. Code 340.1205, 40.1210, 340.1220 and 340.1260 for reporting radiation incidents, theft, loss, leakage of, or contamination by, licensed material, but shall be exempt from the other requirements of 32 Ill. Adm. Code 340 and 400.
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4) An out-of-state general licensee or other person from out-of-state shall notify the Department in writing prior to transporting a device into Illinois. The notification shall include the proposed locations and periods of possession. The notification shall also include the information required by subsection (b)(3)(I) of this Section, except that the date of receipt of a device and its location within a radiation installation need not be reported. The out-of-state person shall report proposed changes in the notification information previously submitted under this subsection (b)(4) before the changes occur.

5) The general license in subsection (b)(1) of this Section does not authorize the manufacture of devices containing radioactive material.

6) The general license provided in subsection (b)(1) of this Section is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

c) Luminous Safety Devices for Aircraft

1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and

B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53 published January 1, 1998, exclusive of subsequent amendments or editions.

2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except
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that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.

3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.

4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

e) Calibration and References Sources

1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5) of this Section, americium-241 in the form of calibration or reference sources:

A) Any person who holds a specific license issued by the Department that which authorizes him to receive, possess, use and transfer radioactive material; and

B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that which authorizes him to receive, possess, use and transfer special nuclear material.

2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Department that which authorizes him to receive, possess, use and transfer radioactive material.
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3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Department that which authorizes him to receive, possess, use and transfer radioactive material.

4) The general licenses in subsections (e)(1) through (3) of this Section apply only to calibration or reference sources that which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 70.39, or that which have been manufactured in accordance with the specifications contained in a specific license issued by the Department, an Agreement State or a Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57 or 70.39, published January 1, 1998, exclusive of subsequent amendments or editions.

5) The general licenses provided in subsections (e)(1) through (3) of this Section are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 microCi) of americium-241, 185 kBq (5 microCi) of plutonium or 185 kBq (5 microCi) of radium-226 in such sources;

B) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label that which includes one of the following statements, as appropriate, or a statement that which contains the information called for in one of the following statements, as appropriate:

i) The receipt, possession, use and transfer of this source, Model ____, Serial No. ____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has
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entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

____________________________
Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

ii) The receipt, possession, use and transfer of this source, Model__, Serial No.__, are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

____________________________
Name of Manufacturer or Importer

C) Shall not transfer, abandon or dispose of the such source except by transfer to a person authorized by a license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;

D) Shall store the such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 that which might otherwise escape during storage; and

E) Shall not use the such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
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6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.

f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6) of this Section the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

A) Carbon-14, in units not exceeding 370 kBq (10 microCi) each.

B) Cobalt-57, in units not exceeding 370 kBq (10 microCi) each.

C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 microCi) each.

D) Iodine-125, in units not exceeding 370 kBq (10 microCi) each.

E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131, in units not exceeding 370 kBq (10 microCi) each.

G) Iron-59, in units not exceeding 740 kBq (20 microCi) each.

H) Selenium-75, in units not exceeding 370 kBq (10 microCi) each.
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2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) of this Section until he has filed the Department form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License," with the Department and received from the Department a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Department. The following information shall be furnished to the Department on the form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License":

A) Name and address of the physician, veterinarian, clinical laboratory or hospital;

B) The location of use; and

C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) of this Section and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) of this Section shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) of this Section, at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 microCi).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) of this Section.
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D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) of this Section as required by 32 Ill. Adm. Code 340.1010(a).

4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) of this Section:

A) Except as prepackaged units that which are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) of this Part or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under subsection (f) of this Section or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement that which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that which accompanies the package:

i) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory
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Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of Manufacturer

ii) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

Name of Manufacturer

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) of this Section shall report in writing to the Department, any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License", Department Form KLM.006. The report shall be furnished within 30 days after the effective date of the such change.

6) Any person using radioactive material pursuant to the general license of subsection (f)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that such persons using the mock iodine-125 described in subsection (f)(1)(E) of this Section shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1205, 340.1210 and 340.1220.

7) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.

g) Ice Detection Devices
DEPARTMENT OF NUCLEAR SAFETY

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1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 microCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of the such device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) of this Section:

A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service those such devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);

B) Shall assure that all labels affixed to the device at the time of receipt, and that which bear a statement that which prohibits removal of the labels, are maintained on the device thereon; and


3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.

4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.
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(Source: Amended at 27 Ill. Reg. 5426, effective March 17, 2003)
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1) **Heading of the Part:** Standards for Protection Against Radiation

2) **Code Citation:** 32 Ill. Adm. Code 340

3) **Section Numbers:**
   - 340.1205
   - **Adopted Action:** New Section

4) **Statutory Authority:** Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].

5) **Effective Date of Amendments:** March 17, 2003

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 amendments, including any material incorporated by reference, is on file at the Department’s headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:**
   - December 2, 2002 (26 Ill. Reg. 17032)

10) **Has JCAR issued a Statement of Objections to these Amendment?** No

11) **Differences between proposal and final version:** None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) **Will these amendments replace an emergency rule currently in effect?** Yes

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** This amendment will ensure that the Department receives prompt notification of credible threats against radioactive material to facilitate
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prompt emergency response if necessary. Notification to the Department is not required if law enforcement directs otherwise.

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

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 340
STANDARDS FOR PROTECTION AGAINST RADIATION

SUBPART A: GENERAL PROVISIONS

Section 340.10 Purpose
340.20 Scope
340.25 Incorporations by Reference
340.30 Definitions
340.40 Implementation

SUBPART B: RADIATION PROTECTION PROGRAMS

Section 340.110 Radiation Protection Programs

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section 340.210 Occupational Dose Limits for Adults
340.220 Compliance with Requirements for Summation of External and Internal Doses
340.230 Determination of External Dose from Airborne Radioactive Material
340.240 Determination of Internal Exposure
340.250 Determination of Prior Occupational Dose
340.260 Planned Special Exposures
340.270 Occupational Dose Limits for Minors
340.280 Dose to an Embryo/Fetus

SUBPART D: RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

Section 340.310 Dose Limits for Individual Members of the Public
340.320 Compliance with Dose Limits for Individual Members of the Public
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SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section
340.410 Testing for Leakage or Contamination of Sealed Sources

SUBPART F: SURVEYS AND MONITORING

Section
340.510 General
340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
340.530 Location of Individual Monitoring Devices

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section
340.610 Control of Access to High Radiation Areas
340.620 Control of Access to Very High Radiation Areas
340.630 Control of Access to Very High Radiation Areas - Irradiators

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section
340.710 Use of Process or Other Engineering Controls
340.720 Use of Other Controls
340.730 Use of Individual Respiratory Protection Equipment

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section
340.810 Security and Control of Licensed or Registered Sources of Radiation

SUBPART J: PRECAUTIONARY PROCEDURES
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Section 340.910 Caution Signs
340.920 Posting Requirements
340.930 Exceptions to Posting Requirements
340.940 Labeling Containers and Radiation Machines
340.950 Exemptions to Labeling Requirements
340.960 Procedures for Receiving and Opening Packages

SUBPART K: WASTE DISPOSAL

Section 340.1010 General Requirements
340.1020 Method for Obtaining Approval of Proposed Disposal Procedures
340.1030 Disposal by Release into Sanitary Sewerage
340.1040 Treatment or Disposal by Incineration
340.1050 Disposal of Specific Wastes
340.1052 Classification of Radioactive Waste for Land Disposal
340.1055 Radioactive Waste Characteristics
340.1057 Labeling
340.1060 Transfer for Disposal and Manifests
340.1070 Compliance with Environmental and Health Protection Regulations

SUBPART L: RECORDS

Section 340.1110 General Provisions
340.1120 Records of Radiation Protection Programs
340.1130 Records of Surveys and Calibrations
340.1135 Records of Tests for Leakage or Contamination of Sealed Sources
340.1140 Records of Prior Occupational Dose
340.1150 Records of Planned Special Exposures
340.1160 Records of Individual Monitoring Results
340.1170 Records of Dose to Members of the Public
340.1180 Records of Waste Disposal
340.1190 Records of Testing Entry Control Devices for Very High Radiation Areas
340.1195 Form of Records

SUBPART M: REPORTS AND NOTIFICATIONS
DEPARTMENT OF NUCLEAR SAFETY

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Section

340.1205 Notification of Credible Threats
340.1210 Reports of Stolen, Lost or Missing Sources of Radiation
340.1220 Notification of Incidents
340.1230 Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Limits
340.1240 Reports of Planned Special Exposures
340.1250 Notifications and Reports to Individuals
340.1260 Reports of Leaking or Contaminated Sealed Sources
340.1270 Reports of Missing Waste Shipments

SUBPART N: ADDITIONAL REQUIREMENTS

Section

340.1310 Vacating Premises
340.1320 Removal of Radioactive Contamination
Appendix A Decontamination Guidelines
Illustration A Radiation Symbol

AUTHORITY: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990. [420 ILCS 40/16]


SUBPART M: REPORTS AND NOTIFICATIONS

Section 340.1205 Notification of Credible Threats

Upon notification to or by any law enforcement agency that radioactive material licensed by the Department is the subject of a credible threat, the licensee shall:

a) follow the instructions from the law enforcement agency; and
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b) notify the Department within 1 hour by calling the Department’s 24-hour emergency number at (217) 785-0600. This notification is required unless otherwise instructed by the law enforcement agency.

AGENCY NOTE: “Credible threat” means any threat to radioactive material that a licensee believes warrants notice to law enforcement or any threat that law enforcement believes warrants notice to a licensee.

(Source: Added at 27 Ill. Reg. 5445, effective March 17, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part**: Skilled Nursing and Intermediate Care Facilities Code

2) **Code Citation**: 77 Ill. Adm. Code 300

3) **Section Numbers**

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4) **Statutory Authority**: Nursing Home Care Act [210 ILCS 45]

5) **Effective date of emergency amendments**: March 25, 2003

6) **If these emergency amendments are to expire before the end of the 150 days period, please specify the date on which they are to expire**: 

7) **Date filed with the Index Department**: March 19, 2003

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Reason for Emergency**:

   These amendments are being adopted to update the incorporation by reference of the National Fire Protection Association’s (NFPA) Life Safety Code to the 2000 Edition for construction of new facilities. Requirements for existing facilities will be updated in a future rulemaking. The U.S. Department of Health and Human Services recently published final rules adopting the 2000 Life Safety Code (68 FR 1374). The Life Safety Code is a compilation of fire safety requirements that is updated and published every three years by the NFPA, which is a private, nonprofit organization dedicated to reducing loss of life due to fire. The federal regulation affects health care facilities that participate in the Medicaid and Medicare certification programs under the Social Security Act. Updating the State rules to adopt the 2000 Life Safety Code will provide consistency in regulation and will protect the health, safety and welfare of long-term care residents.

10) **A Complete Description of the Subjects and Issues**: Section 300.340 (Incorporated and Referenced Materials) and 300.2830 (Codes and Standards) are being amended to update incorporation by reference of the National Fire Protection Association (NFPA) Life Safety Code to the 2000 edition for new facilities.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

11) Are there any other amendments on this Part? Yes

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12) Statement of Statewide Policy Objectives: These emergency amendments do not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois  62761
217/782-2043
e-mail: rules@idph.state.II.us

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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300.110 General Requirements
300.120 Application for License
300.130 Licensee
300.140 Issuance of an Initial License for a New Facility
300.150 Issuance of an Initial License Due to a Change of Ownership
300.160 Issuance of a Renewal License
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300.200 Inspections, Surveys, Evaluations and Consultation
300.210 Filing an Annual Attested Financial Statement
300.220 Information to Be Made Available to the Public By the Department
300.230 Information to Be Made Available to the Public By the Licensee
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300.272 Determination to Issue a Notice of Violation or Administrative Warning
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300.288 Reduction or Waiver of Penalties
300.290 Quarterly List of Violators (Repealed)
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300.315 Supported Congregate Living Arrangement Demonstration
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
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2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.

B) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.

i) Standard No. A177.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped


C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.

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Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.


F) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269:

i) No. 10 (1978): Standards for Portable Extinguishers


iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


vii) No. 253 (1978): Flooring Radiant Heat Energy Test

ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

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Health Occupancies

G) For new facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (2000 or 1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269.

H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

i) Fire Resistance Directory (1998 Edition), and


I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

2) Federal government publications:
United States Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for
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Disease Control, United States Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333.


B) Guideline for Handwashing and Hospital Environmental Control (1985).


D) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985).

E) Guideline for Prevention of Nosocomial Pneumonia (February 1994).


G) Guideline for Infection Control in Hospital Personnel (July 1983).

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

B) Social Security Act (42 U.S.C.A. 301 et seq., 1395 et seq. and 1396 et seq.)

2) State of Illinois statutes:

A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
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B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
C) Child Care Act of 1969 [225 ILCS 10]
D) Court of Claims Act [705 ILCS 505]
E) Illinois Dental Practice Act [225 ILCS 25]
F) Election Code [10 ILCS 5]
G) Freedom of Information Act [5 ILCS 140]
H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
I) Hospital Licensing Act [210 ILCS 85]
J) Illinois Controlled Substances Act [720 ILCS 570]
K) Illinois Health Facilities Planning Act [20 ILCS 3906]
M) Illinois Nursing Act of 1987 [225 ILCS 65]
N) Illinois Occupational Therapy Practice Act [225 ILCS 75]
O) Illinois Physical Therapy Act [225 ILCS 90]
P) Life Care Facilities Act [210 ILCS 40]
Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
R) Medical Practice Act of 1987 [225 ILCS 60]
S) Mental Health and Developmental Disabilities Code [405 ILCS 5]
T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
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U) Nursing Home Care Act [210 ILCS 45]
V) Pharmacy Practice Act of 1987 [225 ILCS 85]
W) Private Sewage Disposal Licensing Act [225 ILCS 225]
X) Probate Act of 1975 [775 ILCS 5]
Y) Illinois Public Aid Code [305 ILCS 5]
Z) Safety Glazing Materials Act [430 ILCS 60]
AA) Illinois Administrative Procedure Act [5 ILCS 100]
BB) Clinical Psychologist Licensing Act [225 ILCS 15]
CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
DD) Health Care Worker Background Check Act [225 ILCS 46]
FF) Cannabis Control Act [720 ILCS 550]
HH) Living Will Act [755 ILCS 35]
II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
II) Health Care Surrogate Act [755 ILCS 45]
KK) Right of Conscience Act [745 ILCS 70]
LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
MM) Supportive Residences Licensing Act [210 ILCS 65]
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NN) Community Residential Alternatives Licensing Act [210 ILCS 40]

OO) Community Living Facilities Licensing Act [210 ILCS 35]

PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

QQ) Counties Code [55 ILCS 5]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)


C) Department of Public Health:

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


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x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

D) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. 3100)

E) Department of Human Services, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days)

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

Section 300.2820 Codes and Standards

EMERGENCY

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not includes any additions or deletions subsequent to the date specified.
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1) State of Illinois rules
   A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
   C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
   D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and standards
   A) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33
   B) Underwriters Laboratories, Inc. (UL):
   D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
      i) Handbook of Fundamentals, 1997
      ii) Handbook of Applications, 1995
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F) American National Standards Institute (ANSI):

b) In addition to compliance with the standards set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed.

c) Where no local building code exists, the recommendations of the 1996 Edition of the BOCA International Building Code shall apply.


e) Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 405.1134 (a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 300.2820 (a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

f) Amendments to this Section effective March 25, 2003, supersede all other codes and standards incorporated in this Subpart N.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3) Section Numbers: Adopted Action:

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<tr>
<td>330.340</td>
<td>Amendment</td>
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<tr>
<td>330.3040</td>
<td>Amendment</td>
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4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of emergency amendments: March 25, 2003

6) If these emergency amendments are to expire before the end of the 150 days period, please specify the date on which they are to expire:

7) Date filed with the Index Department: March 19, 2003

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Reason for Emergency:

These amendments are being adopted to update the incorporation by reference of the National Fire Protection Association’s (NFPA) Life Safety Code to the 2000 Edition for construction of new facilities. Requirements for existing facilities will be updated in a future rulemaking. The U.S. Department of Health and Human Services recently published final rules adopting the 2000 Life Safety Code (68 FR 1374). The Life Safety Code is a compilation of fire safety requirements that is updated and published every three years by the NFPA, which is a private, nonprofit organization dedicated to reducing loss of life due to fire. The federal regulation affects health care facilities that participate in the Medicaid and Medicare certification programs under the Social Security Act. Updating the State rules to adopt the 2000 Life Safety Code will provide consistency in regulation and will protect the health, safety and welfare of long-term care residents.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

11) Are there any other amendments on this Part? Yes

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12) Statement of Statewide Policy Objectives: These emergency amendments do not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE

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Section
330.110 General Requirements
330.120 Application for License
330.130 Licensee
330.140 Issuance of an Initial License For a New Facility
330.150 Issuance of an Initial License Due to a Change of Ownership
330.160 Issuance of a Renewal License
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330.165 Criteria for Adverse Licensure Actions
330.170 Denial of Initial License
330.175 Denial of Renewal of License
330.180 Revocation of License
330.190 Experimental Program Conflicting With Requirements
330.200 Inspections, Surveys, Evaluations and Consultation
330.210 Filing an Annual Attested Financial Statement
330.220 Information to Be Made Available to the Public By the Department
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330.272 Determination to Issue a Notice of Violation or Administrative Warning
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330.315 Supported Congregate Living Arrangement Demonstration
330.320 Waivers
330.330 Definitions
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330.510 Administrator

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330.720 Admission and Discharge Policies
330.730 Contract Between Resident and Facility
330.740 Residents' Advisory Council
330.750 General Policies
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330.770 Disaster Preparedness
330.780 Serious Incidents and Accidents
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330.911 Health Care Worker Background Check Act
330.913 Nursing and Personal Care Assistants (Repealed)
330.916 Student Interns (Repealed)
330.920 Consultation Services
330.930 Personnel Policies

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330.1120 Personal Care
330.1125 Life-Sustaining Treatments
330.1130 Communicable Disease Policies
330.1135 Tuberculin Skin Test Procedures
330.1140 Behavior Emergencies (Repealed)
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330.1150 Emergency Use of Physical Restraints
330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs

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330.1320 Work Programs
330.1330 Written Policies for Restorative Services
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330.1730 Records Pertaining to Residents' Property
330.1740 Retention and Transfer of Resident Records
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330.1940 Diet Orders
330.1950 Meal Planning
330.1960 Therapeutic Diets (Repealed)
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330.2220 Housekeeping
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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330.2410 Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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330.2610 Codes
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330.2640 Plumbing

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

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330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
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330.2860 First Stage Drawings
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330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
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330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements
330.3360 Exit Facilities and Subdivision of Floor Areas
330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
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330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
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330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
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330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
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DEPARTMENT OF PUBLIC HEALTH

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

SUBPART R: DAY CARE PROGRAMS

Section
330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
APPENDIX C Forms for Day Care in Long-Term Care Facilities
APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
APPENDIX E Guidelines for the Use of Various Drugs
TABLE A Heat Index Table/Apparent Temperature

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS


Section 330.340 Incorporated and Referenced Materials

a) The following private and professional association standards are incorporated in this Part:

1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS


3) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269.

4) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

5) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

6) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:
   A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
   B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq. and 1396 et seq.)

2) State of Illinois statutes:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
B) Child Care Act of 1969 [225 ILCS 10]
C) Court of Claims Act [705 ILCS 505]
D) Illinois Dental Practice Act [225 ILCS 25]
E) Election Code [10 ILCS 5]
F) Freedom of Information Act [5 ILCS 140]
G) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
H) Hospital Licensing Act [210 ILCS 85]
I) Illinois Health Facilities Planning Act [20 ILCS 3906]
K) Life Care Facilities Act [210 ILCS 40]
L) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
M) Medical Practice Act of 1987 [225 ILCS 60]
N) Mental Health and Developmental Disabilities Code [405 ILCS 5]
O) Illinois Nursing Act of 1987 [225 ILCS 65]
P) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
Q) Nursing Home Care Act [210 ILCS 45]
R) Illinois Occupational Therapy Practice Act [225 ILCS 75]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

S) Pharmacy Practice Act of 1987 [225 ILCS 85]
T) Illinois Physical Therapy Act 225 ILCS 90]
U) Private Sewage Disposal Licensing Act [225 ILCS 225]
V) Probate Act of 1975 [755 ILCS 5]
W) Illinois Public Aid Code [305 ILCS 5]
X) Illinois Administrative Procedure Act [5 ILCS 100]
Y) Clinical Psychologist Licensing Act [225 ILCS 15]
Z) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
AA) Health Care Worker Background Check Act [225 ILCS 46]
CC) Cannabis Control Act [720 ILCS 550]
EE) Living Will Act [755 ILCS 35]
FF) Powers of Attorney for Health Care Law [755 ILCS 45]
GG) Health Care Surrogate Act [755 ILCS 40]
HH) Right of Conscience Act [745 ILCS 70]
II) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
JJ) Illinois Controlled Substances Act [720 ILCS 570]
KK) Supportive Residences Licensing Act [210 ILCS 65]
LL) Community Residential Alternatives Licensing Act [210 ILCS
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

140]

MM) Community Living Facilities Licensing Act [210 ILCS 35]

NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

OO) Counties Code [55 ILCS 5]

3) State of Illinois rules:


B) Department of Public Health

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

C) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)

D) Department of Human Services, Alcoholism and Substances Abuse Treatment, Intervention and Research Program (77 Ill. Adm. Code 2058)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days)

Section 330.3040 Building Codes

EMERGENCY

a) The design and construction of the facility shall meet the minimum requirements of the following codes and regulations except as modified within this Part:


2) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


4) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health
b) In addition to the codes and regulations listed in this Section, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances.

c) Amendments to this Section effective March 25, 2003, August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days)
1) **Heading of the Part:** Intermediate Care for the Developmentally Disabled Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 350

3) **Section Numbers:**

   - 350.340 Amendment
   - 350.2620 Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of emergency amendments:** March 25, 2003

6) If these emergency amendments are to expire before the end of the 150 days period, please specify the date on which they are to expire:

7) **Date filed with the Index Department:** March 19, 2003

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Reason for Emergency:**

   These amendments are being adopted to update the incorporation by reference of the National Fire Protection Association’s (NFPA) Life Safety Code to the 2000 Edition for construction of new facilities. Requirements for existing facilities will be updated in a future rulemaking. The U.S. Department of Health and Human Services recently published final rules adopting the 2000 Life Safety Code (68 FR 1374). The Life Safety Code is a compilation of fire safety requirements that is updated and published every three years by the NFPA, which is a private, nonprofit organization dedicated to reducing loss of life due to fire. The federal regulation affects health care facilities that participate in the Medicaid and Medicare certification programs under the Social Security Act. Updating the State rules to adopt the 2000 Life Safety Code will provide consistency in regulation and will protect the health, safety and welfare of long-term care residents.

10) **A Complete Description of the Subjects and Issues:** Section 350.340 (Incorporated and Referenced Materials) and 350.2620 (Codes and Standards) are being amended to update incorporation by reference of the National Fire Protection Association (NFPA) Life Safety Code to the 2000 edition for new facilities.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

11) Are there any other amendments on this Part? Yes

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Peggy Snyder  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
e-mail: rules@idph.state.il.us

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

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350.120 Application for License
350.130 Licensee
350.140 Issuance of an Initial License for a New Facility
350.150 Issuance of an Initial License Due to a Change of Ownership
350.160 Issuance of a Renewal License
350.165 Criteria for Adverse Licensure Actions
350.170 Denial of Initial License
350.175 Denial of Renewal of License
350.180 Revocation of License
350.190 Experimental Program Conflicting With Requirements
350.200 Inspections, Surveys, Evaluations and Consultation
350.210 Filing an Annual Attested Financial Statement
350.220 Information to Be Made Available to the Public By the Department
350.230 Information to Be Made Available to the Public By the Licensee
350.240 Municipal Licensing
350.250 Ownership Disclosure
350.260 Issuance of Conditional Licenses
350.270 Monitor and Receivership
350.271 Presentation of Findings
350.272 Determination to Issue a Notice of Violation or Administrative Warning
350.274 Determination of the Level of a Violation
350.276 Notice of Violation
350.277 Administrative Warning
350.278 Plans of Correction
350.280 Reports of Correction
350.282 Conditions for Assessment of Penalties
350.284 Calculation of Penalties
350.286 Determination to Assess Penalties
350.288 Reduction or Waiver of Penalties
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

350.290 Quarterly List of Violators (Repealed)
350.300 Alcoholism Treatment Programs In Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.315 Supported Congregate Living Arrangement Demonstration
350.320 Waivers
350.330 Definitions
350.340 Incorporated and Referenced Materials

EMERGENCY

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350.510 Administrator

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Section
350.610 Management Policies
350.620 Resident Care Policies
350.625 Determination of Need Screening
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.681 Health Care Worker Background Check
350.682 Resident Attendants
350.683 Registry of Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

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350.820 Consultation Services
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

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350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
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350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic and Antipsychotic Drugs

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350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

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350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

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DEPARTMENT OF PUBLIC HEALTH

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350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

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350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Meal Planning
350.1860 Therapeutic Diets (Repealed)
350.1870 Scheduling Meals
350.1880 Menus and Food Records
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
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350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.2620 Codes and Standards

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350.2630 Preparation of Drawings and Specifications
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350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

EMERGENCY

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.

B) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017:

i) Standard No. A117.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped; and


C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers,
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Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.


F) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981), and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:

i) No. 10 (1978): Standards for Portable Extinguishers


iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


viii) No. 253 (1978): Flooring Radiant Heat Energy Test
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ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

G) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (2000 Edition), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:


ii) Building Material Directory (1998 Edition); and


I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
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Federal regulations:

A) 21 CFR 1306.11 (Requirement of Prescriptions), April 1, 1997; and

B) 21 CFR 1306.21 (Refilling of Prescriptions), April 1, 1997.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

B) Social Security Act (42 U.S.C.A. 301 et seq., 1395 et seq. and 1396 et seq.)

2) State of Illinois statutes:

A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]

B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]

C) Child Care Act of 1969 [225 ILCS 10]

D) Court of Claims Act [705 ILCS 505]

E) Illinois Dental Practice Act [225 ILCS 25]

F) Election Code [10 ILCS 5]

G) Freedom of Information Act [5 ILCS 140]

H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
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I) Illinois Health Facilities Planning Act [20 ILCS 3906]
J) Hospital Licensing Act [210 ILCS 85]
L) Illinois Controlled Substances Act [720 ILCS 570]
M) Life Care Facilities Act [210 ILCS 40]
N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
O) Medical Practice Act of 1987 [225 ILCS 60]
P) Mental Health and Developmental Disabilities Code [405 ILCS 5]
Q) Illinois Nursing Act of 1987 [225 ILCS 65]
R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
S) Nursing Home Care Act [210 ILCS 45]
T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
U) Pharmacy Practice Act of 1987 [225 ILCS 85]
V) Illinois Physical Therapy Act of 1985 [225 ILCS 90]
W) Private Sewage Disposal Licensing Act [225 ILCS 225]
X) Probate Act of 1975 [755 ILCS 5]
Y) Illinois Public Aid Code [305 ILCS 5]
Z) Safety Glazing Materials Act [430 ILCS 60]
AA) Illinois Administrative Procedure Act [5 ILCS 100]
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BB) Clinical Psychologist Licensing Act [225 ILCS 15]

CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]

DD) Health Care Worker Background Check Act [225 ILCS 46]


FF) Cannabis Control Act [720 ILCS 550]

GG) Clinical Social Work Practice Act [225 ILCS 20]

HH) Living Will Act [755 ILCS 35]

II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

JJ) Health Care Surrogate Act [755 ILCS 40]

KK) Right of Conscience Act [745 ILCS 70]

LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]

MM) Supportive Residences Licensing Act [210 ILCS 65]

NN) Community Residential Alternatives Licensing Act [210 ILCS 40]

OO) Community Living Facilities Licensing Act [210 ILCS 35]

PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

QQ) Counties Code [55 ILCS 5]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)

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C) Department of Public Health:

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xii) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

D) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)
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E) Department of Human Services, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days)

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2620 Codes and Standards

EMERGENCY

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any additions or deletions subsequent to the date specified.

1) State of Illinois rules

A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health

D) Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and standards

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Occupancies - Residential - Custodial Care) and all appropriate references under Chapter 33

B) Underwriters Laboratories, Inc. (UL)


D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
   i) Handbook of Fundamentals, 1997
   ii) Handbook of Applications, 1995


F) American National Standards Institute:

b) In addition to compliance with the standards set forth herein, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed.

c) Where no local building code exists, the recommendations of the 1996 Edition of the BOCA International Building Code shall apply.
d) The local building code or the recommendations of the 1996 Edition of the BOCA
International Building Code shall apply insofar as such recommendations are not
in conflict with the standards set forth in this Part, or with the National Fire

e) Amendments to this Section effective March 25, 2003,
August 31, 1998,
supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5489, effective March 25,
2003, for a maximum of 150 days)
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1) **Heading of the Part:** Long-Term Care for Under Age 22 Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 390

3) **Section Numbers**:  
   - 390.340 Amendment
   - 390.2620 Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of emergency amendments:** March 25, 2003

6) **If these emergency amendments are to expire before the end of the 150 days period, please specify the date on which they are to expire:**

7) **Date filed with the Index Department:** March 19, 2003

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Reason for Emergency:**

   These amendments are being adopted to update the incorporation by reference of the National Fire Protection Association’s (NFPA) Life Safety Code to the 2000 Edition for construction of new facilities. Requirements for existing facilities will be updated in a future rulemaking. The U.S. Department of Health and Human Services recently published final rules adopting the 2000 Life Safety Code (68 FR 1374). The Life Safety Code is a compilation of fire safety requirements that is updated and published every three years by the NFPA, which is a private, nonprofit organization dedicated to reducing loss of life due to fire. The federal regulation affects health care facilities that participate in the Medicaid and Medicare certification programs under the Social Security Act. Updating the State rules to adopt the 2000 Life Safety Code will provide consistency in regulation and will protect the health, safety and welfare of long-term care residents.

10) **A Complete Description of the Subjects and Issues:** Section 390.340 (Incorporated and Referenced Materials) and 390.2620 (Codes and Standards) are being amended to update incorporation by reference of the National Fire Protection Association (NFPA) Life Safety Code to the 2000 edition for new facilities.
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11) Are there any other amendments on this Part? Yes

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12) Statement of Statewide Policy Objectives: These emergency amendments do not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

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

Peggy Snyder  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
e-mail: rules@idph.state.il.us

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

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

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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

DEPARTMENT OF PUBLIC HEALTH

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SUBPART A: GENERAL PROVISIONS

Section 390.340 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.

2) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017:
   Standard No. A117.1-R1971, Specifications for Making Buildings and
   A) Facilities Accessible to, and Usable by, the Physically Handicapped; and

3) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.


6) For existing facilities (see Subpart N), National Fire Protection
DEPARTMENT OF PUBLIC HEALTH

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Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:

A) No. 10 (1978): Standards for Portable Extinguishers
C) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
G) No. 220 (1979): Standards Types of Building Construction
H) No. 253 (1978): Flooring Radiant Heat Energy Test
I) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

7) For new facilities (see Subpart M), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (20001997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

8) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
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A) Fire Resistance Directory (1998 Edition), and

B) Building Material Directory (1998 Edition), and


9) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

10) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

11) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

   A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

   B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq, and 1396 et seq.)

2) State of Illinois statutes:

   A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
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B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
C) Child Care Act of 1969 [225 ILCS 10]
D) Civil Practice Act [735 ILCS 5]
E) Court of Claims Act [705 ILCS 505]
F) Illinois Dental Practice Act [225 ILCS 25]
G) Election Code [10 ILCS 5]
H) Freedom of Information Act [5 ILCS 140]
I) General Not For Profit Corporation Act [805 ILCS 105]
J) Hospital Licensing Act [210 ILCS 85]
K) Illinois Controlled Substances Act [720 ILCS 570]
L) Illinois Health Facilities Planning Act [20 ILCS 3906]
N) Life Care Facilities Act [210 ILCS 40]
O) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
P) Medical Practice Act of 1987 [225 ILCS 60]
Q) Mental Health and Developmental Disabilities Code [405 ILCS 5]
R) Illinois Nursing Act of 1987 [225 ILCS 65]
S) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
T) Nursing Home Care Act [210 ILCS 45]
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U) Illinois Occupational Therapy Practice Act [225 ILCS 75]
V) Pharmacy Practice Act of 1987 [225 ILCS 85]
X) Private Sewage Disposal Licensing Act [225 ILCS 225]
Y) Probate Act of 1975 [755 ILCS 5]
Z) Illinois Public Aid Code [305 ILCS 5]
AA) Safety Glazing Materials Act [430 ILCS 60]
BB) School Code [105 ILCS 5]
CC) Illinois Administrative Procedure Act [5 ILCS 100]
DD) Clinical Psychologist Licensing Act [225 ILCS 15]
EE) Dietetic and Nutrition Services Practices Act [225 ILCS 30]
FF) Health Care Worker Background Check Act [225 ILCS 46]
HH) Cannabis Control Act [720 ILCS 550]
JJ) Living Will Act [755 ILCS 35]
KK) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
LL) Health Care Surrogate Act [755 ILCS 40]
MM) Right of Conscience Act [745 ILCS 70]
NN) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
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OO) Supportive Residences Licensing Act [210 ILCS 65]

PP) Community Residential Alternatives Licensing Act [210 ILCS 40]

QQ) Community Living Facilities Licensing Act [210 ILCS 35]

RR) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

SS) Counties Code [55 ILCS 5]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)


C) Department of Public Health

  i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

  ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

  iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


  v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Code 925)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xiii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

D) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)

E) Department of Human Services, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2620 Codes and Standards

EMERGENCY

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or
association refers to the regulations and standards on the date specified and does not include any additions or deletions subsequent to the date specified.

1) State of Illinois rules

A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health

D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and standards

A) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33

B) Underwriters Laboratories, Inc. (UL):


D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):

i) Handbook of Fundamentals, 1997
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

ii) Handbook of Applications, 1995


F) American National Standards Institute (ANSI):

b) In addition to compliance with the requirements set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed.

c) Where no local building code exists, the recommendations of the 1996 Edition of the BOCA International Building Code shall apply.

d) The local building code or the recommendations of the 1996 Edition of the BOCA International Building Code shall apply insofar as such recommendations are not in conflict with the requirements set forth in this Part, or with the National Fire Protection Association Standard 101: Life Safety Code, §100.4.

e) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 390.2620(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

f) Amendments to this Section effective March 25, 2003 September 18, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days)
STATE BOARD OF ELECTIONS

Heading of the Part: The Campaign Financing Act

Code Citation: 26 Ill. Adm. Code 100

Section Numbers: 100.70
100.170

Date Originally Published in the Illinois Register: 8/16/02
26 Ill. Reg. 12521

At its meeting on March 11, 2003, the Joint Committee on Administrative Rules objected to the State Board of Elections rulemaking titled "The Campaign Financing Act" (26 Ill. Adm. Code 100; 26 Ill. Reg. 12521) because the better forum for addressing the level of fines for violation of the State Gift Ban Act is in statute, not rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.
STATE BOARD OF ELECTIONS

Heading of the Part:  Practice and Procedure

Code Citation:  26 Ill. Adm. Code 125

Section Number:  125.425

Date Originally Published in the Illinois Register:  8/16/02

At its meeting on March 11, 2003, the Joint Committee on Administrative Rules objected to the State Board of Elections rulemaking titled "Practice and Procedure" (26 Ill. Adm. Code 125; 26 Ill. Reg. 12527) because the better forum for addressing the level of fines for violation of the State Gift Ban Act is in statute, not rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.
The following second notices were received by the Joint Committee on Administrative Rules during the period of March 11, 2003 through March 17, 2003 and have been scheduled for review by the Committee at its April 8, 2003 meeting in Springfield. 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.

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<td>Environmental Protection Agency, Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (35 Ill. Adm. Code 366)</td>
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PROCLAMATIONS

2003-16
February 15-23, 2003, as FFA Week

WHEREAS, agriculture is Illinois' largest and most productive industry; and
WHEREAS, agriculture is vital to the future progress and prosperity of our state; and
WHEREAS, Agriculture Education prepares over 24,000 students each year for diverse and
highly technical careers in agriculture; and
WHEREAS, the Illinois Association FFA helps prepare Agriculture Education students from
rural and urban settings for careers and leadership roles in Illinois' agriculture industry; and
WHEREAS, the Illinois Association FFA is Illinois' largest career and technical student
organization, providing over 16,000 members with positive learning experience that develop
their potential for premier leadership, personal growth and career success; and
WHEREAS, millions of Americans and over 250,000 Illinoisans have benefited from the
National FFA Organization; and
WHEREAS, the organization has challenged its members to prepare for the future, and the
2002-03 State FFA theme "Excellence Becomes Tradition" celebrates the glorious history the
FFA has written for the past 75 years; and
WHEREAS, a week in February has been set as National FFA Week throughout the United
States, Puerto Rico, Guam and the Virgin Islands;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 15-
23, 2003, as FFA Week in Illinois, and urge all citizens to recognize and encourage agricultural
education in their communities and support the ideals and dedication of the Illinois Association
FFA.

Issued by the Governor February 04, 2003
Filed by the Secretary of State March 14, 2003

2003-17
February 20, 2003, McKendree College Day

WHEREAS, McKendree College, in Lebanon, is the oldest college in Illinois. Founded by
Methodist pioneers on February 20, 1828, McKendree College will mark its 175th anniversary
during the 2002-2003 school year; and
WHEREAS, McKendree College is a four-year liberal arts college, ranked by U.S. News and
World Reports as a Top Tier Midwest Liberal Arts College. For the sixth consecutive year,
McKendree has been recognized as one of America’s 100 Best College Buys; and
WHEREAS, in recent years, McKendree has experienced remarkable growth in both quality
and quantity. Its faculty has grown 65 percent, and includes professors who are well-published
and recognized in their fields of expertise. With approximately 1,300 students, the student body
has grown 67 percent in the past 10 years—currently students from 15 different states and five
countries are enrolled in the Lebanon campus; and
WHEREAS, McKendree has also experienced tremendous recognition for its athletics
programs. This year, one McKendree team has been honored with the college’s first-ever #1 national ranking, another has played in the National Association of Intercollegiate Athletics (NAIA) national semifinals, and an athletic director and coach have been inducted into the NAIA Hall of Fame; and

WHEREAS, a memorable Founders’ Day dinner, celebrating the 175th anniversary of the college, will be held on February 4, 2003, followed by a presentation by poet Maya Angelou;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 20, 2003, as McKENDREE COLLEGE DAY in Illinois, in honor of the 175th anniversary of Illinois’ oldest college.

Issued by the Governor February 03, 2003
Filed by the Secretary of State March 14, 2003

2003-18
February 2003 as Land Surveyors' Month

WHEREAS, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors’ skills and accuracy to determine property rights and methods of design and construction; and

WHEREAS, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected battle sites; and

WHEREAS, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the “Savior of Our Country” after directing the campaigns that preserved our nation; and

WHEREAS, the Illinois Professional Land Surveyors Association is marking its 75th anniversary (1928-2003) representing the profession of land surveying in the State of Illinois;


Issued by the Governor February 03, 2003
Filed by the Secretary of State March 14, 2003

2003-19
February 2003 as African American History Month

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher and author, founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and

WHEREAS, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past
and present contributions made by African Americans in the development of our city and country; and

WHEREAS, African American History Month is commemorated throughout the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops and other expressions of creativity and pride; and

WHEREAS, Dr. Woodson’s dream for the Association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools and encourage racial harmony; and

WHEREAS, African American History Month inspires all Americans to be more aware of African Americans and their expressions and achievements in every area of endeavor;

THEREFORE, I, Rod, R. Blagojevich, Governor of the State of Illinois, proclaim February 2003 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and urge all citizens to be recognizant of the events arranged for this time.

Issued by the Governor February 03, 2003
Filed by the Secretary of State March 14, 2003

2003-20
February 2003 as AMBUCS Visibility Month

WHEREAS, February is AMBUCS National Visibility Month; and
WHEREAS, this month is specially set aside to recognize the hard work accomplished by the AMBUCS organization across the country; and
WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and
WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and
WHEREAS, in Illinois, the Decatur AMBUCS organization is actively involved in the community supporting all Special Olympic events, helping physically challenged people, and raising funds for Special Olympics and Easter Seals programs;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 2003 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor February 03, 2003
Filed by the Secretary of State March 14, 2003

2003-21
February 2003 as Financial Aid/Admissions Awareness Month

WHEREAS, the State of Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and
WHEREAS, the State of Illinois has fostered the development of an impressive complement
of public and private programs of higher education; and
   WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans and work study provides access to educational opportunities for thousands of citizens each year; and
   WHEREAS, the Illinois Student Assistance Commission’s (ISAC) responsibilities include administering grant, scholarship and loan programs and providing programs and initiatives to encourage families to begin saving early for postsecondary education; and
   WHEREAS, the ISAC, the Illinois Association of Student Financial Aid Administrators, Inc., and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost awareness among parents, students and adult learners concerning college admission and financial aid resources; and
   WHEREAS, ISAC, the state’s financial aid community, and the state’s college admission community will assist families with the Free Application for Federal Student Aid (FAFSA) by providing 74 free FAFSA workshops as a public service at various sites throughout the State of Illinois during the month of February and provide a calendar of community programs and a wealth of college planning information for families with students of all ages on website at www.faam.org;
   THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 2003 as FINANCIAL AID/ADMISSIONS AWARENESS MONTH in Illinois.
   Issued by the Governor February 03, 2003
   Filed by the Secretary of State March 14, 2003

2003-22
February 11, 2003, as Diageo Day

   WHEREAS, Diageo is the leading premium drinks company with the strongest codes of social responsibility and marketing of adult beverages; and
   WHEREAS, Diageo has made its commitment to the highest standards in human rights, society and the environment by signing the UN Global Compact in October 2002; and
   WHEREAS, Diageo has displayed its corporate citizenry by investing back into the community of Illinois through numerous statewide non-profit and charitable contributions throughout the year, such as Little City Foundation, Lincoln Park Zoo, Horizons for Youth and Gallery 37; and
   WHEREAS, Diageo is committed to the growth of the hospitality industry in Illinois through its support of education and job training programs offered through the Illinois Restaurant Association, Illinois Hotel & Lodging Association, Illinois Licensed Beverage Association, and the Illinois Retail Merchants Association; and
   WHEREAS, Diageo employs more than 350 Illinoisans with a corporate office in Chicago, production facility in Plainfield, and warehouse facility in Bolingbrook, and contributes a significant amount in state, local, income, excise and sales taxes, with a total Illinois payroll of approximately $31 million; and
PROCLAMATIONS

WHEREAS, Diageo celebrates life through its passion for consumers, pride in its employees and consistent demonstration of corporate responsibility. Diageo thereby contributes to the quality of life in Illinois;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 11, 2003, as DIAGEO DAY in Illinois.

Issued by the Governor February 04, 2003
Filed by the Secretary of State March 14, 2003

2003-23
February 1, 2003, as Jim Thome Day

WHEREAS, Jim Thome, originally from Peoria, Illinois, has been honored as the winner of Major League Baseball’s 2002 Roberto Clemente Award, which honors the memory of the late Hall of Fame outfielder and annually recognizes the player who best exemplifies the game of baseball, sportsmanship, community involvement and the individual’s contribution to his team; and

WHEREAS, the son of proud parents, Chuck and Joyce Thome, Jim was All-State in baseball and basketball at Limestone High School, and he also played baseball and basketball at Illinois Central College; and

WHEREAS, each year, Mr. Thome sponsors an auction in Peoria that benefits the Children’s Hospital of Illinois and appears in the Cleveland-area malls to sign autographs in exchange for wrapped Christmas toys, which he and his wife, dressed as Santa and Mrs. Claus, distribute to children in orphanages, hospitals and other venues. He served as honorary co-chairman for the United Way’s Softball Slam, which raised nearly $200,000 for United Way’s youth programs, and has participated in many other charitable and youth activities; and

WHEREAS, Mr. Thome had a stellar 2002 season with the Cleveland Indians, setting a new record with 52 homeruns and leading the Indians with 101 runs scored and 118 runs batted in with a batting average of .304:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 1, 2003, as JIM THOME DAY in Illinois, for his contribution to the community and for being honored with the 2002 Major League Baseball Roberto Clemente Award.

Issued by the Governor February 05, 2003
Filed by the Secretary of State March 14, 2003

2003-24
February 2, 2003, as Four Chaplains Sunday

WHEREAS, one of the most inspiring acts of heroism in World War II will be commemorated on February 2, 2003, on the 60th anniversary of the historic occasion of “Four Chaplains Sunday”; and

WHEREAS, in a final act of love and dedication, four Chaplains representing the Methodist,
Roman Catholic, Jewish and Dutch Reformed faiths, gave their own life jackets, the only ones that remained, to four fearful American servicemen and directed the young soldiers to lifeboats; and

WHEREAS, the four United States Army Chaplains then sank with the torpedoed U.S.A.T. Dorchester in the North Atlantic, with their arms linked about each other while they prayed together; and

WHEREAS, this year’s memorial program is being hosted by the Marine Corps League, Department of Illinois and is annually sponsored by the Combined Veterans Association of Illinois;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 2, 2003, as FOUR CHAPLAINS SUNDAY in Illinois, to commemorate the men who served with dedication and bravery.

Issued by the Governor February 05, 2003
Filed by the Secretary of State March 14, 2003

2003-25
March 29, 2003, as 2003 Illinois Statewide Founder's Day

WHEREAS, the Joliet Area/South Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Inc., a public service sorority, is hosting the 2003 Illinois Statewide Founder’s Day; and

WHEREAS, Delta Sigma Theta Sorority, Inc. was founded in 1913 with an emphasis in education, scholarship, physical and mental health, economic development, and political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc. is comprised of over 200,000 college-educated women around the world, of which nearly 4,000 are active members from the State of Illinois; and

WHEREAS, these Illinois Sorors hold key leadership positions and are very dedicated to public service in their communities; and

WHEREAS, the Joliet Area/South Suburban Chapter remains focused on commitment to sisterhood, scholarship, and service;

THEREFORE, I, Rod Blagojevich, Governor of State of Illinois, proclaim March 29, 2003, as 2003 ILLINOIS STATEWIDE FOUNDER’S DAY in Illinois, hosted by the Joliet Area/South Suburban Alumnae Chapter – Delta Sigma Theta Sorority, Inc.

Issued by the Governor February 14, 2003
Filed by the Secretary of State March 14, 2003

2003-26
February 19, 2003, as Suicide Awareness Day

WHEREAS, suicide is a silent killer, one whose very presence is not acknowledged easily by family and friends, the survivors; and
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WHEREAS, one person takes his or her life every 17 minutes; and
WHEREAS, suicide is the third leading cause of death among teenagers in the United States; and
WHEREAS, suicide is the eighth leading cause of death in the United States;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 19, 2003, as SUICIDE AWARENESS DAY in Illinois.
Issued by the Governor February 18, 2003
Filed by the Secretary of State March 14, 2003

February 19, 2003, as SUICIDE AWARENESS DAY

2003-27

2003-28

February 22, 2003, as Trio Day

WHEREAS, many residents of Illinois possess extraordinarily low educational aspirations, and according to the 1990 census only 12.36 percent of Illinois’ residents had a college degree; and
WHEREAS, a large majority of Illinois residents need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses because they fit into one or more of the following categories: low-income, children of parents with no postsecondary experience, non-traditional students, disabled and/or culturally disadvantaged; and
WHEREAS, the TRIO Programs were established and funded by the federal government in 1965. Illinois has 108 TRIO Programs serving 30,106 residents located throughout the state on college campuses and in community agencies; and
WHEREAS, TRIO Programs in Illinois received $30,592,561 in federal funding for educational opportunity services in 2002, and have provided various support services that enhance the prospects of educational excellence for the participants of the programs;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 22, 2003, as TRIO DAY in Illinois.
Issued by the Governor February 18, 2003
Filed by the Secretary of State March 14, 2003

February 24, 2003, as Estonian Independence Day

WHEREAS, after centuries of Danish, Swedish, German and Russian rule, Estonia attained independence in 1918; and
WHEREAS, forcibly incorporated into the USSR in 1940, it regained its freedom in 1991 with the collapse of the Soviet Union; and
WHEREAS, since the last Russian troops left in 1994, Estonia has been free to promote economic and political ties with Western Europe; and
WHEREAS, persons of Estonian descent are exemplary American citizens who continue to
uphold their rich cultural traditions, take pride in their history of freedom, believe in human rights and seek self-determination for their homeland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 24, 2003, as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of their 85th anniversary of independence.

Issued by the Governor February 18, 2003
Filed by the Secretary of State March 14, 2003

February 21, 2003, as 2003 Steve Dahl Day

WHEREAS, Steve Dahl, WCKG-FM afternoon personality celebrates his 25th broadcast anniversary in Chicago on Friday, February 21, 2003; and
WHEREAS, Steve Dahl began his radio career at the age of 16; and
WHEREAS, radio legend Steve Dahl first arrived on the Chicago radio scene in 1978 after being lured away from Detroit by then ABC-owned WDAI; and
WHEREAS, for the past two and a half decades, Steve Dahl is famous for allowing his listeners an intimate look into both his professional and private lives; and
WHEREAS, Steve Dahl is know as the “Dean” of Chicago radio personalities;
THEREFORE, I, Rod R. Blagojevich, Governor of State of Illinois, proclaim February 21, 2003, as 2003 STEVE DAHL DAY in Illinois, to celebrate his 25th Broadcast Anniversary.

Issued by the Governor February 18, 2003
Filed by the Secretary of State March 14,2003

February 26, 2003, as Dr. Thomas Halloran Day

WHEREAS, Dr. Thomas Halloran has wholeheartedly dedicated his time and efforts into the Danville Area Soccer Complex; and
WHEREAS, Dr. Thomas Halloran spends hours mowing, aerating, seeding and generally maintains the eight fields; and
WHEREAS, Dr. Thomas Halloran has taken a great interest in improving the recreational activities for the Danville Parks Department; and
WHEREAS, the Danville Area Soccer Complex gives approximately 1,500 children the opportunity to play each week of the season and it generates revenue to help the economy of the city; and
WHEREAS, Dr. Thomas Halloran, an internal medicine specialist, also devotes his time being a member of the United Way, the Danville Stadium and the American Heart Association; and
WHEREAS, Dr. Thomas Halloran has been named The First Citizen by the Danville American Business Club on their 70th Anniversary;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim, February 26,
PROCLAMATIONS

2003, as DR. THOMAS HALLORAN DAY in Illinios, in recognition of his commitment and dedication to the Danville community and the happiness of the children.
   Issued by the Governor February 18, 2003
   Filed by the Secretary of State March 14, 2003

2003-31
April 4, 2003, as Save Abandoned Babies Day

   WHEREAS, the goal of Illinois’ Abandoned Newborn Protection Act is to prevent the deaths of newborn infants and to provide parents with a responsible, safe mechanism to relinquish a newborn infant; and
   WHEREAS, since the signing of the Illinois Abandoned Newborn Protection Act in August 2001, two newborn babies have been safely relinquished pursuant to the Act, but newborn infants continue to be found dead or found in unsafe places; and
   WHEREAS, public awareness of the Illinois Abandoned Newborn Protection Act is necessary to fulfill the Act’s goals of protecting newborn infants; and
   WHEREAS, the first newborn infant that was safely relinquished pursuant to the Illinois Abandoned Newborn Protection Act occurred on April 5, 2002, and we are approaching the first anniversary of that event;
   THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 4, 2003, as SAVE ABANDONED BABIES DAY in Illinois.
   Issued by the Governor February 19, 2003
   Filed by the Secretary of State March 14, 2003

2003-32
February 28, 2003, as Peace Corps Day

   WHEREAS, more than 168,000 Americans have served as Peace Corps Volunteers in 136 countries since 1961; and
   WHEREAS, over the past 42 years, 6,130 men and women from the State of Illinois have responded to our nation’s call to serve by joining the Peace Corps; and
   WHEREAS, Peace Corps Volunteers have made significant and lasting contributions around the world in agriculture, business development, education, health, and the environment, and have improved the lives of individuals and communities around the world; and
   WHEREAS, Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and
   WHEREAS, Peace Corps Volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions; and
   WHEREAS, it is fitting to recognize the achievements of the Peace Corps and to honor its volunteers, past and present, and to reaffirm our country’s commitment to helping people
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throughout the world;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 28, 2003, as PEACE CORPS DAY in Illinois and ask all the citizens of Illinois to be cognizant of the dedication and hard work of the Peace Corp Volunteers.

Issued by the Governor February 24, 2003
Filed by the Secretary of State March 14, 2003

2003-33
March 2-8, 2003, as School Social Work Week

WHEREAS, more than 2,200 school social workers in Illinois provide service to thousands of school children in regular and special education settings to help them maximize their learning potential and experience school success; and

WHEREAS, school social workers enhance the educational and psychosocial development of all school-age children; and

WHEREAS, school social workers assist vulnerable children and adolescents who may have social or emotional problems that are negatively impacting their school experience; and

WHEREAS, school social workers help parents and school personnel bridge the gap between a home and school community; and

WHEREAS, school social workers work closely with school administrators, workers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim March 2-8, 2003, as SCHOOL SOCIAL WORK WEEK in Illinois, and ask the citizens of Illinois to be cognizant of the work and commitment put forth for the educational enhancement of all children.

Issued by the Governor February 21, 2003
Filed by the Secretary of State March 14, 2003

2003-34
April 23, 2003, as Federal Employee of the Year Day

WHEREAS, the Social Security Administration is hosting the 46th Annual Federal Employee of the Year Awards Ceremony on April 23, 2003; and

WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicagoland area; and

WHEREAS, federal employees who have dedicated themselves to giving superior service to the American public will be honored and awarded; and
WHEREAS, over 1,500 guests are expected to attend the celebration held at Navy Pier in Chicago; and
WHEREAS, this year’s theme is “Americans Working for a Better America”; and
WHEREAS, in conjunction with the ceremony, two college scholarships will be awarded to graduate students attending the University of Illinois at Chicago’s College of Urban Planning and Public Affairs;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 23, 2003, as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois.
Issued by the Governor February 27, 2003
Filed by the Secretary of State March 14, 2003

2003-35
April 2003 as Donate Life! Awareness Month

WHEREAS, currently more than 80,000 men, women and children in our country, including more than 4,300 in Illinois, are waiting for lifesaving organ transplants; and
WHEREAS, an average of 17 Americans die each day due to the growing and critical shortage of donated organs for transplant; and
WHEREAS, caring Illinois families have consented to give the gift of hope through organ donation at the death of a loved one; and
WHEREAS, thousands of men, women and children and their families in Illinois have celebrated new life through organ and tissue donations; and
WHEREAS, the State of Illinois recognizes the work of Gift of Hope Organ & Tissue Donor network and Mid-America Transplant Services in coordinating organ and tissue donation with Illinois families and hospitals; and
WHEREAS, the State of Illinois recognizes its eight transplant centers that provide organ transplants to patients: Children’s Memorial Hospital, Loyola University medial Center, Memorial Medical Center, Northwestern Memorial Hospital, Rush-Presbyterian-St. Luke’s Medical Center, OSF Saint Francis Medical Center, University of Chicago Hospitals, and University of Illinois at Chicago Medical Center; and
WHEREAS, members of the Illinois Coalition on Donation, including Gift of Hope Organ & Tissue Donor Network, Mid-America Transplant Services, the National Kidney Foundation of Illinois, the Illinois Eye-Bank and the Minority Organ and Tissue Transplantation Education Program, are working together to encourage Illinoisans to consider donation and share their decisions with family members who will ensure their wishes are carried out;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 2003 as DONATE LIFE! AWARENESS MONTH in Illinois.
Issued by the Governor February 27, 2003
Filed by the Secretary of State March 14, 2003

2003-36
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March 2003 as Nutrition Month

WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council and nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and
WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and
WHEREAS, more than 38 percent of Illinoisans are at risk because of being overweight and more than 20 percent are at risk because of obesity, and only 23 percent eat the recommended five or more servings of fruits and vegetables a day; and
WHEREAS, in keeping with the theme of the state observance, “Grow Your Way to 5 A Day,” all Illinoisans should become aware of the importance of proper nutrition;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim March 2003 as NUTRITION MONTH in Illinois, and ask the citizens of Illinois to be cognizant that good nutrition is just one of the key factors in leading a healthy lifestyle.

Issued by the Governor February 27, 2003
Filed by the Secretary of State March 14, 2003

2003-37
Appreciate Anthony J. Leone Jr.’s service

WHEREAS, Illinois is the 21st state to issue a commemorative quarter on January 6, 2003, which pays tribute to Illinois’ heritage and the state’s role as a leader in agriculture and industry; and
WHEREAS, Anthony J. Leone, Jr. served as a member of the commission which assisted Governor George H. Ryan and First Lady Lura Lynn Ryan select this design; and
WHEREAS, the design has been applauded as one of the best introduced to date, incorporating a farm setting and the Chicago skyline along with a young Abraham Lincoln superimposed on an outline of the State of Illinois; and
WHEREAS, the young Abraham Lincoln image comes from a statue currently existing at New Salem State Park showing Lincoln with a book in one hand symbolizing education and an axe in the other symbolizing his hard work that contributed to the foundation of his legacy to the State of Illinois, the nation and the world; and
WHEREAS, Governor George H. Ryan states “The Illinois commemorative quarter will encourage the youth of the United States to explore Illinois, its history and geography, as well as the rich diversity of our heritage”; and
WHEREAS, the design was inspired by artwork submitted by Thom Cicchelli of Chicago, Illinois, depicting the state’s slogan “Land of Lincoln” as well as 21 stars and the inscription “21st State/Century”; and
WHEREAS, the Commemorative Quarter Program is a 10-year initiative, beginning in 1999 and concluding in 2008, commemorating each of the 50 states; the states’ quarters are issued in
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the order in which they ratified the constitution and joined the union;

THEREFORE, BE IT RESOLVED that the Governor and First Lady appreciate Anthony J. Leone Jr.’s service to the commemorative quarter program in conjunction with Illinois’ quarter being issued by the United States Mint.

Issued by the Governor January 10, 2003
Filed by the Secretary of State March 14, 2003

2003-38
March 2003 as American Red Cross Month

WHEREAS, today, the mission of the American Red Cross is more relevant than ever as it confronts a changing America full of unique challenges. The heroic efforts of the first responders to the September 11, 2001, terrorist attacks became a source of strength for millions of people around the world struggling to comprehend this terrible tragedy. From their example came a new resolve: to be better prepared in the event of another wide-scale attack anywhere in America; and

WHEREAS, in a collaborative effort with the State of Illinois, the federal government and other members of the emergency planning community, the Red Cross and its partners are better able to serve the nation. Through its bold, new Together We Prepare initiative, the Red Cross is leading the way in empowering individuals and families to protect them. With five simple steps – make a plan, build a kit, get trained, volunteer, and give blood – the Red Cross and Americans from coast to coast will help make their communities safer; and

WHEREAS, for more than 121 years, the American Red Cross has honored its mission: to provide relief to victims of disasters while helping people prevent, prepare for, and respond to emergencies. Last year alone, more than 27,000 silent heroes in Illinois helped their neighbors by volunteering at their local Red Cross chapter, and 500,000 more took the time to learn lifesaving skills such as first aid, CPR, and defibrillator use. Thousands of Illinoisans donated over 100,000 gifts of blood and blood products -- the gift of life-- through the American Red Cross and over 31,000 people across Illinois turned the American Red Cross for disaster education training; and

WHEREAS, all of these services, and many others, are provided through 36 locally governed and supported Red Cross chapters and five Blood Services regions. Community involvement is critical for programs that prepare individuals, families, and neighborhoods for emergencies. Through its presence across the country, the Red Cross is the leader in empowering people in every neighborhood to be ready and prepare for the unexpected; and

WHEREAS, the victims of more than 2,500 disasters – from fires that affected a single structure to large-scale events such as floods that devastated central Illinois, tornadoes that ravaged southern Illinois and other emergency events across the state, received help from the Red Cross last year. The Red Cross also responded to international emergencies by aiding other countries devastated by natural disasters and helping people in other nations get access to safe drinking water and battle malnutrition and life-threatening diseases such as measles. More than
13,000 Illinois military families received direct assistance from the Red Cross, keeping them connected in times of great personal sorrow and joy; and

WHEREAS, those who need blood, those who are victims of disaster, or those who are the recipients from the broad spectrum of community services rely on the American Red Cross every day. Compassionate and caring people who wanted to make a difference in their community and across the nation, at home and abroad, channeled their support through the American Red Cross; and

WHEREAS, the State of Illinois and the American Red Cross continue to work together to make our communities safer. The American Red Cross was an original member of the Illinois Terrorism Task Force and makes important contributions to our state efforts for homeland security. The State of Illinois is proud of its relationship with the American Red Cross;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim March 2003 as AMERICAN RED CROSS MONTH in Illinois and applaud the selfless dedication of generations of Red Cross volunteers and staff. As we commemorate this month, I call upon all of our citizens to get involved with their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross.

Issued by the Governor February 25, 2003
Filed by the Secretary of State March 14, 2003

2003-39
February 9-15, 2003, as Vocational Education Week

WHEREAS, the Illinois Vocational Association has designated the week of February 9-15, 2003, as Vocational Education Week; and

WHEREAS, the theme for Vocational Week is “Getting Career in Gear”, and

WHEREAS, vocational education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the state’s leadership in the national and international marketplace; and

WHEREAS, vocational education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and

WHEREAS, vocational education serves citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers, and by teaching leadership skills that serve them on the job, at home, and in the community; and

WHEREAS, a strong vocational education program planned and carried out by trained vocational educators is vital to the future economic development of our state and the well-being of its citizens;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 9-15, 2003, as VOCATIONAL EDUCATION WEEK in Illinois and urge all citizens to become familiar with the services and benefits offered by vocational education programs in our state and
to support and participate in these programs as necessary to enhance individual work skills and productivity.

   Issued by the Governor February 25, 2003
   Filed by the Secretary of State March 14, 2003
a) **Part Heading and Code Citation:** End Stage Renal Disease Renal Facility Code; 77 Ill. Adm. Code 235

1) **Rulemaking:**

A) **Description:** These rules will implement the End State Renal Disease Facility Act (P.A. 92-794), which will be effective July 1, 2003. These rules will include requirements for physical plant standards and for the issuance, renewal, denial, suspension, and revocation of a license to operate an end stage renal disease facility. The rules will be consistent with the requirements for end stage renal disease services under Titles XVII and XIX of the Social Security Act.

B) **Statutory Authority:** End Stage Renal Disease Facility Act (P.A. 92-794, effective July 1, 2003).

C) **Schedule of meeting/hearing date:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** Spring 2003.

E) **Effect on small businesses, small municipalities or not for profit corporations:** These facilities may be small businesses. Since this is a new law, the economic effect is unknown; however, the rules will incorporate the federal requirements, with which the facilities already must comply.

F) **Information concerning this regulatory agenda shall be directed to:** Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) **Related rulemakings and other pertinent information:** None.

b) **Part Heading and Code Citation:** Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm Code 300), Sheltered Care Facilities Code (77 Ill. Adm. Code 330, Illinois

1) Rulemaking:

A) Description: The long-term care rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the Act) [225 ILCS 46]. The rules are being amended to provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will not be waived without the approval of the Director of Public Health.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45].

C) Schedule of meeting/hearing date: These amendments will be considered by the Long-Term Care Facility Board at its February 2003 meeting.

D) Date agency anticipates First Notice: February 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations. There will not be a direct economic effect on the facility; however, because fewer waivers will be granted, the available pool of direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043
DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: These amendments will replace emergency amendments adopted January 1, 2003.

c) Part Heading and Code Citation: Postsurgical Recovery Care Center Demonstration Program Code, Community-Based Residential Rehabilitation Center Demonstration Program Code, Alzheimer’s Disease Management Center Demonstration Program Code, Children’s Respite Care Center Demonstration Program Code, and Subacute Care Hospital Demonstration Program Code

1) Rulemaking:

A) Description: These rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the Act) [225 ILCS 46]. The amendments provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will not be waived without the approval of the Director of Public Health.

B) Statutory Authority: Alternative Healthcare Delivery Act [210 ILCS 3].

C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health at its Spring 2003 meeting.

D) Date agency anticipates First Notice: Spring 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small business and not for profit corporations. There will not be an economic affect on the facility; however, because fewer waivers will be granted, the available pool of direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

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Springfield, Illinois  62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

d) Part Heading and Code Citation): Community Living Facilities Code, 77 Ill. Adm. Code 370

1) Rulemaking:

A) Description: The rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the Act) [225 ILCS 46]. The amendments provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will not be waived without the approval of the Director of Public Health.

B) Statutory Authority: Community Living Facilities Act [210 ILCS 35].

C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health at its Spring 2003 meeting.

D) Date agency anticipates First Notice: Spring 2003

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect community living facilities which may be a small business or not for profit corporation. There will not be an economic effect on the facility; however, since fewer waivers will be given, the pool of available direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois  62761
DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: None.

e) Part Heading and Code Citation): Illinois Clinical Laboratories Code; 77 Ill. Adm. Code 450
1) Rulemaking:

   A) Description: The rules will be amended to reflect changes in the Illinois Clinical Laboratory and Blood Bank Act and the regulation of laboratories under the federal Clinical Laboratory Improvement Act.

   B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

   C) Schedule of meeting/hearing date: The rules will be reviewed by the State Board of Health.

   D) Date agency anticipates First Notice: March 2003.

   E) Effect on small businesses, small municipalities or not for profit corporations: Unknown. This rulemaking will probably affect some small businesses and not for profit corporations.

   F) Information concerning this regulatory agenda shall be directed to:

      Peggy Snyder
      Division of Legal Services
      535 W. Jefferson, 5th Floor
      Springfield, Illinois 62761
      217/782-2043

   G) Related rulemakings and other pertinent information: None

f) Part Heading and Code Citation): Emergency Medical Services and Trauma Center Code, 77 Ill. Adm. Code 515

1) Rulemaking:
A) **Description:** The rules will be amended to add EMS personnel categories for First Responder-Tactical and First Responder-Paramedic Tactical. Requirements for training courses, eligibility, observation experience, testing, and registration and re-registration will be included.

B) **Statutory Authority:** Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

C) **Schedule of meeting/hearing date:** These amendments will be considered by the State EMS Council at its March 2003 meeting.

D) **Date agency anticipates First Notice:** April 2003.

E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments will affect small businesses, small municipalities and not for profit corporations, but these licensure categories are optional.

F) **Information concerning this regulatory agenda shall be directed to:**

   Peggy Snyder  
   Division of Legal Services  
   535 W. Jefferson, 5th Floor  
   Springfield, Illinois 62761  
   217/782-2043

G) **Related rulemakings and other pertinent information:** None.

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g) **Part Heading and Code Citation:** Emergency Medical Services and Trauma Center Code, 77 Ill. Adm. Code 515

1) **Rulemaking:**

   A) **Description:** The rules will be amended to address the issue of employment of unlicensed emergency medical technicians (EMTs). Requirements for verification of licensure will be added, as well as requirements for renewal protocols and a process for notification of an EMT suspension. Electronic submission of renewals will be allowed.
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Requirements for EMT training programs will be amended to remove the requirements for submission of rosters and to include a process to verify that candidates for EMT-1 and EMT-P training programs have valid licenses. Applicants for EMT licensure will be required to provide their full legal name, date of birth, and legal address. New provisions will be added for renewal of licenses that have expired for more than 60 days. Standards for reciprocity will be amended.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

C) Schedule of meeting/hearing date: These amendments will be considered by the State EMS Council at its March 2003 meeting.

D) Date agency anticipates First Notice: April 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations. The effect will mostly involve documentation and record keeping.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

h) Part Heading and Code Citation): Emergency Medical Services and Trauma Center Code, 77 Ill. Adm. Code 515

1) Rulemaking:

   A) Description: The rules will be amended to require vehicle service providers and specialized emergency medical services vehicle programs to notify the Department and the EMS Systems in which the provider
PART Heading and Code Citation: Freestanding Emergency Center Demonstration Program Code; 77 Ill. Adm. Code 518

A) Description: The rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the Act) [225 ILCS 46]. The amendments provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will be waived without the approval of the Director of Public Health.
DEPARTMENT OF PUBLIC HEALTH

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B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

C) Schedule of meeting/hearing date: These amendments will be reviewed by the State EMS Council at its March 2003 meeting.

D) Date agency anticipates First Notice: March 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking affects only one facility.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: These requirements are being added to all health care facility licensing rules.

j) Part Heading and Code Citation: Illinois Home Health Agency Code; 77 Ill. Adm. Code 245.

1) Rulemaking:

A) Description: The rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the Act) [225 ILCS 46]. The amendments provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will be waived without the approval of the Director of Public Health.

B) Statutory Authority: Home Health Agency Licensing Act [210 ILCS 55].
C) Schedule of meeting/hearing date: These amendments will be reviewed by the Home Health Advisory Council.

D) Date agency anticipates First Notice: Spring 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations. There will not be a direct economic effect on the facility; however, because fewer waivers will be granted, the available pool of direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois  62761  
217/782-2043

G) Related rulemakings and other pertinent information: These requirements are being added to all health care facility licensing rules.


1) Rulemaking

A) Description: The rules will be amended to require facilities to provide a copy of the Notice of Violation and the accepted plan of correction or report of correction to the resident and the resident’s next of kin, guardian, or representative, if the notice of violation involves a particular resident. Facilities will also be required to notify the resident’s family, guardian, representative, conservator, and any private or public agency financially responsible for resident’s care in situations of alleged sexual assault, abuse, neglect, or theft.
In Part 300, Section 300.4000 (Applicability of Subpart S) will be amended to allow facilities with 20 or fewer residents with serious mental illnesses to request an exemption from some subsections of Section 300.4000 by submitting a declaration to the Department. The declaration must meet the requirements of subsection (h)(1)-(3). Procedures for readmitting residents with serious mental illness will be included, as well as admission on a case-by-case basis.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45].

C) Schedule of meeting/hearing date: These amendments were approved by the Long-Term Facility Advisory at its November 13, 2002 meeting.

D) Date agency anticipates First Notice: January 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses, small municipalities and not for profit corporations. There will not be a direct economic effect on the facility; however, because fewer waivers will be granted, the available pool of direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: These requirements are being added to all health care facility licensing rules.

1) Part Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking

A) Description: The rules will be amended to implement Public Act 92-803, which amended the Hospital Licensing Act to establish a procedure for the issuance of a waiver of a hospital’s compliance with a construction or
The rules will be amended to implement changes in the administration of the Health Care Worker Background Check Act (the...
DEPARTMENT OF PUBLIC HEALTH

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Act) [225 ILCS 46]. The amendments provide additional criteria for consideration of waivers under the Act, including additional requirements that must be met by the individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will not be waived without the approval of the Director of Public Health.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85].

C) Schedule of meeting/hearing date: These amendments will be considered by the Hospital Licensing Board at its February 2003 meeting.

D) Date agency anticipates First Notice: February 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will not have a direct effect on facilities; however, because fewer waivers will be granted, the available pool of direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois  62761
217/782-2043

G) Related rulemakings and other pertinent information: These changes are being made in all of the health care facility licensing rules.

n) Part Heading and Code Citation): Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)

1) Rulemaking

A) Description: Terms related to medications will be defined; clarifications will be made to the sections governing application for licensure and
annual on-site review and complaint investigation procedures sections; references will be updated. In addition, requirements related to administration of the Health Care Worker Background Check Act will be amended to add criteria for consideration of waivers under the Act.

B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9].

C) Schedule of meeting/hearing date: These amendments will be reviewed by the Assisted Living and Shared Housing Advisory Board.

D) Date agency anticipates First Notice: Spring 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small business and not for profit corporations. There should not be an economic effect; however, since fewer waivers will be granted under the Health Care Worker Background Check Act, the pool of available direct care workers will be smaller.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois  62761
217/782-2043

G) Related rulemakings and other pertinent information: These changes related to health care worker waivers are being made in all rules governing facilities that fall under the Health Care Worker Background Check Act.

o) Part Heading and Code Citation): Hospice Programs, (77 Ill. Adm. Code 280)

1) Rulemaking

A) Description: These rules are being amended to implement Public Act 92-693, which amended the Illinois Vehicle Code to allow the Secretary of
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

State to issue Hospice license plates. The plates will cost $25 in addition to the regular registration fee. The legislation also creates the Hospice Fund in the State Treasury. Ten dollars of the initial fee for each plate and $23 of the renewal fee is to be deposited into the Hospice Fund. The money will be appropriated to the Department for distribution as grants for hospice services. These amendments will set forth requirements for the distribution of the grants.


C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: Spring 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small business and not for profit corporations.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.


1) Rulemaking

A) Description: Public Act 92-769, effective January 1, 2003 authorizes the Department, upon request to issue certificates of free sale, health certificates, or an equivalent, to Illinois food, dairy, drug, cosmetic, or medical device manufacturers, processors, packers, or warehousers. The
certificates state that a specific product is sold freely in Illinois. Manufacturers, processors, packers, and warehouses request these certificates for products they are planning to export. The Department is authorized to charge a $10 fee for issuing each certificate of free sale, health certificate, or equivalent. The rules will specify procedures for requesting a certificate of free sale or health certificate.


C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: April 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

Part Heading and Code Citation): Shellfish Certification Code, 77 Ill. Adm. Code New Part

1) Rulemaking

A) Description: Public Act 92-769, effective January 1, 2003 authorizes the Department to issue an Illinois shellfish certificate, upon request, to shellfish firms in compliance with the Interstate Shellfish Sanitation Conference. The rules will specify application procedures for shellfish certification. The rules will also incorporate federal guidelines and
DEPARTMENT OF PUBLIC HEALTH

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regulation relating to shellfish sanitations, including guidelines and regulations of the Food Drug Administration entitled “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish” and “Fish and Fishery Products (21 CFR 123), respectively .


C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: April 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

r) Part Heading and Code Citation): Tanning Facilities Code; 77 Ill. Adm. Code 795

1) Rulemaking

A) Description: This rulemaking will provide a general revision and update of the rules for the Tanning Facilities Inspection Program.

B) Statutory Authority: Implementing and authorized by the Tanning Facility Permit Act (10 ILCS 145).

C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.
DEPARTMENT OF PUBLIC HEALTH

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D) Date agency anticipates First Notice: April 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will clarify the regulatory procedures for the application for permits and the operation of tanning facilities.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

s) Part Heading and Code Citation): Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790

1) Rulemaking

A) Description: This rulemaking will clarify the Department’s authority and procedures for the addition of multiple-source drug products to the Illinois Formulary which are not subject to a New Drug Application (NDA) or Abbreviated New Drug Application (ANDA) by the federal Food and Drug Administration (FDA). It will also clarify the general procedures for inclusion in the Illinois Formulary of products listed in the FDA’s publication. Approved Drug Products with Therapeutic Equivalence Evaluations.


C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: March 1, 2003.
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will provide for the inclusion of additional generic drug products in the Illinois Formulary, available for Illinois pharmacists prescription interchange.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois  62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

t) Part Heading and Code Citation): Certified Local Health Department Code; 77 Ill. Adm. Code 600

1) Rulemaking

A) Description: The Certified Local Health Department Code provides for 5-year certification of local health departments and requires certified local health departments to apply for certification renewal 60 days prior to expiration of certification. This rulemaking will modify the Department’s recertification review of certified local health departments.

B) Statutory Authority: Implemented and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].

C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: March 1, 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will relieve the regulatory burden on local health departments while they achieve bioterrorism preparedness.
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

u) Part Heading and Code Citation): Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois; 77 Ill. Adm. Code 855

1) Rulemaking

   A) Description: This rulemaking involves revisions to the rules governing asbestos abatement activities in public and private schools and commercial and public buildings in Illinois. Proposed changes to the rules include: 1) clarification of incorporated materials to eliminate specific areas of inconsistency and to update referenced documents; 2) addition of definitions for “demolition”, “incidental breakage” and other terms associated with nonfriable floor tile removal; 3) increased licensing fees for workers and professionals; 4) clarification of notification requirements and procedures and clearance air sampling procedures for abatement of asbestos in commercial and public buildings; 5) addition of whole floor tile removal procedures for commercial and public building and schools; 6) provision of standards for floor tile supervisor and worker training.

   B) Statutory Authority: Section 6, (b)(i)(2)(d) of the Asbestos Abatement Act 105 ILCS 105 and the Commercial and Public Building Asbestos Abatement Act 225 ILCS 207.

   C) Schedule of meeting/hearing date: These amendments will be reviewed by the State Board of Health. Public Hearings will be scheduled during the first notice period for this rulemaking.

   D) Date agency anticipates First Notice: June, 2003.
E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois  62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

v) Part Heading and Code Citation): Grade A Pasteurized Milk and Milk Products Act, 77 Ill. Adm Code 775

1) Rulemaking

A) Description: This rulemaking will update references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules. Documents that are being updated include the Grade A Pasteurized Mild Ordinance (PMO), Methods of Making Sanitation Ratings of Mild Supplies (MMSR), and Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program for Certification of Interstate Milk Shippers, all published by the FDA. References to other documents will be updated to reflect the most current editions.

B) Statutory Authority: Grade A Pasteurized Milk and Mild Products Act, [410 ILCS 635].

C) Schedule of meeting/hearing date: None scheduled.


E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on dairy producers and processors.
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

w) Part Heading and Code Citation: Child Health Examination Code; 77 Ill. Adm. Code 665

1) Rulemaking

A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering school operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes in the immunization rules will allow advanced practice nurses and physician assistants to issue medical objection statements. Legislation enacted in 2002 (P.A. 92-703) amended the School Code to allow APNs and PAs this authority. P.A. 92-703 presents a conflict between the working in Section 2 of the Communicable Disease Prevention Act and the School Code.


C) Schedule of meeting/hearing date: Proposed amendments will be reviewed by the State Board of Health in the first quarter of 2003. Proposals have already been reviewed and commented on by the immunization Advisory Committee. The State Board of Health will schedule public hearings, if necessary, as specified in Section 2 of the Communicable Disease Prevention Act.

D) Date agency anticipates First Notice: Changes in the rules will not be filed until revisions are approved by the State Board of Health.
DEPARTMENT OF PUBLIC HEALTH

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E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on schools.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: These changes will also affect the Immunization Code (77 Ill. Adm. Code 695).

x) Part Heading and Code Citation): Immunization Code; 77 Ill. Adm. Code 695.

1) Rulemaking

A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering child care facilities, Head Start centers, preschool programs and programs under the kindergarten level. In 2002, legislation was enacted (P.A. 92=703) to amend the School Code to allow advanced practice nurses and physician assistants to issue medical objection statements. P.A. 92-703 presents a conflict with consistency between immunization codes and existing laws. Section 7 of the Child Care Act of 1969 [225 ILCS 10/7] does not actually state who can issue a medical objection statement and current rules (695) indicate that only a physician may write the statement of medical objection. Therefore, to prevent a two-tiered standard of APNs and PAs being allowed to issue medical objections for school age children but unclear for preschool children, the rule change will ensure consistency of language and interpretation.

B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315] and Section 7 of the Child Care Act of 1969 [225 ILCS10/7].

C) Schedule of meeting/hearing date: Proposed amendments have been
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

reviewed by the Immunization Advisory Committee and will be presented
to the State Board of Health for review in the first quarter of 2003. The
State Board of Health will schedule public hearings, if necessary.

D) Date agency anticipates First Notice: Changes in the rules will not be
filed until revisions are approved by the State Board of Health.

E) Effect on small businesses, small municipalities or not for profit
corporations: It is anticipated that the proposed changes will have
minimum impact on day care facilities.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: These changes will
also affect the Child Health Examination Code (77 Ill. Adm. Code 665).

y) Part Heading and Code Citation): Lead Poisoning Prevention Code; 77 Ill. Adm. Code 845
1) Rulemaking

A) Description: Existing rules set forth the requirements for the approval of
training providers and the licensing of persons who conduct lead abatement
and mitigation activities in dwellings and child care facilities.
Additionally, the regulations cite the minimum work practices to be
utilized when conducting lead investigations and remediation services to
protect the public from associated hazards of lead exposure. This
rulemaking involves a number of revisions to the lead poisoning
prevention rules. Proposed changes include: 1) clarifying existing
definitions applicable to lead activities; 2) eliminating redundancies of
referenced incorporated federal regulations; 3) clarifying the work
practices to be used by the Department or delegate agency for conducting
investigations of regulated facilities that have been associated with a child
DEPARTMENT OF PUBLIC HEALTH

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with an elevated blood lead level; 4) establishing minimum work practices for lead investigations to be utilized by the regulated industry for conducting lead investigations in regulated facilities that are not associated with a child identified with an elevated blood lead level; 5) clarifying and expanding the minimum requirements for training course providers to receive Department approval to offer certified lead training for professionals seeking lead certification and licensing in Illinois; 6) clarifying the work practices to be prescribed by the Department or delegate agency for persons conducting lead mitigation or abatement of identified lead hazards in response to an investigation of regulated facilities associated with a child with an elevated blood lead level; 7) establishing minimum work practices for lead mitigation and abatement to be utilized by the regulated industry for conducting lead mitigation and abatement in regulated facilities that are not associated with a child identified with an elevated blood lead level; 8) clarifying existing requirements for licensed lead contractors to establish safe, effective and appropriate mitigation and abatement control plans to protect occupants of regulated facilities from lead hazards that may occur as a result of disturbed lead or generated as part of their lead work; 9) establishing record keeping requirements for licensed lead professionals and contractors; 10) clarifies the existing requirements for a licensed lead supervisor to oversee, manage and direct activities on lead mitigation and abatement projects; 11) clarifies existing requirements and standards for identification of lead, lead bearing substances and lead hazards to be consistent with federal requirements; 12) establishes new regulations to be applied for fines and penalties applicable to licensed lead professionals, lead contractors and approved lead training course providers for violations of the Act or Code; and 13) establishes standards for administrative hearings.


C) Schedule of meeting/hearing date: Amendments will be reviewed by the State Board of Health. A public hearing will be scheduled during the first notice period of this rulemaking.

D) Date agency anticipates First Notice: March 2003.
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2003 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

Peggy Snyder
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Dietetic and Nutrition Services Practice Act

2) Code Citation: 68 Ill. Adm. Code 1245

3) Register citation of adopted rulemaking and other pertinent action:
   27 Ill Reg. 3121. February 21, 2003 Adopted Rulemaking
   27 Ill. Reg. 4816 March 14, 2003 Publication Error

4) Explanation: In the Notice of Publication Error published in 27 Ill. Reg. 4816 Number 4c was incorrectly included and the original publication was in fact correct as reads on 27 Ill. Reg. 3130 as shown below.

Section 1245.130 Approved Programs in Dietetics
EMERGENCY

   a) The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Dietetic and Nutrition Services Practice Act

2) Code Citation: 68 Ill. Adm. Code 1245

3) Register citation of adopted rulemaking and other pertinent action:
   27 Ill Reg. 4817. March 14, 2003

4) Explanation: In publication of the above mentioned adopted rulemaking, several strikethroughs and underscores were added and published. The file pages reflect the correct reading as shown below.

In 68 Ill Adm. Code 1245, Subpart C: Nutrition Counselor, Section 1245.230: Approved Programs of Nutrition Counselors, Page 3136 it reads:

The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:

The Correct Reading is:

The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:
## ILLINOIS ADMINISTRATIVE CODE

### Issue Index

Rules acted upon in Volume 27, Issue 13 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.
## ORDER FORM

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(Processing fee for credit cards purchases, if applicable.) $1.50

**TOTAL AMOUNT OF ORDER** $ ____________________________

□ Check  Make Checks Payable To: **Secretary of State**

 □ VISA □ Master Card □ Discover  (There is a $1.50 processing fee for credit card purchases.)

Card #: ____________________________ Expiration Date: _______

Signature: ____________________________

Send Payment To: Secretary of State  
Department of Index  
Administrative Code Division  
111 E. Monroe  
Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:  Attention:  ID #:

Address:  

City: State: Zip Code:  
Phone: Fax: E-Mail:  

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