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INTRODUCTION

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

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

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

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

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Editor's Note: This is a reminder that July 2, 2007 is the final day to submit your Agency's Regulatory Agenda for the July 2007 filing period.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3) Section Numbers: Proposed Action:

   310.45     Amendment
   310.50     Amendment
   310.80     Amendment
   310.90     Amendment
   310.100    Amendment
   310.410    Amendment
   310.450    Amendment
   310.460    Amendment
   310.470    Amendment
   310.480    Amendment
   310.490    Amendment
   310.495    Amendment
   310.500    Amendment
   310.APPENDIX A TABLE E Amendment
   310.APPENDIX A TABLE F Amendment

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) A Complete Description of the Subjects and Issues Involved: In Section 310.45(b), interim assignment is added to the definitions of employee movements.

   In Section 310.50 and within the definition of "creditable service," the change clarifies the increases of one step or more that shall not change the creditable service date. In the same section and within the definition of "salary grade," the change clarifies that the merit compensation system includes the medical administrator positions too.

   In Section 80(d)(1)(A) and (B), the relationship between an upward reallocation and the employee's creditable service date is clarified. In subsection (d)(2), the relationship between an upward reevaluation and the employee's creditable service date is clarified. In subsection (e), the relationship between an upward adjustment and the employee's creditable service date is clarified.
NOTICE OF PROPOSED AMENDMENTS

In Section 310.90(d) and (e), the relationship between a downward reevaluation or adjustment, respectively, and the employee’s creditable date is clarified.

In Section 310.100(e)(1) and (2), the relationship between interim assignment and creditable service date is changed for employees in interim assignments on or after July 1, 2007. In subsection (g), the accrual and compensation of equivalent earned time are changed for FY2008, and the restoration of accrued and unused equivalent earned time from FY2007 makes that time available again for use by the employee. In subsection (j), the subsection is divided in two to allow for better understanding of the relationship between return from leaves and creditable service date.

In Section 310.410 and since positions in the Assignment Coordinator title are no longer subject to the merit compensation system, the Assignment Coordinator title and its related information are removed from the title table.

In Section 310.450(b)(1) and (2)(A) and (B), eligibility for a performance review is extended to employees who are in or have been in interim assignment. The role of immediate supervisor and the pay used to determine eligibility are clarified. In subsection (d), the amount restrictions specify that interim assignment pay shall not be used to determine an annual merit increase or bonus. In subsection (g), the effective date of the annual merit increase and bonus, and the new creditable service date are clarified.

In Section 310.460(b) and (c), the relationship between an upward reallocation or reevaluation, respectively, and the employee's creditable date is clarified.

In Section 310.470, the relationship between an upward adjustment and the employee's creditable date is clarified.

In Section 310.480(b), (d) and (e), the relationship between a downward reallocation, reevaluation or adjustment, respectively, and the employee's creditable date is clarified.

In Section 310.490(e), the accrual and compensation of equivalent earned time are changed for FY2008, and the restoration of accrued and unused equivalent earned time from FY2007 makes that time available again for use by the employee. In subsection (i), the subsection is divided in two to allow for better understanding of the relationship between return from leaves and creditable service date. In subsection (p), the relationship between interim assignment and creditable service date is changed for employees in interim assignments on or after July 1, 2007.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.495(c), the relationship between an upward salary adjustment and the employee's creditable date is clarified.

In Section 30.500 and within the definition of "creditable service," the change clarifies the certain employee movements shall not change the creditable service date.

In Section 310.Appendix A Table E and in the new hire rates table for the Highway Maintainer (Drill Rig), the rates are corrected because of an earlier calculation error.

In Section 310.Appendix A Table F and in the full scale rates table, the label for the Maintenance Worker Pay Plan Code B is corrected because some of these positions were consolidated into the Department of Central Management Services that was not in the label, and the rates for the Maintenance Worker Pay Plan Code Q are added because a position was geographically transferred so that bargaining unit representation changed from the RC-020 to RC-019.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None.

7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? Yes

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

9) Do these proposed amendments contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

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<td>310.295</td>
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<td>310.APPENDIX A TABLE J</td>
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<td>310.APPENDIX A TABLE Q</td>
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310. APPENDIX A TABLE W Amendment 30 Ill. Reg. 15240; September 29, 2006
310. APPENDIX A TABLE X Amendment 30 Ill. Reg. 15240; September 29, 2006
310. APPENDIX B Amendment 30 Ill. Reg. 15240; September 29, 2006
310.290 Amendment 30 Ill. Reg. 16504; October 20, 2006
310. APPENDIX C Amendment 30 Ill. Reg. 16504; October 20, 2006
310. APPENDIX D Amendment 30 Ill. Reg. 16504; October 20, 2006
310. APPENDIX G Amendment 30 Ill. Reg. 16504; October 20, 2006

11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: Some of the content of this rule was included in the July 2007 regulatory agenda. Some was not included on
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either of the two most recent regulatory agendas because: the need for the changes was only recently approved.

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 10056 of this issue of the Illinois Register.
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1) **Heading of the Part:** Services Delivered by the Department of Children and Family Services

2) **Code Citation:** 89 Ill. Admin. Code 302

3) **Section Numbers:**
   - 302.30 Amend
   - 302.310 Amend
   - 302.390 New
   - 302.405 Amend

4) **Statutory Authority:** 20 ILCS 505

5) **A complete description of the subjects and issues involved:** A child who was previously adopted with adoption assistance and whose adoption dissolves or whose adoptive parents die may be treated as if the financial circumstances for a subsequent adoption are the same as the last time the child was adopted. The Department will not disqualify a child who is otherwise eligible for adoption assistance based on the child being an alien child.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of statewide policy objective:** This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) **Time, place and manner in which interested parties may comment on this proposed rulemaking:** Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

   [Details on how to submit comments]
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone:  217/524-1983
TDD:   217/524-3715
FAX:   217/557-0692
E-Mail address:  cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13)  Initial regulatory flexibility analysis: The Department has determined that the proposed amendment will not have an economic impact on small businesses.

14)  Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda were completed.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section
302.10 Purpose
302.20 Definitions
302.30 Introduction
302.40 Department Service Goals
302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section
302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
302.110 Content of Child Abuse or Neglect Reports (Recodified)
302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130 Special Types of Reports (Recodified)
302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150 Delegation of the Investigation (Recodified)
302.160 The Investigative Process (Recodified)
302.170 Taking Children Into Temporary Protective Custody (Recodified)
302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section
302.300 Adoptive Placement Services (Repealed)
302.305 Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
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302.310 Adoption Assistance
302.311 Nonrecurring Adoption Expenses (Repealed)
302.315 Adoption Registry (Repealed)
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.365 Mental Health Services
302.370 Homemaker Services
302.380 Information and Referral Services
302.390 Behavioral Health Services Placement Services (Repealed)
302.400 Successor Guardianship (Repealed)
302.405 Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

302.APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

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SUBPART A: GENERAL PROVISIONS

Section 302.30 Introduction

a) The Department of Children and Family Services is the State agency which is responsible for providing public child welfare services to children and their families. The types of services provided encompass the broad array of Department services as detailed in this part. Although the service goals in this Part encompass a variety of services, any specific service may be provided to families who are living together as well as to children and families who are living
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apart. Services are provided in order to assure permanent, secure and nurturing living situations for children.

b) The Department determines:

1) the children and family's eligibility for services as specified in 89 Ill. Adm. Code 304, ("Access to and Eligibility for Child Welfare Services");
2) the specific services that which are necessary and appropriate for eligible children and families as indicated in the service plan; and
3) whether the such services will be provided directly by the Department or through purchase of service providers.

c) The Department shall comply with Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); Sections 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 793 and 794); the U.S. Constitution; the 1970 Illinois Constitution; and any State and federal laws, regulations or court orders that which prohibit discrimination in service delivery on the grounds of race, sex, color, religion, national origin or ancestry, the inability to speak or comprehend the English language or by reason of any handicap. Additionally, no children or their families shall be denied services under this Part solely on the basis that a parent is admitted to an Illinois mental health facility, detained in an Illinois jail, or committed to the Illinois Department of Corrections. Refer to 89 Ill. Adm. Code 307, ("Indian Child Welfare Services") that which defines the special rights of Indian children and their families American Indians.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance

a) General Provisions

1) Eligibility, Funding Source, Assistance Amounts

A) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of
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Illinois, and who the Department has determined meet the special needs criteria for non-recurring adoption assistance or who meet both the eligibility and special needs criteria for ongoing adoption assistance and who, it is reasonable to conclude, are not likely to be adopted without the provision of adoption assistance.

B) Adoption assistance is available through a combination of federal and State funding. The State receives federal reimbursement for a portion of the assistance provided for children meeting the Title IV-E eligibility criteria of the Social Security Act. The Department must comply with all of the requirements of that Act to claim funding for Title IV-E eligible children. The Title IV-E adoption assistance process is a combination of the field staff preparing the subsidy and documenting special needs followed by a centralized eligibility unit determining financial aspects of Title IV-E assistance.

C) State funding provides adoption assistance for children for whom the Department has placement and care responsibility and who meet the special needs criteria but are not eligible for Title IV-E adoption assistance as well as for children who age out of eligibility for Title IV-E adoption assistance and continue in school up to the earliest of their nineteenth birthday or graduation from high school.

D) Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance is entitled to receive only those services and/or payments specified in the adoption assistance agreement.
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2) Responsibility of the State in Interjurisdictional Adoptions

A) When the Department has responsibility for placement and care of a child who is eligible for Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.

B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

3) Continued Eligibility of Children

A) If an adoption is dissolved because of the termination of parental rights, or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance if the State determines that the child meets the definition of a child with special needs prior to finalization of adoption.

B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, or the termination of parental rights and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

C) A child who was previously adopted with adoption assistance and whose adoption dissolves or whose adoptive parents die may be treated as if the financial circumstances for a subsequent adoption are the same as the first time the child was adopted.
b) Eligibility for Adoption Assistance

1) Children who are under the Department's legal responsibility and those who are not under the Department's legal responsibility when the adoption petition is filed are eligible for Title IV-E adoption assistance when they meet one of the eligibility criteria described in this subsection (b)(1) and the special needs criteria detailed in subsection (b)(2). Children for whom the Department of Children and Family Services is responsible for placement and care when the adoption petition is filed who do not meet the eligibility requirements in this subsection (b)(1) but do meet the special needs criteria detailed in subsection (b)(2) are eligible for State-funded adoption assistance. Children not under the legal responsibility of the Department who do not meet the eligibility criteria described in this subsection (b)(1) but who meet the definition of a child with special needs are eligible for adoption assistance non-recurring expenses only. The Department will not disqualify a child who is otherwise eligible for adoption assistance based on the child being an alien child.

A) The child was eligible for AFDC under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 during the month the petition was filed to remove the child from the home at the time he or she was removed from the home and in the month the adoption petition was initiated and the Department has determined that the child meets the definition of a child with special needs; or

i) An AFDC-eligible child removed from the home as a result of a court order shall be eligible for adoption assistance when there is a judicial determination in the removal order that it was contrary to the welfare of the child to remain in the home.

ii) An AFDC-eligible child removed from the home as a result of a voluntary placement agreement shall be eligible for adoption assistance when the child was placed in a foster home and at least one Title IV-E maintenance payment was made while the voluntary placement agreement was in effect.
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iii) An AFDC-eligible child who was voluntarily relinquished to a public or private not-for-profit agency shall be eligible for adoption assistance in the following circumstances:

? a petition to officially remove the child from the home was filed with the court within 6 months after the date the child last lived with the relative who voluntarily relinquished the child; and

? there is subsequent judicial determination with respect to the petition that remaining in the home is contrary to the child's welfare; or

B) The child's eligibility for Supplemental Security Income (SSI) was established and documented by the Social Security Administration at the time the adoption petition was filed and the Department determines that the child meets the definition of a child with special needs prior to the finalization of the adoption; or

C) The child is a child of minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is not a ward of the Department and the child meets the definition of a child with special needs; or

D) The child is a child for whom adoptive parents were previously receiving adoption assistance and the Department has determined that the child meets the definition of a child with special needs prior to the finalization of the subsequent adoption.

2) Special Needs Criteria
In order to be eligible for adoption assistance, the Department must determine that the child meets all three of the following criteria that comprise the definition of a child with special needs:

A) the child cannot or should not be returned to the home of his or her parents as evidenced by:

i) a termination of parental rights; or
ii) a petition to terminate parental rights; or

iii) a voluntary relinquishment; and

B) there exists a specified factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance. These factors or conditions include:

i) an irreversible or non-correctable physical, mental or emotional disability; or

ii) a physical, mental, or emotional disability correctable through surgery, treatment or other specialized services; or

iii) the child is one year of age or older; or

iv) the child is a member of a sibling group being adopted together where at least one child meets one of the conditions in subsections (b)(2)(B)(i) through (iii); or

v) the child is being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

C) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their care.

c) Types of Adoption Assistance
The types of adoption assistance that a family may apply for include:
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1) Non-recurring Expenses
Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of $1500 for each adopted child.

2) Monthly Payments

A) An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order or adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment. When a child is SSI eligible following the adoption, the adoptive
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parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the adoption assistance agreement.

5) Therapeutic Day Care

Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).
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6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.

7) Respite Care for Medically Fragile/Technology Dependent Care

A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional nurses shall assist in making the determination of whether the child meets the eligibility requirements for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.

i) For existing adoptive cases: If the adoptive parents agree to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package
resulting from these determinations and there is available capacity in the waiver program).

ii) For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Conditional Adoption Assistance
Conditional adoption assistance is available to children adopted before February 1, 2004. To be eligible for conditional adoption assistance, the child must meet all of the eligibility requirements for adoption assistance and have a documented disability or risk factor not evident at the time of the adoption but that may require intervention, treatment or services in the future.

10) Adoption Incentive (Independent Facilitation Grants)
The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of $3000 to be awarded to an adopted child under the following circumstances in the manner described:

A) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her adoption subsidy.
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B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

C) In order to be eligible for this payment, the child:
   i) must have been the legal responsibility of the Department prior to the adoption; and
   ii) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.

D) Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

11) Enhanced Subsidized Guardianship and Adoption Assistance

The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded.

A) ESGAP provides the following services to youth as they transition to adulthood:
   i) Youth in College/Vocational Training;
   ii) Employment Incentive Program;
   iii) Life Skills Training; and
   iv) Housing Cash Assistance.

B) To be eligible for ESGAP, a youth must meet the following criteria:
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i) Is age 14 or older when adopted or when guardianship is transferred; is eligible for adoption assistance or subsidized guardianship at the time permanency is achieved; and is assigned to the standard subsidized guardianship waiver demonstration group and to the ESGAP demonstration group; or

ii) Is under the age of 14 at the time the adoption is finalized or guardianship is transferred and has an older sibling living in the same home who is assigned to the ESGAP demonstration group and meets all criteria for either the enhanced waiver or adoption assistance program.

C) Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.

d) Adoption Assistance Agreement
The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the adoptive parents currently reside and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances.

e) Notification Requirement by Adoptive Parents
The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:

1) the child is no longer the legal responsibility of the adoptive parents;
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2) the adoptive parents no longer financially support the child;
3) the child graduates from high school or equivalent;
4) there is a change of residential address or mailing address of the adoptive parents or the child;
5) the child dies;
6) the child becomes an emancipated minor;
7) the child marries;
8) the child enlists in the military; or
9) the child's custodial status changes.

f) Periodic Reviews
Periodic reviews are annual recertifications that are required for children in adoptive homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The adoptive parents, including non-custodial parents if the non-custodial parent has provided the Department with the correct mailing address, will receive written notice of the review. Adoptive parents are required to participate and cooperate with the review. Non-custodial parents may request notice of periodic reviews.

g) Termination of Adoption Assistance
The adoption assistance shall terminate when the Department has determined that one of the following has occurred:

1) When the terms of the adoption assistance agreement are fulfilled.
2) The adoptive parents have requested that the adoption assistance permanently stop.
3) The adoptive parents are no longer legally or financially responsible for the child.
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4) The child becomes an emancipated minor.

5) The child marries.

6) The child enlists in the military.

7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.

8) The adoptive parents die.

9) The adoptive parents' parental rights are terminated.

10) The child dies.

h) Title IV-E Demonstration Waiver
The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

i) Appeal of Department Decisions
Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:

1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;

2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;
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3) The Department's denial of Title IV-E adoption assistance eligibility to a child for whom it does not have placement and care responsibility;

4) Inaction on the part of the Department on a Title IV-E adoption assistance eligibility determination request;

5) Adoption assistance or a specific component of adoption assistance was denied;

6) Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;

7) The Department denies the adoptive parents request to modify the adoption assistance agreement; or

8) An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 302.390 Behavioral Health ServicesPlacement Services (Repealed)

a) Behavioral health services are available to all children and youth for whom the Department has placement and care responsibility.

b) The child's behavioral health needs shall be assessed as the child enters care as a part of the integrated assessment and on an ongoing basis through the Administrative Case Review or through the completion of the Child and Adolescent Needs and Strengths (CANS) assessment tool anytime a change in the level of service is considered.

c) The behavioral health services provided shall be based on the child's needs and may be provided at the site of the program, residential facility, foster home or other appropriate place. The placement provider shall assist in arranging for the child to receive the behavioral health services from an outside provider when those services are required to meet the child's clinical needs.
Behavioral health services include, but are not limited to, mental health services, trauma services, substance abuse services and services to children and youth who are developmentally disabled.

(Source: Old Section repealed at 19 Ill. Reg. 9485, effective July 1, 1995; new Section added at 31 Ill. Reg. ______, effective ____________)

Section 302.405  Subsidized Guardianship Program

a)  General Provisions

1)  Funding Source
Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.

2)  Continued Eligibility of Children

If guardianship is dissolved because of the death or incapacitation of the guardian or voluntary relinquishment, a child who previously received a subsidy continues to be eligible for the subsidized guardianship program. The child's financial circumstances may be treated as if the financial circumstances are the same as the first time guardianship was transferred.

b)  Subsidized Guardianship Agreement
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also
stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or Federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria

1) For a child to qualify for subsidized guardianship, the following criteria must be met:

A) the child is not a member of the control group; and

B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care, and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and

C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and

D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.

2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:

A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or
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B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or

C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or

D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or

E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:
   i) subsidized guardianship has been determined to be in the child's best interests; and
   ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or

F) the child was previously in subsidized guardianship, but the guardian has died or the guardianship was voluntarily relinquished; or

G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or

H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.
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d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;

B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;

C) the interaction and interrelationship of the child with the prospective subsidized guardian;

D) the child's adjustment to the present home, school, and community;

E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and

F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.

e) Types of Assistance

The types of assistance that a family may apply for include:

1) Non-recurring Expenses

Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of $500 per child.

2) Ongoing Monthly Payments
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A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) of this Part.
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3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the adoption assistance agreement.

5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).

6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
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7) Respite Care for Medically Fragile/Technology Dependent Children

A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional nurses shall assist in making this determination of whether the child meets the eligibility criteria for the waiver program.

B) Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.

i) For existing subsidized guardianship cases, if the subsidized guardian agrees to apply, the guardian should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the subsidized guardian agrees to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

ii) For new subsidized guardianship cases, the subsidized guardian must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost
neutrality calculations shall be determined. If determined eligible, the subsidized guardian must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).

8) College Scholarships
Children who are receiving subsidized guardianship assistance may also apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) Guardianship Incentive (Independent Facilitation Grants)
The Department will pay an incentive payment for children who are 14 to 18 years of age when guardianship with subsidized guardianship was awarded during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of $3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

A) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.

B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

C) In order to be eligible for this payment, the child:

i) must have been the legal responsibility of the Department prior to the subsidized guardianship; and

ii) must have been 14 to 18 years of age when the guardianship was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.
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D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.

E) The payment will be awarded directly to the child.

10) Enhanced Subsidized Guardianship and Adoption Assistance
The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded.

A) ESGAP provides the following services to youth as they transition to adulthood:

i) Youth in College/Vocational Training;

ii) Employment Incentive Program;

iii) Life Skills Training; and

iv) Housing Cash Assistance.

B) To be eligible for ESGAP, the youth must meet the following criteria:

i) Is age 14 or older when adopted or when guardianship is transferred; is eligible for adoption assistance or subsidized guardianship at the time permanency is achieved; and is assigned to the standard subsidized guardianship waiver demonstration group and to the ESGAP demonstration group; or

ii) Is under the age of 14 at the time the adoption is finalized or guardianship is transferred and has an older sibling living in the same home who is assigned to the ESGAP demonstration group and meets all criteria for either the enhanced waiver or adoption assistance program.
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C) Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.

f) Responsibilities of the Subsidized Guardian

Subsidized guardians are responsible for the following:

1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and

2) notifying the Department no later than 30 days after any one of the following occurrences:

A) The child is no longer the legal responsibility of the guardian.

B) The guardian no longer financially supports the child.

C) The child graduates from high school or equivalent.

D) There is a change of residential address or mailing address of the guardian or the child.

E) The child dies.

F) The child becomes an emancipated minor.

G) The child marries.

H) The child enlists in the military.

I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.

J) The custodial status of the child changes.

K) The guardianship is vacated.

g) Department Responsibilities
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1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).

2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.

3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

4) The Department shall ensure that each guardian has access to a caseworker that will respond to requests for information and assistance.

5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).

6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

h) Periodic Reviews
Periodic reviews are annual recertifications that are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardian and, when applicable, parents, including non-custodial parents when the Department has been provided with the correct mailing address, will receive written notice of the review. The guardian is required to participate and cooperate with the review.

i) Termination of Payments
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Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:

1) When the terms of the subsidized guardianship agreement are fulfilled.
2) The guardian has requested that the payment permanently stop.
3) The guardian is no longer financially supporting the child.
4) The child becomes an emancipated minor.
5) The child marries.
6) The child enlists in the military.
7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.
8) The guardian dies.
9) The guardianship is vacated.
10) The child dies.

j) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State would apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

k) Appeal of Department Decisions
A guardian has a right to file a service appeal in accordance with 89 Ill.Adm. Code 337 (Service Appeal Process) when:
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1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;

2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;

3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or

4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.

l) Demonstration Group

Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

1) Cook Central Region.

2) East St. Louis sub-region serving the following counties:
   
   A) Madison;
   
   B) St. Clair;
   
   C) Bond;
   
   D) Clinton;
   
   E) Washington;
   
   F) Monroe; and
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G) Randolph.

3) Peoria sub-region serving the following counties:

A) Fulton;
B) Henderson;
C) Knox;
D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Peoria;
L) Bureau;
M) Marshall;
N) Putnam;
O) Woodford; and
P) Stark.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
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1) **Heading of the Part:** Department of Children and Family Services Scholarship Program

2) **Code Citation:** 89 Ill. Adm. Code 312

3) **Section Numbers:**
   - 312.30 Amended
   - 312.50 Amended
   - 312.60 Amended
   - 312.80 Amended
   - 312.90 Amended
   - 312.100 Amended

4) **Statutory Authority:** 20 ILCS 505/8

5) **A Complete Description of the Subjects and Issues Involved:** Proposed amendments to the Department of Children and Family Scholarship Program minimize the rigidity of program requirements to enhance individual educational goals and abilities of scholarship recipients. Other amendments address changes in the program’s administrative structure, provide clarification and/or an expanded explanation of program requirements or benefits.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this proposed rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this proposed rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** The amended Sections do not expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:**
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13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The proposed amendments to the Sections were not anticipated when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:
Section
312.10  Purpose
312.20  Definitions
312.30  Description
312.40  Eligibility Requirements
312.50  Application
312.60  Selection
312.70  Service Planning and Living Arrangements
312.80  Ongoing Eligibility Requirements
312.90  Benefits
312.100  Discharge from the Scholarship Program

AUTHORITY: Implementing and authorized by Section 8 of the Children and Family Services Act [20 ILCS 505/8].

SOURCE: Old Part adopted by emergency rulemaking at 20 Ill. Reg. 924, effective December 19, 1995, for a maximum of 150 days; emergency expired May 27, 1996; new Part adopted at 23 Ill. Reg. 6784, effective June 1, 1999; amended at 28 Ill. Reg. 8456, effective June 4, 2004; amended at 31 Ill. Reg. ______, effective ____________.

Section 312.30  Description

The DCFS Scholarship Program provides a maximum of 48 scholarships each year, four of which are awarded to children of veterans. Scholarship recipients receive up to four consecutive years of supplemental services and maintenance payments (see Section 312.90) that will include annual tuition and fee waivers if the student attends an Illinois State community college or university. Scholarships do not cover room, board, or dormitory fees. Students may attend other colleges or universities, if scholarships are awarded them, and receive the same maintenance benefits as those students attending State-supported community colleges or universities. Department scholarships awarded to college students shall be prorated based on the age of the student so that scholarship benefits do not extend beyond the school year in which the youth becomes 21 years of age.
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(Source: Amended at 31 Ill. Reg. _____, effective _____________)

Section 312.50 Application

a) The application package will contain the following:

1) completed DCFS Scholarship Program Student Application, CFS 438;

2) transcript of high school grades through the first semester of the senior year and class standing information or copy of GED and score. College student applicants are only required to submit a transcript of their college grades provided by the college or university directly to the DCFS Office of Education and Transition Services (OETS);

3) ACT or SAT test and score; and

4) three letters of recommendation from persons unrelated to the applicant.

b) Other supporting documentation may be attached to the application at the discretion of the applicant.

be) Applications must be postmarked are due to the Education Coordinator for the Office of Education and Transition Services (OETS) no later than March 31 or the next working day. Applications received with a postmark after that the due date will be ineligible for consideration.

(Source: Amended at 31 Ill. Reg. _____, effective _____________)

Section 312.60 Selection

a) The Office of Education and Transition Services OETS Business Manager and Education Coordinator shall coordinate the Scholarship Awards Selection Committee (SASC). Members of the SASC shall include Department staff and representatives of the Child Welfare Advisory Committee, DCFS Advisory Committee, Child Care Association of Illinois, Illinois Foster Parent Association, Statewide Foster Care Advisory Council, Council on Adoptable Children and the Walter and Connie Payton Foundation.
b) The SASC shall meet in April to evaluate each applicant's scholastic record and aptitude; ACT, SAT or GED test scores; community and extracurricular activities; letters of recommendation; and interest in higher education. Applicants will be notified no later than May 20 of their award status. SASC members shall assign an assessed value of 0 to 20 points to each area of consideration and the applicants with the highest composite scores shall be recommended to the Director to receive a Department Scholarship.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)

Section 312.80 Ongoing Eligibility Requirements

Scholarship recipients are required to take a minimum of 12 credit hours per semester or quarter, maintain a "C" grade point average and provide a copy of their semester or quarter grades to their caseworker and OETS Business Office Manager. Recipients who are under the care of the Department shall also notify their caseworkers and the OETS Business Office Manager if they transfer to another school, change their address, attend summer school or withdraw from school. Youth who are no longer the legal responsibility of the Department shall submit the above-required documentation to the OETS Business Office Manager. Scholarship recipients are responsible for filing a FAFSA form and applying for other forms of financial aid annually, if needed, and for paying their own room and board, as well as other costs not covered by the Department scholarship.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)

Section 312.90 Benefits

a) Tuition and Fee Waiver

The OETS Business Office will request a waiver of tuition and mandatory fees for scholarship youth that attend an Illinois State university or community college if the youth does not have a tuition and/or fee scholarship from another source. If the student attends an Illinois State community college or university and does not have a tuition or fee scholarship from another source, the OETS Business Office will request a waiver of tuition and fees. Students who choose to attend other colleges or universities will receive a maintenance grant, but will not receive a waiver of tuition and fees.

b) Monthly Grant Stipend
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1) Youth must provide their caseworkers with written verification of their acceptance/enrollment in a college or university and their school address prior to the beginning of their initial semester or quarter. Caseworkers will verify the information and forward it to the OETS Business Office. Youth that no longer have a legal relationship with the Department must forward the information directly to the OETS Business Office. The OETS Business Office will forward payment information to the Central Payment Unit (CPU). Grant payments will be effective the first day the youth is at school and continue throughout the school year. Youth will receive their first payments the following month. The amount will be prorated based on the day of the month the youth was first located at the school.

2) Caseworkers must provide youth with an explanation of the financial and security benefits of having their grant checks directly deposited and assist the youth with completing the C-95, Authorization for Deposit of Recurring Payments. Youth who do not choose direct deposit will have their grant checks mailed directly to them. Youth are required to report their address change immediately to the OETS Business Office (5415 N. University, Peoria IL 61615, 309/693-5150, facsimile 309/693-5433) and their caseworker to ensure timely receipt of correspondence and their grant payments.

A) Summer School
The OETS will discontinue grant payments through the summer unless the youth is enrolled in summer school and taking a minimum of six college credit hours, or participating in an approved internship program. Youth that choose to continue their education through the summer months must submit an official class schedule or documentation of participation in an approved internship program to the OETS Business Office and their caseworker no later than the first Monday in May so that their grant payments will not be disrupted.

B) Terminating Payment

i) When a youth no longer meets the requirements to remain in the DCFS Scholarship Program, the youth's caseworker will notify the OETS Business Office immediately. Youth who are no longer the legal responsibility of the
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Department shall notify the OETS Business Office when they no longer meet the requirements of the program. The OETS Business Office will notify the CPU of the effective payment termination date for the youth.

ii) The OETS Business Office will notify the youth in writing 30 days prior to stopping grant payments for any reason other than summer breaks. If the youth has a legal relationship with the Department and resides in Cook County, the Cook County Public Guardian will also receive a copy of the termination notification. Youth may request a review of the decision to suspend or discharge them from the Scholarship Program in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). If the youth's grant does not continue during the appeals process, it will be issued retroactively if the youth's appeal is successful.

C) Marriage or Termination of Guardianship

Marriage or termination of guardianship does not terminate a Department scholarship. The Department will continue to make monthly grant payments to the youth, and the youth's medical needs will continue to be met under the Medicaid program. Stipend payments, which are equal to the DCFS standard board rate for youth of this age (see 89 Ill. Adm. Code 356.30(b)(3)), begin on the first day of school and terminate at the end of the school year. The stipend payments may continue through the summer months if the student attends summer school and maintains an academic load of 6 credit hours.

c) Initial Expenses/Start-Up Grant

This is a $200 one time grant youth will receive upon entrance into the DCFS Scholarship Program. The purpose of the grant is to assist the youth with their initial college living expenses. Youth will receive the Start-Up Grant payment in July.

This is a one-time grant that is equal to the standard board rate for youth this age (see 89 Ill. Adm. Code 356.30(b)(3)). This grant will assist scholarship recipients with their initial college living expenses.

d) Medical and Dental Payments
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1) Medical and dental services are available to DCFS scholarship youth for whom the Department is legally responsible. Medical and dental services are provided through the Department of Healthcare and Family Services Medical Assistance Program via the DCFS issued medical card.

2) Medical case management services are provided to pregnant and parenting youth and their children, zero to five years of age, through the Department of Human Services.

Scholarship recipients are eligible for an Illinois Public Aid Medical card while attending college.

e) Mandatory Supplies Fee and Book Payments
The Department may pay for required textbooks and supplies for youth that do not have sufficient resources to purchase the required items. When it is documented that the student does not have sufficient resources to purchase required textbooks and/or pay student fees, and the Department has legal responsibility for the student, the Department may make these payments.

f) Guardianship Termination or Marriage
Termination of guardianship or marriage followed by guardianship termination does not terminate a four-year scholarship, provided that the recipient continues to meet academic eligibility criteria.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 312.100 Discharge from the Scholarship Program

a) Students will be discharged from the Scholarship Program for the following reasons:

1) completion of a bachelor degree program or four years in the Scholarship Program or attainment of age 24;

2) failure to enroll in school;

3) failure to maintain a "C" grade point average;

4) failure to maintain an academic load of 12 credit hours each semester or
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quarter during the fall and spring semesters;

5) withdrawal from school; or

6) dismissal from school due to disciplinary reasons.

b) With the exception of a scholarship recipient completing a bachelor degree program or four years in the Scholarship Program or attaining age 21, the Deputy Director of the Division of Service Intervention may waive the requirement to discharge a scholarship recipient when the recipient provides information mitigating the reason or reasons for discharge (family illness or other emergency that necessitated withdrawing from the program and college or university for the semester/quarter/term).

(Source: Amended at 31 Ill. Reg. _______, effective ___________)
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1) **Heading of the Part:** Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services

2) **Code Citation:** 89 Ill. Adm. Code 431

3) **Section Number:** Proposed Action:
   - 431.90 Amend

4) **Statutory Authority:** 20 ILCS 505/35.1

5) **A complete description of the subjects and issues involved:** Prospective adoptive parents, parents, foster parents and caregivers in other licensed child care facilities may review documents and reports in the child’s case record that support the information the caseworker provided at the time of the child’s placement. Only information about a child currently placed with the caregiver shall be available for review. Personal information about the child’s parents, siblings, relatives, previous caregivers or other individuals shall be removed or redacted from the case record prior to the caregiver’s review. The review of the case record shall occur in the presence of casework staff and the supervisor shall examine the redacted record for accuracy and approve its review.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this proposed rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of statewide policy objectives:** This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

12) **Time, place and manner in which interested parties may comment on this proposed rulemaking:** Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial regulatory flexibility analysis: The Department has determined that the proposed amendment will not have an economic impact on small businesses.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

The full text of the Proposed Amendment begins on the next page:
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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431
CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section
431.15 Purpose
431.20 Definitions
431.30 Maintenance of Records
431.40 Required Consents Prior to Disclosure of Personal Information
431.50 Client Access to Records Which Contain Personal Information
431.60 Subject Access to Records of Child Abuse and Neglect Investigations
431.70 Denial of Requests to Access Information
431.80 Disclosure of Records of Child Abuse and Neglect Investigations
431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90 Disclosure of Personal Information Without Consent
431.100 Disclosure of Information of a Mental Health Nature
431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome
(AIDS)
431.120 Removal of Records Prohibited
431.130 Impoundment of Records by the Office of the Inspector General (Repealed)
431.140 Applicability of This Part


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Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent
   The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act [20 ILCS 505], Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], the AIDS Confidentiality Act [410 ILCS 305], or the Abused and Neglected Child Reporting Act [325 ILCS 5], as applicable to the type of information being requested:

1) Law Enforcement Officers
   A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State’s Attorneys, the Attorney General, municipal and sheriff’s police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.
   
   B) If personal information is requested by law enforcement officers other than listed in subsection (a)(1)(A), or if the information requested is not consistent with the best interests of the child served by the Department, the information may be released only by the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders
   A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court
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order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

B) In the event a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in subsection (a)(2)(A). If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.

C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children that is subject to discovery under the laws of the State of Illinois.

D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and redacted confidential mental health, drug treatment and Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) information and other records strictly protected by statute. The Department shall request that a protective order be entered if the court orders the release of confidential information.

3) Legislators
Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or its committees or commissions. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.
4) Professionals or Other Service Providers
Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.

A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when such information is necessary for the proper delivery of services to the persons served by the Department.

B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The persons receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Prospective Adoptive Parents, Parents, Foster Parents and Other Caregivers

A) Prospective adoptive parents, parents, foster parents and caregivers in other licensed child care facilities may review documents and
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reports in the child's case record that support the information the caseworker provided at the time of the child's placement, or information that has been received or generated regarding the child since placement.

B) The information that will be available to caregivers for review will be limited to that which relates directly to a child in that person's care, specifically education records, health and insurance records, history of placements and reasons for changes (excluding identifying information about former caregivers), the child's portion of the client service plan including visitation arrangements and all amendments and revisions relating to the child, and any known social or behavioral information including but not limited to criminal background of the child, fire setting, perpetration of sexual abuse, destructive behavior and substance abuse. Personal information about the child's parents, siblings, relatives, previous caregivers or other individuals shall be removed or redacted from the case record prior to the caregiver's review.

C) The caregiver's review of the case record shall occur in the presence of casework staff. Once a caregiver has requested a review of a child's file, the Department or agency shall provide the opportunity to do so timely, without undue delay.

D) The supervisor shall examine the redacted record for accuracy and approve its review by the prospective adoptive parents, parents, foster parents or caregivers in other licensed facilities prior to the time the records are examined by the caregiver.

68) Court Appointed Special Advocates
Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services that are in the best interests of the minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their
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76) Research Purposes
The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

82) DCFS-Office of the Inspector General
Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5] and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.

98) DCFS and Purchase of Service Agency (POS) Staff
Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other Act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.

109) Extended Family
An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

A) name of the child who was the subject of the abuse or neglect report;

B) whether the report was indicated or unfounded;
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C) whether the Department took protective custody;

D) whether a Department case has been opened for the family or children;

E) what Department services are being provided the family or children; and

F) whether a safety plan has been established.

1140) State's Attorneys
State's Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 [705 ILCS 405], the Child Care Act of 1969 [225 ILCS 5] or ANCRA [325 ILCS 5].

1244) Protection and Advocacy for Mentally Ill Persons
Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

1342) Others Not Cited Above
Personal information may be released for the purposes and to persons other than those listed in this Section upon the written authorization of the Director when such authorization is not prohibited by State or federal law or regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

1) In accordance with Section 2605-315 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-315], the Department of Children and Family Services shall have access to LEADS information and underlying criminal history record information as defined in the Illinois Uniform Conviction
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Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act. [20 ILCS 2605/2605-315]

2) LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a "need to know" basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family. (See Section 35.1 of the Child and Family Services Act of 1969 [20 ILCS 505/35.1].)

c) Responses to Requests for Information

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his or her identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.
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B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by this Part to receive the information which they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)

ILLINOIS GAMING BOARD

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1) **Heading of the Part:** Riverboat Gambling

2) **Code Citation:** 86 Ill. Adm. Code 3000

3) **Section Number:** 3000.625  **Proposed Action:** Amendment

4) **Statutory Authority:** Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3) and (13) of this Act [230 ILCS 10/5 (c) (2), (3), and (13)]

5) **A Complete Description of the Subjects and Issues Involved:** Value Chips are used as representatives of value at table games. Currently, the lowest denomination Value Chip is for 50 cents. The proposed rule change will authorize the issuance of a Value Chip with a denomination of 25 cents. The 25-cent Value Chip will eliminate the need to use tokens to pay out sums that are inconsistent with approved chips. Except at table games, Illinois riverboats use a cashless wagering system known as "TITO" ("ticket in ticket out"), which has resulted in the elimination of token use in slot machines. Other than the Casino Rock Island, which is only 50% TITO, the riverboats use tokens solely to make payouts at table games, when an appropriate Value Chip is not available. Introduction of the 25-cent Value Chip will allow the riverboats to totally eliminate the use of tokens.

6) **Published studies and reports, and underlying sources of data, used to compose this rulemaking:** None

7) **Will this proposed rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** By eliminating the need for tokens at table games, the proposed rule change will enhance the efficiency and profitability of gaming operations on riverboats, thereby making more gaming revenues available to the State.
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12) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Michael Fries  
Chief Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago, Illinois 60601

Fax No. 312/814-4143  
mfries@revenue.state.il.us

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** None

B) **Reporting, bookkeeping or other procedures required for compliance:** The proposed rulemaking will impose no additional requirements.

C) **Types of professional skills necessary for compliance:** The proposed rulemaking will impose no additional requirements.

14) **Regulatory agenda on which this rulemaking was summarized:** The proposed rulemaking was summarized at the Gaming Board's May 21, 2007 public meeting. The Gaming Board approved a motion at this meeting to file the proposed rulemaking with the Secretary of State for First Notice publication in the *Illinois Register*. This proposed rulemaking was not included on either of the two most recent regulatory agendas because the need for this rulemaking was not anticipated at the time the agendas were prepared.

The full text of the Proposed Amendment begins on the next page.
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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

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SUBPART F: CONDUCT OF GAMING

Section 3000.625 Chip Specifications

a) Value Chips

1) Each Chip issued by a holder of an Owner's License shall be round in shape, have clearly and permanently impressed, engraved or imprinted thereon the name of the Riverboat Gaming Operation and the specific value of the Chip, except that a holder of an Owner's License may issue Gaming Chips without a value impressed, engraved or imprinted thereon for Roulette. Chips with a value contained thereon shall be known as "Value Chips" and Chips without a value contained thereon shall be known as "Non-Value Chips."

2) Value Chips may be issued by the holder of the Owner's License in denominations of $0.25, $0.50, $1.00, $2.50, $5.00, $20.00, $25.00, $100.00, $500.00, $1,000.00 and $5,000.00. The holder of the Owner's License shall have the discretion to determine the denominations to be utilized on its Riverboat and the amount of each denomination necessary for the conduct of Gaming operations.

3) Each denomination of Value Chip shall have a different primary color from every other denomination of Value Chip. Value Chips shall fall within the colors set forth below when such Chips are viewed both in daylight and under incandescent light. In conjunction with such primary colors, each holder of an Owner's License shall utilize contrasting secondary colors for the edge spots on each denomination of Value Chip. Unless otherwise approved by the Administrator, no holder of an Owner's License shall use a secondary color on a specific denomination of Chip identical to the secondary color used by another holder of an Owner's License on that same denomination of the Value Chip. The primary color to be utilized by each holder of an Owner's License for each denomination of Value Chip shall be:

A) $0.25 - "Blue";

B) $0.50 – "Mustard Yellow";
NOTICE OF PROPOSED AMENDMENT

4) Each denomination of Value Chip utilized by a holder of an Owner's License shall, unless otherwise authorized by the Administrator:

A) Have its center portion, which contains the value of the Chip and the Riverboat Gaming Operation issuing it, of a different shape for each denomination;

B) Be designed so as to be able to determine on closed circuit black and white television the specific denomination of such Chip when placed in a stack of Chips of other denominations; and

C) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

5) The Board shall have the discretion to approve a Value Chip in the denomination of $1,000.00 or $5,000.00 at variance with the requirements of this Section provided that any variation is specifically identified as such by the holder of the Owner's License and provided further that said variation does not affect the control, security or integrity of said Chips or the operation of the Games.
b) Non-Value Chips

1) Each Non-Value Chip utilized by a Riverboat shall be issued solely for the purpose of Gaming at roulette. The Non-Value Chips at each roulette table shall:

A) Have the name of the Riverboat Gaming Operation issuing it molded into its center;

B) Contain a design, insert or symbol differentiating it from the Non-Value Chips being used at every other roulette table in the Riverboat;

C) Have "roulette" impressed on it; and

D) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

2) Non-Value Chips issued at a roulette table shall only be used for Gaming at that table and shall not be used for Gaming at any other table in the Riverboat nor shall any holder of an Owner's License or its employees allow any Riverboat patron to remove Non-Value Chips permanently from the table from which they were issued.

3) No person at a roulette table shall be issued or permitted to Game with Non-Value Chips that are identical in color and design to Value Chips or to Non-Value Chips being used by another person at the same table. When a patron purchases Non-Value Chips, a Non-Value Chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At that time, a marker button denoting the value of a stack of 20 Chips of that color shall be placed in the slot or receptacle.

4) Non-Value Chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the Riverboat Gaming Operation. When so presented, the dealer at such table shall exchange them for an equivalent amount of Value Chips which may then be used by the patron in Gaming or redeemed as any other Value Chips.
5) Each holder of an Owner's License shall have the discretion to permit, limit or prohibit the use of Value Chips in Gaming at roulette provided, however, that it shall be the responsibility of the holder of an Owner's License to keep accurate account of the Wagers being made at roulette with Value Chips so that the Wagers made by the one player are not confused with those made by another player at the table.

(Source: Amended at 31 Ill. Reg. ______, effective ____________ )
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

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

3) **Section Number**:
   - **Proposed Action**: Amendment
   - 140.930

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 proposed amendment implements the incentive payment for well child visits that is required by the Memisovski Consent Decree.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking**: None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

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

12) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking**: 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:

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

    217/557-7157
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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].

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois Healthcare Providers

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 10115:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Hospital Services

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

3) **Section Number:** Proposed Action:
   148.295      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 amendment will allow certain trauma hospitals located in the same city, to change trauma level I designations at a point and time during each fiscal year, other than July 1. The current rule allows reimbursement only for Trauma level designation as of July 1, each fiscal year, without exception. These changes will prevent legitimate trauma centers from being denied funding under the Trauma Center Adjustment Payments program if their designation changes on a date other than July 1.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

    | Section Number | Proposed Action | Illinois Register Citation |
    |----------------|-----------------|---------------------------|
    | 148.270        | Amendment       | 31 Ill. Reg. 4308; March 16, 2007 |

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

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

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

217/557-7157

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].

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois Trauma Centers

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 10137:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Medicaid Community Mental Health Services Program

2) **Code Citation:** 59 Ill. Adm. Code 132

3) **Section Numbers:**

   132.10   Amend
   132.150  Amend
   132.165  Amend

4) **Statutory Authority:** Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3]

5) **A Complete Description of the Subjects and Issues involved:** This rulemaking affects the Division of Mental Health. Pursuant to revisions by the federal Centers for Medicare and Medicaid Services, these amendments will bring this rule into compliance with revisions to the State Medicaid Plan. These changes are effective July 1, 2007.

6) **Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

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

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State mandate.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

    Tracie Drew, Chief
    Bureau of Administrative Rules and Procedures
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois  62762
217/785-9772

13) Initial Regulatory Flexibility Analysis:
   A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of mental health program services
   B) Reporting, bookkeeping or other procedures required for compliance: None
   C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: July 2006

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments that appears in this issue of the Illinois Register on page 10159.
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Fire Prevention and Safety

2) **Code Citation:** 41 Ill. Adm. Code 100

3) **Section Numbers:**
   - 100.1 Amendment
   - 100.3 Amendment
   - 100.7 Amendment

4) **Statutory Authority:** Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]

5) **A Complete Description of the Subjects and Issues Involved:** This proposed rulemaking amends the rules to adopt the current national standards and clarify the relationship of the standards and the standards adopted by local governmental authorities.

6) **Published Studies or Reports, and sources of underlying data used to compose this rulemaking:** The sources of underlying data used to compose this rulemaking include data obtained as a result of the investigation of fires in Illinois, the Report on the Cook County building fire produced by the Witt Commission and the provisions of the National Fire Protection Association Life Safety Code, NFPA 101.

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** Yes

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objective:** These rulemakings establish the minimum fire +safety standard for the State for new and existing occupancies, excluding One- and Two-Family Dwellings.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

    Misty Matykiewicz, Division Manager
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL  62703-4259

Telephone: 217/558-0639
Facsimile: 217-558-4992
Email: misty.matykiewicz@ILLINOIS.GOV

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This administrative rule is applicable to business that design, maintain and construct buildings and all municipalities.

B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities that elect to operate an enforcement program must notify the agency annually of the fire safety and prevention standards adopted and enforced.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the new amendment was not anticipated at the time that the agendas were published.

The full Text of the Proposed Amendments begins on the next page:
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100
FIRE PREVENTION AND SAFETY

Section 100.1 Introduction
Pursuant to authority conferred upon the Office of the State Fire Marshal Office (OSFM the Office) by Section 9 of the Fire Investigation Act [425 ILCS 25/9], this Part is "AN ACT in relation to the investigation and prevention of fire." (Ill. Rev. Stat. 1985, ch. 127½, par. 9) the following rules are hereby adopted in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures.
OFFICE OF THE STATE FIRE MARSHAL

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(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures

a) Title
This Part shall be known and cited as Fire Prevention and Safety Rules. They shall be referred to hereinafter as this Part.

b) Jurisdiction
The provisions of this Part shall apply to all localities, including home rule units.

c) Powers

1) The Office is authorized and directed to enforce the provision of this Part. The State Fire Marshal shall make, or cause to be made, inspections of buildings, structures and premises to determine their conformity with the provisions of this Part and to help insure the safety of life and property from fire or other emergency requiring evacuation of the building (such as presence of explosive or flammable gasses, fume hazard, and power failure).

2) Such inspections shall be made by the Office. Under the direction of the Office, the chief of the local fire department is hereby empowered and directed to make inspections in the geographical area of that chief's responsibility. When any such inspection discloses a violation of this Part, the State Fire Marshal or the local fire chief shall notify the owner, occupant, or other interested party in writing as provided in Section 9 of the Fire Investigation Act [425 ILCS 25/9] to correct said violation or violations. Violations shall be corrected within the time limit stated by the Office or the local fire chief, a reasonable time based upon the severity of the hazard and the work required to correct the violation.

3) The Office will inspect buildings based upon requests from agencies of State and local government, complaints from the public, known or observed violations, potential for loss of lives from fire in given occupancies where statutes, rules or regulations mandate inspections by the Office or
OFFICE OF THE STATE FIRE MARSHAL

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When an inspection of a structure or an occupancy is necessary to prevent fire or to minimize the dangers of fire, in accordance with this Part, subject to available resources.

cd) Penalty
The penalties for violation of the provisions of this Part shall be the penalties such as are provided in Section 9e of the Fire Investigation Act [425 ILCS 25/9e] (petty offense).

de) Entry
The State Fire Marshal, his or her subordinates, the fire chief of any city, town, village, or fire protection district, or a subordinate delegated by the said fire chief shall have the right within their respective geographical area of responsibility to enter any building or structure at any reasonable time for the purpose of making an inspection to determine whether or not there are any violations of this Part or the local ordinances for the protection of life and property from fire or other emergency. The inspector shall obtain permission from the owner, occupant, or other interested party to inspect and conduct an inspection at any reasonable time (generally, during regular business hours). Local officials having jurisdiction are empowered and directed to invoke any provisions of this Part to enforce correction of any condition hazardous to life and property from fire or other emergency.

ef) Reference to Documents
When a document is incorporated by reference in this Part, a copy of the document will be kept on file by OSFM in the Office, and shall be available for public inspection. When standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments. Updated editions of referenced standards may be used only if they are applied in their entirety.

g) Where the term "the authority having jurisdiction" is used, it shall mean the Office.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 100.7 Incorporations Adoption of NFPA 101, Life Safety Code by Reference

a) Incorporations by Reference
1) Incorporation of National Standards
The Office of the State Fire Marshal hereby incorporates by reference the following nationally recognized standards:

A) Subject to the modifications listed in subsection (e) and those NFPA standards as adopted in 41 Ill. Adm. Code 109.110 (Section 109.110 of the Fire Sprinkler Contractor License Rules) 251.25 (Section 251.25 of the Fire Equipment Distributor and Employee Standards) and 280.15 (Section 280.15 of the Fire Equipment Administrative Procedures), the following standards: The Office of the State Fire Marshal adopts the “Code for Safety to Life from Fire in Buildings and Structures” as published by the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471: (NFPA 101) 2000 edition, Life Safety Code.


B) The following standards of the American Welding Society, 550 Northwest LeJeune Road, Miami FL 33126:


C) The following standards of the International Code Council, 500
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New Jersey Avenue, NW, 6th Floor, Washington DC 20001-2070:


D) The following standards of the former Building Officials and Code Administrators (now International Code Council):


2) Incorporation of Federal Regulations

The Office of the State Fire Marshal hereby incorporates by reference the following United States Coast Guard regulations:


46 CFR 171.050 Intact Stability Requirements for a Mechanically Propelled or a Nonself-Propelled Vessel (1983)

46 CFR 171.070 Subdivision Requirements - Type II (1983)

46 CFR 171.080 Damage Stability Standards for Vessels with Type I or Type II Subdivision (1997)

OFFICE OF THE STATE FIRE MARSHAL

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Fire Marshal at the following locations:

1035 Stevenson Drive
Springfield, Illinois 62703-4259

State of Illinois Building
100 W. Randolph Street
Chicago, Illinois 60601

2209 West Main Street
Marion, Illinois 62959

Copies are available for purchase from:

National Fire Protection Association
Batterymarch Park
Quincy MA 02269

c) In those instances in which the Uniform Fire Code is more stringent than the Life Safety Code, the provisions of the Life Safety Code shall apply.

d) The Life Safety Code and Uniform Fire Code are applicable in all areas of the State that are not subject to a locally adopted code that provides fire safety that is substantively equivalent to the safety provided by this Part.

e) Modifications to the Life Safety Code and Uniform Fire Code

1) Day Child Care Facilities

A) Day Care Centers. Those facilities regulated under Chapters 16 and 17 (Day Care Centers) of the Life Safety Code shall include only:

i) any facility licensed as a Day Care Center by the Department of Children and Family Services;

ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other
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than a family home;

iii) part-day child care facilities, as defined in the Child Care Act of 1969.

B) Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Family Day-Care Homes) of the Life Safety Code shall include only:

i) any facility licensed as a day care home by the Department of Children and Family Services;

ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family’s natural or adopted children and all other persons under the age of 12. This subsection (b)(1)(B) does not affect facilities that receive only children from a single household.

C) Group Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Group Day-Care Homes) of the Life Safety Code shall include only:

i) any facility licensed as a group day care home by the Department of Children and Family Services; or

ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family’s natural or adopted children and all other persons under the age of 12.

AD) For the purpose of determining the occupancy classification of a daychild care facility, current Department of Children and Family Services guidelines will be applied. This is applicable to licensed and non-licensed facilities.

B2) Child-to-staff Ratios
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C) Existing day care centers are not required to comply with Section 17.2.11.1 of the Life Safety Code.

3) One- and Two-Family Dwellings

Chapter 24 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.

D4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:

iA) Primary Means of Escape

- If an exit discharging directly to the outside at the basement level is not provided, requiring and therefore occupants must traverse another level of the dwelling home to exit, the path of escape through the level of exit discharge shall be separated from the remainder of that level of the dwelling home by construction providing a minimum fire resistance rating of 1 hour, or

- The dwelling home shall be equipped with smoke detectors permanently powered by the building’s electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one wired such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of escape through the level of exit discharge (from the basement door to the exterior door of the dwelling home) must be protected by automatic fire...
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ii(B) Secondary Means of Escape
If a window is used as a secondary means of escape and where the size of that window is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches above the floor, as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp. When the path of escape through an undersized window leads to a below-grade window well, the requirements of Life Safety Code Section 24.2.2.3.3(4) are applicable.

2) One and Two Family Dwellings. Chapter 24 (One and Two Family Dwellings) of the Life Safety Code and Section 20.11 (One and Two Family Dwellings and Manufactured Housing) of the Uniform Fire Code are adopted as a recommended guideline. However, if a State-licensed or State-owned facility is located within a single or two family dwelling, compliance with the requirement of this chapter is mandatory.

3) Stairwell Doors in Existing Occupancies Greater Than 4 Stories

A) Every door in a stair enclosure of an existing occupancy serving more than 4 stories shall allow for re-entry from the stair enclosure to the interior of the building in accordance with Section 7.2.1.5.7
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of the Life Safety Code. The exemption to this requirement permitted in Section 7.2.1.5.7.2 (2) is not allowed.

B) Existing occupancies must comply with this provision by January 1, 2009.

f5) Permanently Moored Vessels

1A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code (2000 edition), the Uniform Fire Code and the criteria listed in this subsection (f) the fire safety standards contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

2B) A stability test shall be conducted by the owner/licensee in accordance with 46 CFR, Subchapter S, Part 170, subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to OSFM/Office of the State Fire Marshal.

3C) The intact stability characteristics for each vessel must comply with the following criteria:


Bii) In lieu of compliance with Section 170.173, the owner/licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.

Ciii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.

4D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070,
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regardless of the passenger capacity of the vessel.

5E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.

6F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.

7G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections. The survey shall consist of the following:

Ai) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;

Bii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;

Ciii) Inspection and report on the condition of the hull and watertight bulkheads;

Div) Inspection and report on the condition of water tight doors and water tight bulkhead penetration; and

Evi) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.

8H) Inspection and Examination of Permanently Moored Vessels

Ai) Permanently moored vessels shall undergo dry dock and internal structural examinations at intervals in accordance with 46 CFR
OFFICE OF THE STATE FIRE MARSHAL

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71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.

Bii) Inspection of permanently moored vessels having steel or aluminum hulls may be performed in drydock or in the water. In-the-water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist.)

Ciii) All structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a registered professional engineer. Expertise of the engineer, or engineering team, shall include non-destructive testing methods and procedures, materials engineering and naval architecture, engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.

DIV) The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.

E+) The inspection results must be maintained in a format that will allow for examination by OSFM the Office of the State Fire Marshal's representatives, including comparison of results from the previous inspections.

Fvi) Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American
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Welding Society's "Specifications for Underwater Welding".

**Gvii)** The Office of the State Fire Marshal may require immediate drydocking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.

**Hviii)** All work shall be governed by and construed according to Illinois law effective on the execution date.

**9I)** Written documentation of compliance with the requirements of subsections (f)(2) through (f)(8)(b)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. The documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.

**10I)** Permanently moored vessels, when occupied as public assembly occupancies as defined in accordance with definitions given in the Life Safety Code and Uniform Fire Code, shall:

**Ai)** Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;

**Bii)** At all times when occupied by more than 50 occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties;

**Ciii)** In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel; and

**D iv)** have fire alarm systems interconnected with fire alarm systems of adjacent occupancies if any of the required paths of egress from the adjacent occupancy traverse the permanently moored vessel or if the paths of egress from the permanently moored vessel traverse
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the adjacent occupancy. The activation of either fire alarm system shall cause the other occupancy's fire alarm system to activate.

11) The pier and/or wharves at which the floating vessel is moored must comply with NFPA 307.

g) Automatic Fire Sprinkler Systems. As of January 1, 2009, all builders and manufacturers of any new building that is not required to be protected by an automatic fire sprinkler system by any code referenced in this Part, including new One and Two Family Dwellings and Manufactured Housing, must offer as an option the installation of an automatic fire sprinkler system.

h) Applicability of the Life Safety Code and Uniform Fire Code

1) New Buildings and Occupancies. The Life Safety Code and Uniform Fire Code establish the minimum fire prevention and safety standard for all new buildings and occupancies in the State, including those located in home rule communities, with the following exceptions:

A) Local jurisdictions that have adopted and enforce NFPA 5000 (2003 or 2006) and NFPA 1.

B) Local jurisdictions that have adopted and enforce the International Code Council’s International Building Code and International Fire Code (2003 or 2006), provided that, in addition to the code requirements, automatic sprinkler systems are installed throughout all dance halls, discotheques, nightclubs, assembly occupancies with festival seating and any bar with live entertainment.

C) Local jurisdictions that provide a written statement to the OSFM from an independent Illinois registered professional engineer with fire protection experience that their adopted local code provides an equivalent degree of fire safety as is provided in the Life Safety Code and Uniform Fire Code.

2) Existing Occupancies.

A) The Life Safety Code and Uniform Fire Code establish the minimum fire prevention and safety standards for all existing
OFFICE OF THE STATE FIRE MARSHAL

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occupancies in the State, including those located in home rule communities, with the following exceptions:

i) Occupancies in those local jurisdictions that were constructed and maintained in accordance with NFPA 5000 (2003 or 2006); or

ii) Occupancies in those local jurisdictions that were constructed and maintained in accordance with the International Code Council's International Building Code and International Fire Code (2000, 2003 or 2006); or

iii) Occupancies in those local jurisdictions that were constructed and maintained in accordance with the BOCA National Building Code and Fire Prevention Code (1990, 1993, 1996 or 1999); or

iv) Local jurisdictions that provide a written statement to the OSFM from an Illinois registered professional engineer with fire protection experience that the local code adopted at the time the building or occupancy was constructed provides an equivalent degree of fire safety as is provided in the Life Safety Code and Uniform Fire Code.

B) Regardless of the requirements of the locally adopted code, all dance halls, discotheques, nightclubs, assembly occupancies with festival seating or any bar with live entertainment that has an occupant load of greater than 100 persons must have an automatic sprinkler system installed throughout the occupancy in accordance with Section 13.3.5.1 of the Life Safety Code.

i) Owners, Architects, Engineers, Designers and Contractors. It is the responsibility of the owner to ensure his or her building and occupancy complies with this Part. It is further the responsibility of the architect, engineer, designer and contractor to design, construct, alter and perform all work in compliance with the fire prevention and safety standards adopted in this Part.

j) Compliance Period for Noncompliant Existing Occupancies
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1) Any existing building or occupancy that does not meet the requirements of subsection (h)(2) must comply with the requirements for existing occupancies of the Life Safety Code and Uniform Fire Code, in accordance with the following time schedule:

A) January 1, 2009. All existing occupancies must provide the correct number of exits or limit the occupant load in the building to ensure compliance; provide exit marking signs and emergency lighting where required; eliminate dead end corridors and travel distances to exits that exceed Life Safety Code allowances; document testing and proper operation of fire suppression and detection systems; and enact fire evacuation drills and employee training where required.

B) January 1, 2010

   i) All existing non-high rise occupancies (75 ft. or less to the floor of the highest occupiable story) must have required fire alarm systems.

   ii) All existing occupancies must enclose hazardous areas, vertical openings, and exit corridors with required fire resistant construction.

C) January 1, 2011. All existing high rise occupancies (greater than 75 ft. to floor of the highest occupiable story) must have required fire alarm and communication systems.

D) January 1, 2012

   i) All existing non-high rise occupancies must have installed automatic fire sprinkler systems where required by the Life Safety Code.

   ii) All existing occupancies must have stand-by power where required by the Life Safety Code.

E) All existing high rise occupancies must have an automatic fire sprinkler system where required by January 1, 2020. Each building
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The owner shall, by January 1, 2009, submit to the local governmental authority, or to OSFM if the local governmental authority does not have fire authority, a letter outlining a time table for compliance. Installation of the required automatic sprinkler system shall meet the following time periods:

i) By January 1, 2012, \( \frac{2}{3} \) of the building shall be protected by an automatic sprinkler system.

ii) By January 1, 2016, \( \frac{2}{3} \) of the building shall be protected by an automatic sprinkler system.

iii) By January 1, 2020, the entire building shall be protected by an automatic sprinkler system.

2) The local authority having jurisdiction or, in the event the local governmental authority does not have an enforcement mechanism, OSFM may grant additional time for compliance. The entity granting the time extension shall document its decision in a letter to the owner requesting the extension and, if the entity is the local authority, it shall send a copy to OSFM.

3) In those instances in which a building and/or occupancy does not meet the prescriptive code requirements of the Life Safety and Uniform Fire Code, the owner may elect to prove that equivalent safety is being achieved by performing a fire safety evaluation using NFPA 101A.

k) Enforcement of a Fire Prevention and Safety Standard

1) Enforcement by Local Governmental Authorities

A) Those local governmental authorities that have a program to enforce a fire prevention and safety standard in accordance with this Part shall notify OSFM in writing each January of the fire prevention and safety standard adopted and enforced, and provide contact information for the person that manages the program.

B) The local governmental authority that enforces a fire prevention and safety program shall maintain for 3 years for inspection by
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OSFM copies of all inspection reports, permit applications and permits issued in relation to fire prevention and life safety enforcement.

2) Enforcement by OSFM

A) Except as otherwise provided by statute or interagency agreement, all State-owned buildings, buildings where State employees work, and buildings having an occupancy licensed by the State will be inspected by OSFM and required to comply with the Life Safety Code and the Uniform Fire Code.

B) The architectural plans of any State-owned or State-licensed occupancy shall be submitted to and approved by OSFM for compliance with the Life Safety Code and Uniform Fire Code prior to construction. If the code requires the installation of an automatic fire sprinkler system, fire alarm system or kitchen cooking area protection system, the plans for each system must be included in the submittal.

C) Even when plan review is not required by this Part, plans for building construction or installation of fire protection systems may be submitted to OSFM for review if fees are paid in accordance with subsection (k)(3).

D) In locations where the local governmental unit does not have an inspection program in place, OSFM will conduct inspections if OSFM determines the occupancy presents an increased fire safety risk or the local fire department has requested OSFM inspection.

E) In locations where the local governmental unit does not have an inspection program in place, the architectural plans of the following occupancies shall be submitted to, and approved by, OSFM for compliance with the Life Safety Code and Uniform Fire Code prior to construction. OSFM may charge a fee for the review in accordance with subsection (k)(3):

   i) Residential board and care homes;
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ii) Lodging and rooming houses, hotels and dormitories, and apartment buildings (including condominiums) exceeding 5,000 square feet; and

iii) Any building regardless of occupancy classification exceeding 10,000 square feet.

F) Where the code requires the installation of an automatic fire sprinkler system, fire alarm system or kitchen cooking area protection system, the plans for each system must be included in the submittal required by subsection (k)(2)(E).

3) Fees

A) OSFM may charge the following fees for plan review:

i) Life Safety Code Reviews:

<table>
<thead>
<tr>
<th>Total Aggregate Area (ft²)</th>
<th>Fee</th>
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<tbody>
<tr>
<td>&lt;20,000</td>
<td>$100</td>
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<tr>
<td>20,001-50,000</td>
<td>$200</td>
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<tr>
<td>&gt;50,000</td>
<td>$300</td>
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ii) Sprinkler System Reviews
The fee shall be based upon the number of sprinkler heads being installed:

<table>
<thead>
<tr>
<th># of Heads</th>
<th>Fee</th>
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<tr>
<td>1-20</td>
<td>$125</td>
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<tr>
<td>21-100</td>
<td>$150</td>
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<td>101-200</td>
<td>$200</td>
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<tr>
<td>201-300</td>
<td>$250</td>
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<tr>
<td>301-500</td>
<td>$300</td>
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<tr>
<td>&gt; 500</td>
<td>$300 + $0.30 per head over 500</td>
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When a fire pump is required by a system, the cost to review the fire pump plan is $75.

iii) Fire Alarm Systems
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The fee shall be $75 + $1.50 per initiating or warning device.

iv) Kitchen Fire Suppression Systems
The fee shall be $75 per system.

B) Inspection Fees

i) Plan review fees shall cover the cost to inspect the occupancy during construction or system installation to ensure compliance with the approved plan.

ii) OSFM may charge a fee of $50 for an inspection being performed at the request of an owner/occupant for purposes of providing information on the occupancy's compliance with the Life Safety Code.

(Source: Amended at 31 Ill. Reg. ______, effective ___________)
PROPERTY TAX APPEAL BOARD

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1) **Heading of the Part:** Practice and Procedure for Appeals Before the Property Tax Appeal Board

2) **Code Citation:** 86 Ill.Adm.Code 1910

3) **Section Numbers:**   
<table>
<thead>
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<tbody>
<tr>
<td>1910.5</td>
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<tr>
<td>1910.30</td>
<td>Amended</td>
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<td>1910.50</td>
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<td>1910.60</td>
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<tr>
<td>1910.69</td>
<td>Amended</td>
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<tr>
<td>1910.90</td>
<td>Amended</td>
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4) **Statutory Authority:** 35 ILCS 200/Art.7 and 16-180 through 16-195

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

   Section 1910.5 – Definition and Terms: This Section is amended to clarify definitions and terms contained in the rules.

   Section 1910.30 – Petitions and Applications: This Section is amended to simplify and clarify the procedural requirements for a petition to appeal to include one original signature and two copies of the Board of Review decision.

   Section 1910.50 – Determination of Appealed Assessment: This Section is amended to clarify objections to the withdrawal of an appeal when substantive evidence has been prepared or filed by the other party.

   Section 1910.60 – Interested Parties – Intervention: This Section is amended to allow taxing bodies to intervene in an appeal 60-days from receiving the Board of Review notice or from notice to The State's Attorney of an appeal, instead of the current 30-day time limit. This allows the various taxing district boards additional time to meet and properly adopt a resolution of representation before the Board. In addition, this amendment eliminates incomplete requests to intervene for not properly submitting a resolution of representation with the petition to intervene and limits extension requests absent good-cause.
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Section 1910.69 – Sanctions: This Section is amended to correct reference Section 1910.67(n) to Section 1910.98(a) and is amended to include appearances at pre-hearings and sanctions for failure to appear.

Section 1910.90 – Procedural Hearing Rules: This Section is amended to allow for the electronic dissemination of final decisions.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking will not modify or expand a State mandate.

12) Time, Place, and Manner in which the interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by filing such comments in writing, within 45 days after this publication of this Notice in the Illinois Register, with the Property Tax Appeal Board at its offices in Springfield:

   Chief Hearing Officer
   Steven M. Waggoner
   Property Tax Appeal Board
   Stratton Office Bldg., Rm. 402
   401 S. Spring Street
   Springfield, IL 62706

   217/782-6076

13) Initial Regulatory Flexibility Analysis:
PROPERTY TAX APPEAL BOARD

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A) Types of small businesses, small municipalities and not for profit corporations affected: All small business owning taxable real property in Illinois and all municipalities with taxing authority or interests.

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendments begins on the next page:
PROPERTY TAX APPEAL BOARD

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TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

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1910.91 Business Records
1910.92 Rules of Pleading, Practice and Evidence
1910.93 Request for Witnesses
1910.94 Inspection of Subject Property - Effect of Denial by Taxpayer or Property Owner
1910.95 Service of Documents in Certain Cases
1910.96 Evidence Depositions
1910.98 Transcription of Hearings – Official Record
1910.99 Adoption of Evidence
1910.100 Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].


Section 1910.5 Construction and Definitions

a) Standards. This Part is to be construed in accordance with the appropriate provisions of the Statute on Statutes [5 ILCS 70].

b) Definitions. The following words and phrases, whenever used in this Part, include in their meaning the definitions set below:

1) Board - Property Tax Appeal Board.

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3) Real Property – The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal and other minerals in the land and the right to remove such oil, gas, and other minerals, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by the Code. Included therein is any vehicle or similar portable structure used or so constructed as to permit its use as a dwelling place, if the structure is resting in whole on a permanent foundation. (Section 1-130 of the Code)

4) Farm – When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of real property on which farm dwellings are immediately situated shall be assessed as a part of the farm. Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the farm. For purposes of this Part, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming. (Section 1-60 of the Code)

5) Fair Cash Value – The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (Section 1-50 of the Code)

6) PIN; Property Index Number; Permanent Index Number; Parcel Index Numbering – A number used to identify a parcel of property for assessment and taxation purposes. The index number shall constitute a sufficient description of the property to which it has been assigned,
PROPERTY TAX APPEAL BOARD

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wherever a description is required by the Code. (Section 1-120 of the Code)

7) Taxing District – Any unit of local government, school district or community college district with the power to levy taxes. (Section 1-150 of the Code)

8) Party, Interested Party – Either the contesting party (appellant), the board of review (appellee), or the intervenors.

9) Attorney – Any individual admitted to the practice of law in this State as set forth in the Attorney Act [705 ILCS 205].

10) Brief – A document which contains a summary of the facts, the pertinent laws, and an argument on how such laws apply to the facts supporting a particular position.

11) Quadrennial Assessment – The general assessment of real property required by law to be made once every four years. (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)

12) Triennial Assessment – In counties of 3,000,000 or more inhabitants, the general assessment of real property required by law to be made once every three years. (Section 9-220 of the Code)

13) "Good Cause" - Unless otherwise stated in this Part, the term "good cause", besides its plain and ordinary meaning, shall be deemed to include only such factors beyond the control of the requesting party to show why a request should be granted or action excused.

14) Notice of Decision or Order - A written notice of decision or order of the Property Tax Appeal Board in any such appeal may be disseminated to all parties and all other authorities affected thereby by placing same in the U.S. mail with postage fully prepaid or made available by electronic means.

15) Certification of Decision or Order - Certification shall be deemed to be the later of:
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A) the date the decision or order is placed in the U.S. mail with postage fully prepaid to the parties of record; or

B) the date the decision or order is transferred or made available by electronic means to the proper authorities.

c) All references in these rules to property record card shall be deemed to include, as a substitute, a property characteristic printout detailing the property’s physical characteristics.

d) Interpretation. The definitions listed above are intended only as an aid to interpretation of this Part.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 1910.30 Petitions – Application

a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later.

b) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the application of final adopted township equalization factors by the board of review.

c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. The request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each
property tax appeal board

notice of proposed amendments

individual parcel must be separately listed.

d) Appeals Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or the contesting party's attorney on at least one petition, and shall be filed with the Clerk of the Property Tax Appeal Board.

e) Two copies A copy of the written notice of the decision of the board of review must be filed with the petition, if one has been issued.

f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case in which a change in assessed valuation of less than $100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of $100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.

g) If the contesting party is unable to submit written or documentary evidence with the petition, the contesting party must submit a letter requesting an extension of time with the petition. Upon receipt of this request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.

h) Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. Each petition must also set forth the assessment for the subject property the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.
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i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by the contesting party or his or her attorney, together with the contesting party’s telephone number. Notice to the contesting party's attorney shall be deemed notice to the contesting party. The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days after the change.

j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.

k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions that are not signed, petitions that do not state the assessed valuation assigned by the local assessor and the board of review, petitions that do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required in this Section, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.

l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.

m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of the completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.
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(Source: Amended at 31 Ill. Reg. _____, effective ____________)

Section 1910.50 Determination of Appealed Assessment

a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board. (Section 16-180 of the Code)

b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)

c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for
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property in that class. Such evidence may include:

A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and

B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board will consider the level of assessment applicable to the subject property under the Cook County Real Property Assessment Classification Ordinance, as amended.

d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

e) A majority of the Members of the Board is required to make a decision of the Board.

f) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)

g) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property
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with the Property Tax Appeal Board. (Section 16-160 of the Code)

h) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)

i) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board’s assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)

j) The contesting party may, at any time before the hearing begins, move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. However, where a party to the appeal has filed substantive evidence or is in the process of preparing substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no written objection is made by that party. A party that has not filed substantive evidence in response to the contesting party's petition shall not be permitted to object to the dismissal of the appeal.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 1910.60 Interested Parties – Intervention

a) **Taxpayer/Owner of Property:** Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his or her property may become a party to the appeal that decision by filing a petition with the Property Tax Appeal Board within 30 days after the postmark date or personal service date of written notice of the decision of the board of review or the postmark date or personal service date of the written notice of the
application of final, adopted township equalization factors by the board of review. If the taxpayer or owner of property files a petition within 30 days after the postmark date or personal service date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor.

b) **Taxing Body Acting as Appellant:** Any taxing body that has a revenue interest in a decision of the board of review may file a party to an appeal by filing its petition within 30 days after the postmark date of the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.

c) **Taxpayer/Owner Acting as Intervenor:** Upon notice to the owner that a taxing body has filed an appeal affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene within 60 days after the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal.

d) **Intervenors:**

1) Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene. The Request to Intervene must be filed within the later to occur of:

   A) 60 days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal; or

   B) within 60 days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code.

2) The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.

e) **Intervenors - Written and Documentary Evidence:** Requests to Intervene shall be
filed in triplicate and all copies of the same shall be signed. All additional written and documentary evidence must be submitted with the Request to Intervene in triplicate. Any Request to Intervene that is received without a properly adopted copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. The filing of an incomplete Request to Intervene shall not extend the 60 day deadline without a written request explaining good cause for failure to timely submit a properly completed Request to Intervene and resolution. The Board may grant an extension to file a properly completed Request to Intervene or resolution upon a showing of good cause as defined in Section 1910.5 of this Part. However, the intervening party may refile within 30 days after the date of the return of the Request to Intervene.

f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, it must submit a letter requesting an extension of time to file additional written or documentary evidence with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time for the filing of written or documentary evidence. This shall not include an extension of time to file a Request to Intervene or resolution. The Board shall grant additional or longer extensions for the filing of written or documentary evidence for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the intervening party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Request to Intervene is filed.

g) Records: The Clerk of the Property Tax Appeal Board shall cause Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 1910.69 Sanctions

a) Failure of any party to comply fully with all rules and/or specific requests of the
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Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65, 1910.67, and 1910.68 and 1910.73 of this Part shall result in the default of that party.

b) When a hearing as provided in Section 1910.67 of this Part, or a pre-hearing conference as provided in Section 1910.73 of this Part, is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing or pre-hearing on the appeal on the date and at the time set by the Property Tax Appeal Board. Failure to appear on the date and at the time set by the Property Tax Appeal Board shall be sufficient cause to default that party.

c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.

d) Failure of the contesting party to furnish a court reporter as required in Section 1910.98(a) of this Part shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript as required in Section 1910.98(b) of this Part within 60 days after the date of the hearing shall result in the dismissal of the appeal.

e) Failure of the contesting party to pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party’s compliance with any Board or Hearing Officer requests or orders.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 1910.90  Procedural Hearing Rules

a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.
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b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) of this Section. Hearings shall be open to the public in accordance with Section 1910.67(f) of this Part.

c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:

1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;

2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party’s case in chief;

3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;

4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party’s position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;

5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.

d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(i) of this Part; a hearing that has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the
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time allotted for the hearing has expired.

e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.

f) Any party may object to the admissibility of evidence or testimony, and objections must clearly state the specific ground or rule of law which is the basis for the objection.

1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on the objection in writing prior to the hearing of the appeal.

2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.

3) Any party offering evidence which is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.

g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.

h) Writings, documents and all copies of writings and documents thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.

i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.

j) Any party or his or her witness may be called by any other party as an adverse
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witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling the witness is surprised by the witness' testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.

k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:

1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.

2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.

3) The Hearing Officer may at any time voluntarily disqualify himself or herself.

l) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law. Decisions shall be served by United States mail on the appellant, board of review and intervenor, if any. Decisions may also be delivered or made available to the proper authorities affected by the decision, including the State's Attorney, Chief County Assessment Officer, County Clerk and County Collector by United States mail or electronic means, if available, persons and parties affected thereby as provided in Section 16-185 of the Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
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1) **Heading of the Part:** Food Service Sanitation Code

2) **Code Citation:** 77 Ill. Adm. Code 750

3) **Section Numbers:**

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4) **Statutory Authority:** Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the
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Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625]

5) A Complete Description of the Subjects and Issues Involved: These rules establish definitions; define regulatory requirements for inspectors conducting inspections of food service establishments regarding management and personnel, food operations, and equipment and facilities; and employee restrictions as they apply to ill personnel. The purpose of this Code is to safeguard public health by providing consumers with food that is safe, unadulterated and honestly presented, which will prevent illnesses caused from ingesting food. The proposed amendments consist of changes in temperature requirements of potentially hazardous food items and in the definition of a potentially hazardous food item. These proposed changes are supported by current science as submitted at the National Conference for Food Protection (CFP) and are contained in the federal Food and Drug Administration's Model Food Code.

The recommendations of the CFP are nationally accepted and incorporated into the FDA Model Food Code, which is re-written every four years, with a supplement that comes out every two years. The proposed changes to the Illinois Code are based upon the FDA Model Food Code. The FDA Model Food Code is an important part of the strategy for achieving uniform national food safety standards and for enhancing the efficiency and effectiveness of our nation’s food safety system. The FDA Model Food Code reflects the current science, emerging food safety issues, and imminent health hazards related to food safety.

Regulations related to the temperatures of potentially hazardous foods, time as a public health control, date marking, and the definition of potentially hazardous food items have also been included in this proposed update of the Illinois Food Service Sanitation Code.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: FDA Model Food Code

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? No
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11) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand any state mandates on units of local government.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

   Susan Meister  
   Division of Legal Services  
   Illinois Department of Public Health  
   535 W. Jefferson St., 5th floor  
   Springfield, Illinois 62761

   217/782-2043  
   e-mail: rules@idph.state.il.us

13) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profit corporations affected:** Local health departments and retail food establishments

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

   C) **Types of professional skills necessary for compliance:** None

14) **Regulatory Agenda on which this rulemaking was summarized:** July 2006

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 m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

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750.1300 Labeling of Poisonous or Toxic Materials
750.1310 Storage of Poisonous or Toxic Materials
750.1320 Use of Poisonous or Toxic Materials
750.1330 Personal Medications
750.1340 First-Aid Supplies
750.1350 General – Premises
750.1360 Living Areas
750.1370 Laundry Facilities
750.1380 Linens and Clothes Storage
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SUBPART H: MOBILE FOOD SERVICE

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750.1500 General – Mobile Food Units
750.1510 Restricted Operation
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750.1530 Water Systems
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750.1600 General – Temporary Food Service Establishments
750.1610 Restricted Operations
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750.1837 Course Waiver
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750.2000 General
750.2010 Acceptable Products
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750.2032 Labeling – "Use By" Dates
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SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section
750.3000 Exceptions
750.3100 Meat and Poultry Labeling
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750.3200 Smoked Meat, Poultry and Other Food Products
750.3300 Curing of Meat and Poultry

750.APPENDIX A Retail Food Sanitary Inspection Report
750.APPENDIX B Examination Date Notification Form
750.APPENDIX C Class Enrollment Form
750.APPENDIX D Permission to Retake Certification Examination Form
750.APPENDIX E Monitor's Agreement Form


SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

a) The following materials are incorporated or referenced in this Part:

1) Alternative Health Care Delivery Act [210 ILCS 3]
2) Nursing Home Care Act [210 ILCS 45]
3) Good Samaritan Food Donor Act [745 ILCS 50]
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- **4)** [Hospital Licensing Act [210 ILCS 85]](https://legislature.illinois.gov.ilslrc/LegislationEngine/LegislationDetails.aspx?BillId=40016048A21085&SessionYear=0)
- **5)** [Food, Drug, and Cosmetic Act (21 USC 301)](https://www.fda.gov)
- **7)** [Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]](https://legislature.illinois.gov/ilslrc/LegislationEngine/LegislationDetails.aspx?BillId=40016048A041635&SessionYear=0)
- **9)** [Sanitary Food Preparation Act [410 ILCS 650]](https://legislature.illinois.gov/ilslrc/LegislationEngine/LegislationDetails.aspx?BillId=40016048A0410650&SessionYear=0)
- **10)** [Control of Communicable Diseases Code (77 Ill. Adm. Code 690)](https://www.illinois.gov/CH/)
- **11)**
  - (a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725).
- **12)**
- **13)** [Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)](https://www.illinois.gov/CH/)
- **14)**

### a) The Following materials are incorporated in this Part:

- **3)** (f) The following Code of Federal Regulations, published by the Office of the...
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Federal Register, National Archives and Records Administration
(20051995), U.S. Government Printing Office, 732 N. Capitol Street NW,
Washington, D.C. 20401. Superintendent of Documents, Mail Stop:
SSOP, Washington, D.C. 20402-9328

A) 9 CFR 1: (Animals and Animal Products; Animal Welfare,
Definition of Terms);

B) 9 CFR 301: (Animals and Animal Products; Mandatory Meat
Inspection, Definitions);

C) 9 CFR 318: (Animals and Animal Products; Mandatory Meat
Inspection, Entry into official establishments; reinspection and
preparation of products); and

D) 9 CFR 381: (Animals and Animal Products; Mandatory Poultry
Products Inspection, Poultry products inspection regulations);

E) 21 CFR 110: Current Good Manufacturing Practice in
Manufacturing, Packaging, or Holding Human Food;

F) 21 CFR 133: Cheeses and Related Cheese Products;

G) 21 CFR 131: Milk and Cream;

H) 21 CFR 114: Acidified Foods; and


c) 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 amendments or editions
subsequent to the date specified.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:
"Acceptable product list" means a list of foods, acceptable to the regulatory authority, that will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those that may be infectious or toxigenic.

"Beef patty mix" (or "beef patties" or "beef patties" if in patty form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

- **Potentially** cooling of potentially hazardous foods are cooled, as part of the food handling operation at the facility;
- **Potentially** hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- **Potentially** hazardous cooked and cooled foods must be reheated;
- **Potentially** hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;
- **Complex** preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
- **Vacuum** packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- **Immunocompromised** individuals such as the
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elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

- **Hot** or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
- Foods prepared from raw ingredients, using only minimal assembly; and
- Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

- Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
- Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
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"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.
"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of whatever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast; a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Illinois Meat and Poultry Act [225 ILCS 650]; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.
"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" or "HACCP" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

- Are immunocompromised, preschool age children or older adults; and
- Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide temporary sleeping facilities open to the public.
"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Modified Atmosphere Packaging (MAP)" means a one-time gas flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.


"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present...
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is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that have

Have a pH level of 4.6 or below; or

Have a water activity (a_w) value of 0.85 or less; or

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing,
cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and Raw, washed, cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen, displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced oxygen packaging" includes:

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;
Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material:

Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to Section 409 or Section 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned
food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that depending on when the water spray is applied, maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering
sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.
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"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 31 Ill. Reg. ______, effective __________)

SUBPART B: FOOD SUPPLIES

Section 750.110 Special Requirements

a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by the Illinois Grade A Pasteurized Milk and Milk Products Act law. Dry milk and dry-milk products shall be pasteurized.

b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the Illinois Food, Drug, and Cosmetic Act law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, the repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the regulatory authority/health department.

c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled peeled eggs, commercially prepared and packaged, may be used.
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d) Game animals received for sale or service must comply with the criteria specified as follows:

1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection program, as follows:

   A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.

   B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).

2) Field-dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:

   A) Receive a postmortem inspection by a veterinarian, veterinarian's designee, professional biologist or other person familiar with the conditions, parasites and diseases of the species, approved by the regulatory agency that has animal health jurisdiction;

   B) Have been field dressed and transported according to requirements specified by the regulatory agency that has animal health jurisdiction; and

   C) Be processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:

   A) Shall be raised, slaughtered and processed under a voluntary or mandatory inspection program; or
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B) **Shall:**
   
i) Receive antemortem and postmortem examination; and

ii) Be slaughtered and processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

E) Uninspected, field-dressed, wild game served at special events such as wild game dinners shall:
   
1) Have placards displayed in a conspicuous location throughout the event that identify the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act, [745 ILCS 50].

2) Comply with all other food sanitation requirements specified in this Part;

3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.

F) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced-oxygen atmosphere. Reduced-oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

G) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:
   
1) The common and/or usual name of the product;

2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
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3) The net contents of the package;

4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and

5) A list of any artificial color, artificial flavor or preservative used.

h) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

i) The processing and labeling of ground meats/poultry and other meat/poultry products shall be processed and labeled in compliance with Subpart L of this Part.

j) Pasteurized soft serve mix and frozen desserts shall comply with the standards listed below.

<table>
<thead>
<tr>
<th>Product</th>
<th>Bacterial standard plate count not more than</th>
<th>Coliform determination not more than</th>
<th>Storage temperature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mix</td>
<td>50,000/ml*</td>
<td>10/ml</td>
<td>41° F</td>
</tr>
<tr>
<td>Frozen Dessert</td>
<td>50,000/ml*</td>
<td>10/ml</td>
<td>Frozen</td>
</tr>
<tr>
<td>Plain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frozen Dessert</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flavored</td>
<td>50,000/ml*</td>
<td>20/ml</td>
<td>Frozen</td>
</tr>
</tbody>
</table>

*Except frozen yogurt with live culture added.

The products shall be tested in accordance with tests and examinations contained in the 18th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 17th edition of Standard Methods for the Examination of Dairy Products.
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 k) Consumer Advisory. Effective July 1, 1996, if a food service establishment offers any raw or under-cooked animal food, such as meat, poultry, eggs or seafood (including shellfish), in ready-to-eat form or offers any ready-to-eat food containing animal food as a raw ingredient, the food service establishment operator shall advise consumers of the presence of such raw or under-cooked animal food and advise consumers of the increased health risk of eating such foods in raw or under-cooked form, especially for certain populations.

1) If entrees or menu items containing such raw or under-cooked animal food (e.g., steak tartare or Caesar salad containing raw unpasteurized eggs) are routinely offered, such consumer advisory shall clearly identify the food item that contains the raw or under-cooked animal food.

2) If a food service establishment does not routinely offer entrees or menu items containing raw or under-cooked animal food, but will serve under-cooked meat, eggs or seafood upon the request of a consumer/patron, a general consumer advisory shall be provided. This advisory does not need to identify the food item that a consumer might request in an under-cooked condition.

3) The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to patrons. The advisory shall include the following:

"The Illinois Department of Public Health advises that eating raw or under-cooked meat, poultry, eggs or seafood poses a health risk to everyone, but especially to the elderly, young children under age 4, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness."

4) If space permits, any consumer advisory may include additional language such as the following:

"For further information, contact your physician or public health department."
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5) NOTE: Food service establishments whose primary consumers are highly susceptible individuals, such as nursing homes, hospitals, day care centers and nursery schools, shall not serve raw or under-cooked animal foods (see Section 750.180(b)).

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.120 General – Food Protection

a) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. Prior to July 1, 1996, the temperature of potentially hazardous foods shall be 45 degrees F or below or 140 degrees F or above at all times, except as otherwise provided in this Part. Effective July 1, 1996, the temperature of potentially hazardous foods shall be 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Part. Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively. In the event the dated product is not used or sold within 3 days, the product shall be discarded.

b) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.140 Refrigerated Storage

a) Enough conveniently located refrigeration facilities or effectively insulated
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facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.

b) Prior to July 1, 1996, potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 45°F or below. Effective July 1, 1996, potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 41°F, unless the food is cooled to an internal temperature of 45°F and refrigerated at 45°F for no more than three days as specified in Section 750.120. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as limiting depth of food to 4 inches or less, agitation, quick chilling or water circulation external to the food container. Prior to July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 45°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150. Effective July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150.

1) Cooked Effective July 1, 1996, cooked potentially hazardous food shall be cooled:
   A) From 135°F (60°C) to 70°F (21°C) within 2 hours; and
   B) From 70°F (21°C) to 41°F (4.5°C), or below, within 4 more hours (or within a total of 6 hours).

2) Potentially Effective July 1, 1996, potentially hazardous food shall be cooled to 41°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
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3) **Fluid** Effective July 1, 1996, fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 41°F (4.5°C) or below within 4 hours.

c) **Frozen** foods shall be maintained and should be stored at a temperature of 0°F or below.

d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

e) Upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, prior to July 1, 1996. Effective July 1, 1996, upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, unless the eggs are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.150  Hot Storage

a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3° degrees F, located to measure the air temperature at the coldest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3° degrees F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bain-maries, steam tables, steam kettles, heat lamps, calrod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

b) The internal temperature of potentially hazardous food requiring hot storage shall be 135°140 degrees F or above except during necessary periods of preparation or when time is used as the public health control as specified in Section 750.153. Potentially hazardous food to be transported shall be held at a temperature of
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135° F. or above unless maintained in accordance with paragraph (b) of Section 750.140(b).

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking

a) On-Premises Preparation (prepare and hold cold)
Except when packaging food using a reduced oxygen packaging method, and except as specified in subsections (d) and (e) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

b) Commercially Processed Food (open and cold hold)
Except as specified in subsections (d)-(f) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in subsection (a) of this Section.

1) The day the original container is opened in the food establishment shall be counted as Day 1.

2) The day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.

c) A refrigerated, ready-to-eat potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

d) A date-marking system that meets the criteria stated in subsections (a) and (b) of this Section may include:
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1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a) of this Section;

3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b) of this Section;

4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

e) Subsections (a) and (b) of this Section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

f) Subsection (b) of this Section does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority:

1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;

2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133: Cheeses and Related Cheese Products;

3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133: Cheeses and Related Cheese Products;

4) Cultured dairy products as defined in 21 CFR 131: Milk and Cream;
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5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114: Acidified Foods;

6) Shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers; and

7) Shelf-stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 750.152 Ready-to-Eat Potentially Hazardous Food, Disposition

A food specified in Section 750.151(a) or (b) shall be discarded if it:

a) Exceeds either of the temperature and time combinations specified in Section 750.151(a), except time that the product is frozen;

b) Is in a container or package that does not bear a date or day; or

c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 750.151(a).

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 750.153 Time as a Public Health Control

a) If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

1) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;
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2) The food shall be cooked and served, served if ready to eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;

3) The food in unmarked containers or packages, or marked to exceed a 4 hour limit, shall be discarded; and

4) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request. The procedures shall ensure compliance with this Section and Section 750.140(b) for food that is prepared, cooked, and refrigerated before time is used as a public health control.

b) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 750.188 Plant Food Cooking for Hot Holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 750.189 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:

a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

b) Covered to retain surface moisture;

c) Heated to a temperature of at least 165°F (74°C) in all parts of the food; and
   Heated an additional 25°F (14°C) above the temperature specified in Section 750.180(a)(1), (2) and (4) to compensate for shorter cooking times; and
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Section 750.208 Preparation for Immediate Service

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(Source: Added at 31 Ill. Reg. _____, effective ____________)

Section 750.210 Reheating for Hot Holding

a) Except as specified under subsections (b), (c), (d) and (e), potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to at least 165°F or higher for 15 seconds throughout before being served or before being placed in a hot food storage facility. Steam tables, bain-maries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.

d) Reheating for hot holding shall be done rapidly, and the time during which the food is between 41°F and 165°F may not exceed 2 hours.

e) Remaining unsliced portions of roasts of beef that are cooked as specified under Sections 750.186 and 750.187 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Sections 750.186 and 750.187.
Section 750.240 Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:

a) In refrigerated units in a way that the temperature of the food does not exceed 45°F, prior to July 1, 1996, and 41°F, effective July 1, 1996; or

b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

d) As part of the conventional cooking process.

Section 750.250 Food Display and Service of Potentially Hazardous Food

Potentially hazardous foods shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F. Potentially hazardous foods shall be held during display and service at an internal temperature of 41°F or below, unless the foods are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120, or held during display and service at an internal temperature of 135°F or above, except that rare roast beef shall be held for service at a temperature of at least 130°F.

Section 750.310 Milk and Cream Dispensing

a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically
refrigerated bulk milk dispenser. Where a bulk milk dispenser for milk and milk products is not available and portions of less than ½-pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container, of not more than one-half gallon capacity.

b) Milk and milk products for drinking purposes in hospitals, nursing homes or day care centers may be dispensed from commercially filled containers into individual serving vessels by food service personnel for service to the consumer.

c) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

d) Prior to July 1, 1996, remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped that all mix therein is maintained at not more than 45°F until subject to freezing. Effective July 1, 1996, remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped so that all mix in the system therein is maintained at not more than 41°F until subject to freezing. Product pumps and flexible lines shall be maintained under continuous refrigeration or insulation when product is within the system. Systems shall be supported and sloped to drain at least one inch per ten feet, preventing retention of fluid. All product lines shall be equipped with an indicating thermometer accurate to plus or minus 2°F. Flexible plastic lines are permitted up to 30 feet if they are in one continuous length and contain sanitary fittings on the terminal ends.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.340 Public Health Protection

The regulatory authority shall apply this Part to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented when offered to the consumer.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 750.350 Preventing Health Hazards, Provision for Conditions Not Addressed
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a) If necessary to protect against public health hazards or nuisances, the regulatory authority shall impose specific requirements in addition to the requirements contained in this Part that are referenced and incorporated in Section 750.5.

b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder, and a copy shall be maintained in the regulatory authority's file for the food establishment.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 750.360 Variances

The regulatory authority may grant a variance by modifying or waiving the requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority, shall retain the information specified under Section 750.370 in its records for the food establishment.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

Section 750.370 Justification for and Documentation of Proposed Variance

Before a variance from a requirement of this Part is approved, the information, which shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment, shall include:

a) The requirement of this Part for which the variance is requested, citing relevant Section numbers; and

b) An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Part will be alternatively addressed.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

SUBPART C: PERSONNEL

Section 750.510 General - Personal Cleanliness
a) Food employees shall keep their thoroughly wash their hands and the exposed portions of their arms clean with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

b) Food employees shall clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound.

c) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:

1) Rinse under clean running warm water;

2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;

3) Rub together vigorously for at least 20 seconds while:
   A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and
   B) Creating friction on the surfaces of the hands and arms, fingertips, and areas between the fingers;

4) Thoroughly rinse under clean running warm water; and

5) Immediately follow the cleaning procedure with thorough drying, using a method specified under Section 750.1120(e).

d) To avoid re-contaminating their hands, food employees shall use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a hand-washing sink or the handle of a restroom door.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)
**Section 750.512  When to Wash Hands**

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service articles, and:

a) After touching bare human body parts other than clean hands and clean exposed portion of arms;

b) After using the toilet room;

c) After caring for or handling service animals;

d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;

e) After handling soiled equipment or utensils;

f) During food preparation, as often as is necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;

g) When switching between working with raw food and working with ready-to-eat food;

h) Before donning gloves for working with food; and

i) After engaging in other activities that contaminate the hands.

(Source: Added at 31 Ill. Reg. ______, effective ____________)

**Section 750.514  Where to Wash Hands**

Food employees shall clean their hands in a hand-washing sink or approved automatic hand-washing facility and may not clean their hands in a sink used for food preparation or ware washing, or in a service sink or a curbed cleaning facility used for disposing mop water and similar liquid waste.

(Source: Added at 31 Ill. Reg. ______, effective ____________)
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Section 750.520  General - Clothing

a) The outer clothing of all employees shall be clean.

b) Employees shall use effective hair restraints (such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair) that are designed and worn to effectively keep the hair from contacting exposed food; clean equipment, utensils and lines; and unwrapped single-service and single-use articles to prevent the contamination of food or food contact surfaces.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.530  General - Employee Practices

a) Employees may consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

1) The employee's hands;

2) The container; and

3) Exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

cb) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in any equipment or utensil washing or food preparation areas. Employees may use tobacco in any form only in designated areas. Areas shall not be designated for that purpose if the use of tobacco might result in the contamination of food, equipment, utensils or other items needing protection.

de) Employees shall handle soiled tableware in a way that avoids contamination of their hands.
ed) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

f) Food employees shall not wear jewelry on their arms and hands while preparing food, except for a plain ring such as a wedding band or medical information jewelry.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.540 Management Sanitation Training and Certification

a) All food service establishments as defined in Section 750.10, except Category III facilities, shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager.

1) Category I facilities. Effective October 1, 1999. Category I facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).

B) Health care facilities licensed under the Hospital Licensing Act [210 ILCS 85], Nursing Home Care Act [210 ILCS 45], or Alternative Health Care Delivery Act [210 ILCS 3] that are subject to this Part may comply in one of the following alternative ways:
i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section, provided that the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.

b) Special Circumstances.

1) New food service establishments, except Category III facilities, shall have a certified food service sanitation manager from the initial day of operation or shall provide documentation of enrollment in an approved course to be completed within three months.

2) Food service establishments that are not in compliance with this Section because of employee turnover or other loss of certified personnel, shall have three months from date of loss of certified personnel to comply.

3) Incidental absences of the certified food service sanitation manager due to
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temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided that there is documentation that a certified food service sanitation manager was scheduled to work at that time.

c) Certification shall be achieved by:

1) Successfully completing a Department-approved course and a monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part; and

2) Payment to the Department of a $35 certificate fee.

d) Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)

Section 750.551 Certificate Issuance

a) Original certificates issued under this Part shall:

1) Be issued only after the Department has received both:

   A) Evidence of successful completion of an approved Food Service Sanitation Manager Certification examination with a final score of 75% or higher; and

   B) Payment of a $35 fee.

2) Be issued as of the date when the individual successfully completed the examination, and

3) Expire five years from the date of the original issuance.

b) Replacement or duplicate certificates issued under this Part shall:

1) Be issued after the Department has received payment of a $10 fee; and
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2) Have the same expiration date as the original certificate.

c) Renewal certificates shall be issued by the Department at the written request of the certificate holder if the request, documentation of meeting recertification training and/or testing requirements and payment of a $35 fee are received by the Department prior to or on the certificate's expiration date. Renewed certificates shall expire five years from the date of the original certificate's expiration date.

1) Effective October 1, 1999, certified food service sanitation managers shall have completed one of the following training and/or testing activities within the previous five years before expiration of their certificates:

A) Complete a Department-approved 15-hour certification training course;

B) Complete a Department-approved examination, developed in compliance with Section 750.1850, with a passing score of 75% or higher;

C) Complete a minimum five-hour refresher course provided by an Illinois approved instructor, as defined in Section 750.1810, using a curriculum provided by the Department; or

D) Complete other training, a minimum of five hours in length, that has received pre-approval by the Department.

d) If a certificate renewal application is received by the Department with a postmark no later than 30 days after the certificate's expiration date, it shall be renewed, provided that a written request for renewal is accompanied by a written request for renewal, documentation of having met recertification criteria as listed in subsection (c) of this Section and payment of the $35 fee. Any fees submitted after the expiration date of the certificate that are not accompanied by all necessary items listed in this subsection (d) are non-refundable.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: REDUCED OXYGEN PACKAGING

Section 750.2030 Refrigeration Requirements

All retail processed foods in reduced oxygen packages must be refrigerated at 45°F or below or kept frozen at 0°F or below. Effective July 1, 1996, all retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in this Part. Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)

Section 750.2040 Safety Barriers

All refrigeration at 45°F or less is required as the primary safety barrier. Effective July 1, 1996, all retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in Section 750.2030. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced-oxygen atmosphere at retail:

a) Foods with a water activity (a_w) below .91-.93, or

b) Foods with an acidity (pH) of less than 4.6, or

c) Foods with high levels of non-pathogenic competing organisms (such as raw meat or raw poultry) that prohibit the growth of pathogenic bacteria, or

d) Meat or poultry products processed under USDA or Illinois Department of Agriculture supervision with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%, or

e) Frozen foods, provided that the product is maintained in a frozen state before, during and after packaging.

(Source: Amended at 31 Ill. Reg. _______, effective ____________)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section 750.3200 Smoked Meat, Poultry and Other Food Products

a) Any smoking operation shall comply with all other applicable requirements of this Part.

b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by USDA, FDA or the Illinois Department of Agriculture meet these safety requirements.

c) The internal temperature of any smoked product shall comply with the requirements of Section 750.180 (Cooking Potentially Hazardous Foods).

1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.

2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.

3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature remains at or below 45°F prior to July 1, 1996, and at or below 41°F effective July 1, 1996.

d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products, and it shall include, at a minimum:

1) Defrosting procedures, if used;

2) Time/temperature requirements for cooking and smoking;

3) Cooling procedures;

4) Identification of the critical control points in the procedure with a
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

description of how these will be monitored and controlled;

5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;

6) Description of the cleaning and sanitizing procedures, including frequency; and

7) Samples of labels with all ingredients contained in the product.

(Source: Amended at 31 Ill. Reg. _____, effective ____________)
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Issuance of Licenses

2) **Code Citation:** 92 Ill. Adm. Code 1030

3) **Section Number:** 1030.APPENDIX B

- **Proposed Action:** Amendment

4) **Statutory Authority:** 625 ILCS 5/6-114, 5/6-116, and 5/6-521

5) **A Complete Description of the Subjects and Issues Involved:** This amendment involves correcting reference to subsection (d) in subsections (a), (c), (g), and (i) of the Appendix to reflect subsection (f).

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

9) **Does this rulemaking contain incorporations by reference?** Yes

10) **Are there any other proposed rulemakings pending on this Part?** Yes

    **Section Number:** 1030.84

    **Proposed Action:** Amendment

    **Illinois Register Citation:** 31 Ill. Reg. 6030; April 20, 2007

11) **Statement of Statewide Policy Objective:** The rulemaking will not create or enlarge a State mandate.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Texts of the prepared amendments are posted on the Secretary of State's website, http://www.cyberdriveillinois.com/ as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

    Arlene J. Pulley
    Office of the Secretary of State
    Driver Services Department
13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** None

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

C) **Types of Professional skills necessary for compliance:** None

14) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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NOTICE OF PROPOSED AMENDMENT

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NOTICE OF PROPOSED AMENDMENT

Section 1030. APPENDIX B  Acceptable Identification Documents

a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (f)(4) of this Section.

b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying their social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.

c) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from either Group B, C, or D as outlined in subsection (f)(4) of this Section. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.

d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.

e) Applicants renewing their current Illinois driver's license or identification card need only present their current valid license or ID card. If they do not have their current driver's license or ID card, they must present one form of identification from Group A and at least one form from one of Group B, C, or D as outlined in subsection (f) of this Section.
f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed below by group. Photocopies will not be accepted.

1) GROUP A (Written Signature)

   Canceled Check (w/in 90 days)

   CDTP Certification Form

   Court Order

   Credit Card – Major Brand

   Driver Education Certificate (Blue Slip)

   Government Driver's License

   Government Identification Card

   Illinois Driver's License – "current"

   Illinois Identification Card – "current"

   U.S. Citizenship and Immigration Services (USCIS) forms:

   I-551 (Alien Registration Card)

   I-688 (Temporary Resident Card)

   I-688A (Employment Authorization Card)

   I-688B (Employment Authorization Card)

   I-766 (Employment Authorization Card)

   I-94 (Arrival/Departure Record) with Valid Passport
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Medicare Card – with suffix A, J, H, M, or T

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-State Driver's License/ID Card – "current"

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – "current"

Illinois Identification Card – "current"

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 Refugee Travel Document

I-688 (Temporary Resident Card)
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

-688A (Employment Authorization Card)
I-688B (Employment Authorization Card)
I-766 (Employment Authorization Card)
I-797 Notice of Action Status Change
I-94 (Arrival/Departure Record) with Valid Passport

Military Driver's License – US
Military Identification Card – US
Military Service Record – DD214
Naturalization Certificate
Passport – Valid with Complete Date of Birth
Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record
Illinois Identification Card Record
Military Driver's License – US
Military Identification Card – US
Military Service Record – DD214
Social Security Award Letter (Primary Beneficiary Only)
Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/Personal Data)
Examples of residency may be, but are not limited to, the following:

Utility Bill

Vehicle Registration Card

Voter Registration Card

Lease Agreement

g) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C as outlined in subsection (f)(4) of this Section, and other forms of identification not listed as unacceptable may be used to verify personal data.

h) For a name change, the identification must be a document that provides a link to the established DL/ID file.

i) Group B documents, as outlined in subsection (f)(4) of this Section, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.

j) After review of all identification presented, management has the right to accept or refuse any document.

k) Unacceptable identification documents are:

   Bond Receipt or Bond Card

   Business Cards

   Check Cashing Cards
SECRETARY OF STATE

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Club or Fraternal Membership Cards

College or University Identification Cards

Commercially produced (non-State or unofficial) ID cards

Firearms Owner ID

Fishing License

Handwritten ID or Employment Cards

Hunting License

IDPA (Public Aid) Cards

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 31 Ill. Reg. ______, effective ____________)
DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) Code Citation: 20 Ill. Adm. Code 1286

3) Section Number: 1286.320

   Proposed Action: Amendment


5) A Complete Description of the Subjects and Issues Involved: The current collection procedure used to obtain a blood sample from a subject to determine the alcohol concentration or presence of other drugs or intoxicating compounds is conducted by licensed medical personnel within established medical protocols. For the subject's well-being, the protocol requires disinfecting the skin prior to drawing blood. The Department has been provided test results that indicate the disinfectant wipes provided with the blood collection kits supplied by its vendor contain trace amounts of alcohol. Upon inquiry, the Department has been informed that all manufacturers' disinfectant wipes contain trace amounts of alcohol. Review of independent scientific literature indicates use of disinfectants containing alcohol at this minute quantity prior to a blood draw has no effect on the subsequent analytical results of the specimen. These results were verified by the Department's own scientific analysis. The current administrative rule prohibits use of a disinfectant containing any amount of alcohol. The current rule, when applied to the disinfectants currently provided, has no scientific basis and should be amended.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) **Statement of Statewide Policy Objectives:** These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

   Mr. John M. Hosteny  
   Interim Chief Legal Counsel  
   Illinois State Police  
   801 South 7th Street, Suite 1000-S  
   Post Office Box 19461  
   Springfield, Illinois  62794-9461

   217/782-7658

13) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profit corporations affected:** None

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

   C) **Types of professional skills necessary for compliance:** None

14) **Regulatory Agenda which this rulemaking was summarized:** January 2007

**The full text of the Proposed Amendment is identical to that of the Emergency Amendment and can be found in this issue of the Illinois Register on page 10188.**
NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Health Care

2) Code Citation: 20 Ill. Adm. Code 415

3) Section Number: 415.30
   Adopted Action: Amend

4) Statutory Authority: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]

5) Effective Date of Rulemaking: July 1, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 4959; March 30, 2007

10) Has JCAR issued a Statement of Objection to this 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 agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: As a result of the Illinois Supreme Court ruling in Hadley v. DOC (docket no. 101979) filed on Feb. 16, 2007, Section 415.30 is amended to reset the parameters used to determine indigence and provide clarification on the co-pay for medical services.
DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this adopted amendment shall be directed to:

Beth Kiel
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois  62794-9277

217/522-2666, extension 6511

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

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER d: PROGRAMS AND SERVICES

PART 415
HEALTH CARE

Section
415.10 Applicability
415.15 Responsibilities
415.20 Definitions
415.30 Medical and Dental Examinations and Treatment
415.40 Mental Health Services
415.50 Mental Health Examinations and Treatment for Guilty but Mentally Ill
415.60 Review of Placements in a Specialized Mental Health Setting
415.70 Involuntary Administration of Psychotropic Medication
415.80 Organ Transplants

AUTHORITY: Implementing Sections 3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1].


Section 415.30 Medical and Dental Examinations and Treatment

a) Within seven working days after admission to a reception and classification center, each offender shall be given a physical examination by a physician or by a nurse practitioner under the direct supervision of a physician or by a physician's assistant under the direct supervision of a physician. Each offender shall be
DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

immunized as prescribed by the physician.

b) Each offender shall be examined by a dentist within 10 working days after admission to a reception and classification center. The dentist shall chart the oral cavity and classify dental health.

c) Emergency treatment shall be available to offenders 24 hours a day.

d) A health care unit or area shall be established at each adult and juvenile correctional facility (excluding transition centers) within the Department. Offenders shall be admitted to the health care unit or area as determined by health care personnel. Offenders in the Impact Incarceration Program or at work camps shall receive health care through the program or camp's parent facility.

e) Offenders shall be informed of the institutional procedures for obtaining medical, dental, or mental health services.

f) Persons committed to adult and juvenile facilities (excluding transition centers) shall be provided medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a Department physician or dentist.

g) Adult offenders who require non-emergency medical or dental services shall authorize the Department to deduct a $2.00 co-pay from present or future funds in his or her trust fund account prior to each visit. Non-emergency services do not include any follow-up visits determined necessary by a Department physician or HIV (Human Immunodeficiency Virus) testing and related counseling.

1) The co-payment shall be paid from the offender's trust fund when the services are delivered.

2) Offenders who are without funds at the time services are delivered shall not be denied medical or dental services. Except as indicated in subsection (g)(3), the offender's trust fund account shall be restricted for the amount of co-payment and shall be paid upon receipt of future funds.

3) Offenders shall be exempt from the co-payment if, at the time services are provided, the offender is indigent. Offenders shall be found indigent if:
DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENT

A) At the time service is delivered, the offender's trust fund balance is under $2.00; and

B) At no time for the 60 days immediately preceding the service or since arrival at the offender's current facility, whichever occurred most recently, has the offender's trust fund contained more than $2.00, regardless of the source of funds.

An offender who is found to be indigent shall be exempt from the co-payment. An offender shall be considered indigent if during the entire term of his or her incarceration the offender is without funds to pay the $2.00 co-payment.

h) An offender who has or is suspected of having a communicable disease may be isolated from other offenders. This determination shall be made by a physician as deemed medically necessary.

i) In case of critical illness or major surgery, the Chief Administrative Officer shall:

1) Attempt to notify the person designated by the offender to be contacted in case of an emergency and, where applicable, the parent or guardian.

2) Notify the Chief Legal Counsel if consent for treatment is not obtained or other legal issues arise.

3) Notify the Agency Medical Director.

j) The decision to continue or terminate a pregnancy is a medical determination that shall be made by the offender in consultation with her physician.

1) Offenders contemplating an abortion shall be provided with information and counseling concerning the nature of, the consequences of, and any risks associated with the procedure and available alternatives.

2) Offenders shall be granted a furlough for the purpose of obtaining an abortion. Offenders shall be permitted to accept funds for an abortion from local community charities or other sources.

k) Offenders shall be offered testing and related counseling for HIV following transfer from reception and classification and prior to release, discharge, or
DEPARTMENT OF CORRECTIONS

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parole.

l) A record of all medical and dental examinations, findings, and treatment shall be maintained.

(Source: Amended at 31 Ill. Reg. 9842, effective July 1, 2007)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) **Heading of the Part**: Health Care Data Collection and Submission Code

2) **Code Citation**: 77 Ill. Adm. Code 1010

3) **Section Numbers**: Adopted Action:
   - 1010.10 New
   - 1010.20 New
   - 1010.30 New
   - 1010.40 New
   - 1010.50 New
   - 1010.60 New
   - 1010.70 New
   - 1010.APPENDIX A New
   - 1010.APPENDIX B New
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   - 1010.APPENDIX F New
   - 1010.APPENDIX G New
   - 1010.APPENDIX H New
   - 1010.APPENDIX I New
   - 1010.APPENDIX J New

4) **Statutory Authority**: Illinois Health Finance Reform Act [20 ILCS 2215] and Sections 2310-33 and 2310-57 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-33 and 20 ILCS 2310-57]

5) **Effective Date of Rulemaking**: June 26, 2007

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

7) **Does this rulemaking contain incorporations by reference?** Yes

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposed Rules Published in Illinois Register**: March 9, 2007; 31 Ill. Reg. 3977
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

10) Has JCAR issued a Statement of Objection to these rules? Yes
   A) **Statement of Objection**: June 29, 2007; 31 Ill. Reg. 9331
   B) **Agency Response**: July 13, 2007; 31 Ill. Reg. 10203
   C) **Date Agency Response Submitted for Approval to JCAR**: June 21, 2007

11) Differences between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period:

   Table of Contents
   Changes were made to a heading to correspond to text changes.

   Section 1010.20 Definitions
   A definition for "Fully populated test data" was added.
   The definition of "HHMM" was changed to "HH", which means clock time in hours using a 24-hour time frame from 00 to 23 and rounded to the nearest hour.

   The Department changed the Sections listed below in response to public comment during the First Notice period. The changes include clarifying requirements for the submission of inpatient and outpatient claims and encounter data. Additionally, DPH revised its procedures for when the Department determines that data submitted by a facility is questionable, inaccurate, or incomplete. The Department also revised requirements on data dissemination, including detailed information about data use agreements.

   Section 1010.40(a)
   Section 1010.40(c)
   Section 1010.50(b)
   Section 1010.50(d)
   Section 1010.50(e)
   Section 1010.50(i)
   Section 1010.60(b)
   Section 1010.60(c)
   Section 1010.70
   Section 1010.70(a)
   Section 1010.70(b)
   Section 1010.APPENDIX A
   Section 1010.APPENDIX C
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Section 1010.APPENDIX D
Section 1010.APPENDIX E
Section 1010.APPENDIX F
Section 1010.APPENDIX G
Section 1010.APPENDIX H
Section 1010.APPENDIX I

The following change was made in response to comments and suggestions of JCAR:

Section 1010.70(a)(3), text originally reading

"3) Category III: Federal government, educational institutions, all non-profit organizations and college students enrolled in non-Illinois educational institutions, including:

A) The federal government and other non-state or local political subdivisions outside of the State of Illinois.

B) All educational institutions (Illinois and non-Illinois), all non-profit organizations, and all college students enrolled in non-Illinois educational institutions."

was changed to read,

"3) Category III: Federal government, educational institutions, all non-profit organizations and college students enrolled in non-Illinois educational institutions, including:

A) The federal government.

B) Other non-state or local political subdivisions outside of the State of Illinois that are not covered under Category II.

C) All educational institutions (Illinois and non-Illinois), all non-profit organizations, and all college students enrolled in non-Illinois educational institutions.".

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.
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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) **Summary and Purpose of Rulemaking:** This rule implements the Health Finance Reform Act as amended by Public Act 94-27, effective June 14, 2005, and the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois as amended by Public Act 94-501, effective August 8, 2005. The Health Care Data Collection and Submission Code requires individual hospitals and ambulatory surgical treatment centers to electronically submit claims and encounter data related to inpatient discharges and outpatient cases involving surgical and invasive procedures. Data collected from hospitals and ambulatory surgical treatment centers will be used in part to compile the "Consumer Guide to Health Care", a report of at least 60 conditions and procedures demonstrating the widest variation in charges and quality of care. National standard measures will be applied to Illinois data in the development of this public report, which is to be made available on the Department's web site. The "Consumer Guide to Health Care" shall include inpatient and outpatient data with current comparison information related to, but not limited to, volume of cases, average charges, risk-adjusted mortality rates, complications, nosocomial infections and surgical infections. The "Consumer Guide to Health Care" shall include additional information appropriate for interpretation of report content, explanation of causes of variation from provider to provider and a description of standards that facilities meet under voluntary accreditation and state and federal law. The Department will evaluate additional methods of comparing the performance of hospitals and ambulatory surgical treatment centers using accepted national standard measures and methodologies. Data collected under Public Act 94-27 shall be made available, with certain limitations, to government agencies, academic research organizations and private sector organizations for clinical performance measures and analyses. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois authorize the Department to establish a fee schedule for the sale of these data to requesting agencies and organizations.

16) **Information and questions regarding these adopted rules shall be directed to:**
   Susan Meister  
   Division of Legal Services          217/782-2403  
   Department of Public Health
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535 West Jefferson, 5th Floor
Springfield, Illinois  62761
e-mail:  rules@idph.state.il.us

The full text of the Adopted Rules begins on the next page:
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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER x: HEALTH STATISTICS

PART 1010
HEALTH CARE DATA COLLECTION AND SUBMISSION CODE

Section
1010.10  Purpose
1010.20  Definitions
1010.30  Incorporated and Referenced Materials
1010.40  Data Submission Requirements
1010.50  Common Data Verification, Review, and Comment Procedures
1010.60  Data Dissemination
1010.70  Data Customer Categories and Data Product Fee Schedule
1010.APPENDIX A Uniform Inpatient Discharge Data
1010.APPENDIX B Ambulatory Surgical Categories Reported by CPT Procedure Codes
1010.APPENDIX C Ambulatory Surgical Data Elements
1010.APPENDIX D Research Oriented Dataset (RODS) Data Elements
1010.APPENDIX E Universal Dataset (UDS) Data Elements
1010.APPENDIX F State Inpatient Dataset (SIDS) Data Elements
1010.APPENDIX G State Ambulatory Surgery Dataset (SASDS) Data Elements
1010.APPENDIX H Revenue Code Dataset (RCDS) Data Elements
1010.APPENDIX I Data Product Price List
1010.APPENDIX J Data Product Preparation Cost Table

AUTHORITY: Implementing and authorized by the Illinois Health Finance Reform Act [20 ILCS 2215] and Sections 2310-33 and 2310-57 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-33 and 2310-57].


Section 1010.10  Purpose

This Part is promulgated under the authority of Section 4-2 of the Illinois Health Finance Reform Act [20 ILCS 2215/4-2] and Section 2310-57 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-57]. Its purpose is to provide to consumers, health care providers, insurers, purchasers, governmental agencies, and others information to make valid comparisons among health care facilities of prices and
performance of services provided and to support ongoing analysis of the health care delivery system in Illinois.

Section 1010.20 Definitions

Unless otherwise indicated, in this Part:

"Affirmation statement" means a document that, when signed by a hospital or ambulatory surgical treatment center administrator or an authorized representative of a hospital or ambulatory surgical treatment center submitting data to the Department, affirms, to the best of the signer's knowledge, all of the following:

That any necessary corrections to data submitted to the Department have been made; and

That the data submitted are complete and accurate.

"AHRQ" means the Agency for Healthcare Research and Quality, a part of the U.S. Department of Health and Human Services.

"Ambulatory surgical treatment center" has the meaning ascribed to that term under Section 3 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

"APC" means ambulatory patient classification, as defined by the Centers for Medicare and Medicaid Services (Medicare), for the prospective payment system (PPS) under Medicare for hospital outpatient services. All services paid under the PPS are classified into groups called APCs. Services in each APC are similar clinically and in terms of the resources they require. A payment rate is established for each APC based on the resources involved in treatment.

"CCS" means Clinical Classification Software, a diagnosis and procedure categorization scheme developed by the Healthcare Cost and Utilization Project.

"CCYYMMD" means a calendar date in the format of century, year, month and day of the week, where 1 = Sunday, 2 = Monday, etc.

"CCYYMMDD" means a calendar date in the format of century, year, month and day, without separators.
"Claims and encounter" means either of the following:

A request to obtain payment, and necessary accompanying information, from a health care provider to a health plan, for health care; or

An inpatient stay or outpatient visit in which a claim is not generated.

"Cleaned claims data" means data that have passed validity tests that edit for individual element content and comparison with related elements for appropriate context within the time periods and value ranges appropriate for the data file.

"Compliance percentage" means the value obtained when the number of cleaned and unduplicated claims and encounters per calendar month is divided by the reported discharge count for the same calendar month, with the dividend of this calculation multiplied by 100.

"Consumer Guide to Health Care" means a comparative health care information report showing conditions and procedures that demonstrate the widest variation in charges and quality of care in inpatient and outpatient services provided in hospitals and ambulatory surgical treatment centers.

"CPT" means Current Procedural Terminology, a listing of descriptive terms and identifying codes providing a consistent and standardized language for reporting medical services and procedures performed by physicians. These codes are maintained and distributed by the American Medical Association (515 North State Street, Chicago IL 60610).

"Custom dataset" means requests for specific data elements for particular research or reporting tasks. This may include specific aggregations or combinations of data values into categories or groups.

"Data submission profile" means a set of validation and verification reports containing accumulated statistical summaries of all data submitted to the Department by the facility for each month of the current collection period. These reports contain information identifying claims and encounters that fail Departmental edits, as well as data quality statistics showing data accepted up to and including the latest submission.
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"Data submission manual" means the Department's Technical Reference for Data Submission document specifying the details of the record layout, the outpatient surgical procedure code range, specifications of identification of emergency department and observation cases and contact information for questions related to data submission.

"Data use agreement" means a written contract between parties that defines the care and handling of sensitive or restricted use data, including, but not limited to, the terms of the agreement, ownership of the data, security measures and access to the data, uses of the data, data confidentiality procedures, duration of the agreement, disposition of the data at the completion of the contract, and any penalties for violation of the terms of the agreement.

"De-identified" means data that do not contain directly identifiable individual patient health information as defined in HIPAA privacy regulations (Security and Privacy: 45 CFR 164), or that, through analysis by an experienced expert statistician or by the use of probability software, can be shown to have a low probability of individual identification.

"Department" means the Illinois Department of Public Health.

"DRG" means Diagnosis Related Group, a patient classification scheme that provides a means of categorizing hospital inpatients according to the resources required in treatment, developed for the Centers for Medicare and Medicaid Services for use in the Medicare Prospective Payment System.

"Electronically submit" means that required data submission will be carried out by the transfer of appropriate files to the Department's secure web server. Physical media of any form or type will not be used in the transfer of these data.

"Emergency Department" or "ED" means the location within hospitals where persons receive initial treatment by health care professionals for conditions of an immediate nature caused by injury or illness. The person treated may or may not be admitted to the hospital as an inpatient.

"Emerging technology" means new approaches to the treatment of medical conditions through the use of existing machines and equipment in new and different ways or the development of new machines and equipment for a specific form of medical treatment.
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"Ethnicity" means the classification of a person's ethnic background. Classification categories collected will follow the Federal Office of Management and Budget (OMB) Statistical Policy Directive Number 15, "Race and Ethnic Standards for Federal Statistics and Reporting".

"Facility" means a hospital, as defined in the Hospital Licensing Act and the University of Illinois Hospital Act, or an ambulatory surgical treatment center, as defined in the Ambulatory Surgical Treatment Center Act.

"Final closing date" means the final day, 65 days after the end of each calendar quarter, on which electronically submitted corrections and missing data are accepted for each quarterly data submission period.

"FIPS" means Federal Information Processing Standards, a standardized set of numeric or alphabetic codes issued by the National Institute of Standards and Technology (NIST) to ensure uniform identification of geographic entities through all federal government agencies.

"Fully populated test data" means each field or individual element specified in each record of the file contains data values. Complete data allows the exercise of all parts of the computer program used to produce the file. This will provide more robust testing outcomes, reduce the number of test runs necessary, and improve the quality of data submissions.

"HCPCS" means the Healthcare Common Procedure Coding System, a set of health care procedure codes based on the American Medical Association's Current Procedural Terminology (CPT). The HCPCS was established to provide a standardized coding system for describing the specific items and services provided in the delivery of health care. HIPAA made the HCPCS mandatory for Medicare and Medicaid billings. HCPCS includes three levels of codes:

- Level I consists of the American Medical Association's Current Procedural Terminology (CPT) and is numeric.
- Level II codes are alphanumeric and primarily include non-physician services such as ambulance services and prosthetic devices.
Level III consists of temporary codes for emerging technologies, services and procedures.

“HCUP” means the Healthcare Cost and Utilization Project, a group of health care databases and software tools and products created by a government and industry partnership and sponsored by AHRQ.

“Health plan” means an individual or group plan that provides, or pays the cost of, medical care. Further explanation can be found in HIPAA privacy regulations (Security and Privacy: 45 CFR 164).

“HH” means clock time in hours using 24-hour time from 00 to 23 rounded to the nearest hour.


“Health Insurance Portability and Accountability Act privacy regulations” or “HIPAA privacy regulations” means regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“Hospital” means any institution, place, building, or agency, public or private, whether organized for profit or not for profit, that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, and the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

“Initial closing date” means the date, 60 days after the end of each calendar quarter, established for all hospitals and ambulatory surgical treatment centers to electronically submit inpatient and outpatient claims and encounter data to the Department.

“Invasive” means a medical procedure that penetrates or breaks the skin or a body cavity by means of a perforation, incision, catheterization or other methods into a patient’s body.

“Limited datasets” means data containing protected health information (PHI) that excludes certain direct identifiers of the individual or of relatives, employers or household members of the individual, as defined in HIPAA privacy regulations.
"MDC" means Major Diagnostic Category, a collection of DRGs for categorizing specifically defined interventions and illnesses related to an organ or a body system, not to the cause of an illness or injury.

"Minimally invasive" means a medical procedure carried out by entering the body through the skin or through a body cavity or anatomical opening, but with the smallest disturbance possible to these structures. Special medical equipment may be used, such as fiber optic cables, miniature video cameras, and special surgical instruments handled via tubes inserted into the body through small openings in its surface.

"Non-invasive surgery" means a medical procedure using highly focused beams of radiation when the nature or location of the condition is not amenable to mechanical intervention.

"NPI" means National Provider Identifier, a unique identification number assigned to all health care providers to be used by all health plans. The NPI will be issued and maintained by the National Provider System.

"Observation care" or "OC" means services furnished to a person by a hospital on the hospital's premises, including use of a bed and at least periodic monitoring by a hospital's nursing or other staff, which are reasonable and necessary to evaluate an outpatient's condition or to determine the need for a possible admission to the hospital as an inpatient. In general, the duration of observation care services does not exceed 24 hours, although, in some circumstances, patients may require a second day.

"Outpatient" means any health care service provided in a hospital to a patient who is not admitted as an inpatient to the hospital, or any health care service provided to a patient in a licensed ambulatory surgical treatment center.

"Outpatient surgery" means specific procedures performed on an outpatient basis in a hospital or licensed ambulatory surgical treatment center. Specific ranges of required procedure codes can be found in the Department's data submission manual.

"PHI" means personal health information as defined in HIPAA privacy regulations.
"Public use data" means any form of data from the Department's comprehensive discharge database or facility-level database that contains de-identified data.

"Race" means the classification of a person's racial background. Classification categories collected will follow the Federal Office of Management and Budget (OMB) Statistical Policy Directive Number 15, "Race and Ethnic Standards for Federal Statistics and Reporting".

"Raw data" means any file, individual record, or any subset thereof that contains information about an individual health care service provided to a single patient and is released by the Department in data products or custom data files.

"Reciprocal data availability" means that, if a data requester controls the discharge data of another state, release of Illinois discharge data to that state entity would be contingent on the availability of discharge data from that state of comparable quantity, quality, and content at a similar price point.

"Research" means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research, whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities.

"Small number" means any number that is small enough to be useful in an attempt to determine the identity of a specific individual patient when used in conjunction with other elements in the data file or when the data file is linked with information from other sources. The Department considers a small number to be any cell size fewer than 10.

"Surgery" means treatment of diseases or injuries by manual and/or instrumental methods. Such methods may include invasive, minimally invasive or non-invasive procedures, depending on the condition treated and the nature of the instruments and technology used.

"Uniform" means related unique data values that are combined into a smaller number of common categories.
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"UPIN" means Unique Physician Identification Number, a unique identification number assigned to all Medicare providers. The UPIN Registry is maintained by the National Heritage Insurance Company under contract from the Centers for Medicare and Medicaid Services.

Section 1010.30 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

a) Federal Regulations

1) Prospective Payment Systems for Inpatient Hospital Services (42 CFR 412), October 1, 2005

2) Medical Facility Construction and Modernization (42 CFR 124), October 1, 2005

3) Security and Privacy (45 CFR 164), October 1, 2005

b) Federal Guidelines


c) Federal Statutes

1) Gramm-Leach-Bliley Act (12 USC 1811)

2) Social Security Act (42 USC 1320)

3) Health Insurance Portability and Accountability Act of 1996 (110 USC 1936)

d) State Statutes

1) Illinois Health Finance Reform Act [20 ILCS 2215]
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2) Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310]

3) University of Illinois Hospital Act [110 ILCS 330]

4) Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) Hospital Licensing Act [210 ILCS 85]

e) Federal regulations and guidelines incorporated by reference in this Part are incorporated on the date specified and do not include any later amendments or editions.

Section 1010.40 Data Submission Requirements

a) Inpatient and Outpatient Claims and Encounter Data

1) Hospitals and ambulatory surgical treatment centers shall electronically submit patient claims and encounter data, as outlined in this subsection (a), to the Department no later than the initial closing date, 60 calendar days after the last day of each calendar quarter. Calendar quarters shall begin on January 1, April 1, July 1, and October 1 and shall end on March 31, June 30, September 30, and December 31. Beginning no later than 45 days after the last day of each calendar quarter, hospitals and ambulatory surgical treatment centers shall begin an internal review of all quarterly data accepted by the Department. The quarterly review shall involve detailed evaluation of data quality feedback reports by facility staff with sufficient general knowledge of patient mix and services provided to allow identification of unreasonable or incomplete submission statistics.

A) Hospitals shall submit to the Department:

i) Claims and encounter data pertaining to each inpatient discharged. Production data shall be submitted in the current format and test data shall be submitted as specified in Appendix A starting with third quarter 2007 discharges. The transition period will encompass two complete calendar quarters of discharge data submission, third and fourth quarter 2007. The transition period shall begin on
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July 1, 2007, the first date of submission of third quarter discharges, and end on the closing date of fourth quarter 2007. Mandatory submission of data elements as specified in Appendix A shall begin with the submission of data for patients discharged on January 1, 2008; and

ii) Claims and encounter data pertaining to case data for each emergency department (ED) visit (wherever care is administered) and each observation case (OC) in the outpatient format specified in Appendix C, beginning with a transition submission period starting on April 1, 2008, the first day of submission of second quarter 2008 cases. This transition period shall encompass three complete calendar quarters, second, third and fourth quarter 2008, ending on the final date of submission of fourth quarter 2008 cases. Each facility shall participate in the transition period by submitting and evaluating test data as necessary to meet the requirements. Each facility shall complete at least one successful test submission of a fully populated test file prior to the beginning of the mandated submission period. Mandatory submission of ED and OC data as specified in Appendix C shall begin with the cases for patients discharged in first calendar quarter 2009, beginning on January 1, 2009.

B) Hospitals and ambulatory surgical treatment centers shall report to the Department:

i) Information relating to any patient treated with an ambulatory surgical procedure within any of the general types of surgeries as specified in Appendix B; and

ii) Claims and encounter data for each surgical or invasive procedure outlined in subsection (a)(1)(B)(i) of this Section, as specified in Appendix C, beginning with a transition submission period encompassing two complete calendar quarters, third and fourth quarter 2007, starting on the first date of submission for third quarter discharges, July 1, 2007. This transition period will end on the final
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date of submission for fourth quarter 2007 discharges. During the transition period, production data will be accepted only in the current 800-byte format while testing with the new format will be accepted and evaluated. Mandatory submission of elements as specified in Appendix C and detailed in the Department's data submission manual shall begin with patients discharged in first calendar quarter 2008, beginning on January 1, 2008.

C) Hospitals and ambulatory surgical treatment centers shall report data to the Department using the current submission format as specified in the Department's data submission manual for patients discharged up to and including June 30, 2007. Beginning with the start of the transition period on July 1, 2007, production data will be accepted only in the current format with test data accepted in the new format outlined in Appendices A and C and detailed in the Department's data submission manual. The transition period shall include all patients discharged during third and fourth quarter 2007, with the transition period ending on the last date of submission of discharges for fourth quarter 2007. Throughout the transition period, test data will be accepted in the new expanded formats. Test data shall be developed to populate each variable in the expanded layout to allow full evaluation of the data file submitted. Each facility shall participate in the transition period by submitting and evaluating test data as necessary to meet the requirements. Each facility shall complete at least one successful test submission prior to the beginning of the mandated submission period. Beginning with electronic submissions received for patients discharged in first calendar quarter 2008, starting on January 1, 2008, only data consisting of the elements listed in Appendices A and C in the expanded format as detailed in the Department's data submission manual will be accepted.

2) Each hospital and ambulatory surgical treatment center shall electronically submit to the Department all patient claims and encounter data pursuant to this subsection (a). These submissions shall be in accordance with the uniform electronic transaction standards and code set standards adopted by the Secretary of Health and Human Services under the Social Security Act (42 USC 1320d-2) and the physical specifications, format and record
layout specified in the Department's data submission manual. Ambulatory surgical treatment centers that are unable to electronically submit data shall submit required data in the specified format on 3.5-inch diskette or CD-ROM disc through the closing date of submission for second quarter 2008 discharges. Beginning with patients discharged for third quarter 2008, starting on July 1, 2008, ambulatory surgical treatment centers shall electronically submit all data to the Department.

3) To be considered compliant with this Section, a hospital's or ambulatory surgical treatment center's data submission shall:

A) Be submitted to the Department electronically, as specified in the data submission manual;

B) Consist of an individual facility data file; and

C) Meet the Department's minimum level of data submission compliance on or before the data submission due date:

i) Hospitals shall maintain a compliance percentage of no less than 98% for each calendar month beginning with the calendar month of July 2007.

ii) Ambulatory surgical treatment centers shall maintain a compliance percentage of no less than 90% during the period beginning with calendar month of July 2007. Beginning with the calendar month of April 2008, ambulatory surgical treatment centers shall maintain a monthly compliance percentage of no less than 95%. Thereafter, beginning with the calendar month of April 2009, ambulatory surgical treatment centers shall maintain a monthly compliance percentage of no less than 98%.

4) Failure to comply with this Section may subject the facility to penalties as provided in the Ambulatory Surgical Treatment Center Act and the Hospital Licensing Act.

b) Inpatient and Outpatient Report of Monthly Discharge and Outpatient Surgery Counts
1) Each hospital shall, within 30 calendar days following the last day of each calendar month, submit:

A) The actual total number of hospital inpatient discharges for that calendar month. In the case of multiple births, each child is counted as a discharge; and

B) The actual number of hospital outpatient cases with a surgical procedure as defined in this Part for that calendar month.

2) Effective beginning with calendar month April 2008, each hospital shall, within 30 calendar days following the last day of each calendar month, submit for each category the actual number of hospital outpatient cases with an emergency department visit, observation stay, or surgical procedure as defined in this Part for that calendar month. Each patient shall be counted only once. Outpatient surgical cases, regardless of other services, shall be counted as surgical cases. Non-surgical cases may be counted as combined ED and OC or separately as ED and OC. Patients receiving both services should be counted only once in both counting methods: as combined ED and OC in the combined method or counted as OC (the last service received) in the separate method.

3) Each licensed ambulatory surgical treatment center shall, within 30 calendar days following the last day of each calendar month, submit the actual total number of licensed ambulatory surgical treatment center outpatient cases with a surgical procedure for that calendar month as defined in this Part.

4) All filings required in this Section shall be reported using the Department's electronic submission systems.

5) Effective 60 days after the end of each calendar quarter, monthly reported discharge count acceptance for that calendar quarter will end. If any facility finds it necessary to change monthly reported counts after the initial closing date and before the final closing date, the revised monthly count shall be submitted by the facility administrator with a written justification.
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c) Content and quality of new data elements collected as noted in Appendices A and C will be monitored for completeness and accuracy during the transition period and the first two quarters of mandated submission. This data will be released in public reports and data products when appropriate levels of data quality and quantity are attained.

Section 1010.50 Common Data Verification, Review, and Comment Procedures

a) Each facility shall review its patient discharge data for accuracy and completeness before submitting the data specified in this Part to the Department.

b) The Department will edit each data submission for proper file formatting; content and context edits will be applied to each data element as appropriate; the file will be checked for duplicate records; and the database transactions will result in a data submission profile that will be available in electronic format on the Department's data submission web site.

c) The submitting facility shall obtain and review the data submission profile as specified in subsection (b) of this Section from each data submission to verify that data received and accepted by the Department are in fact a complete and accurate representation of the services provided by the facility during the stated time frames. If a facility or the Department determines that any data are in fact incomplete or inaccurate, it is the facility's responsibility to submit corrected data prior to the final closing date of the affected data collection period.

d) If the Department determines that data submitted by a facility are questionable, inaccurate or incomplete during or after the close of a quarterly submission period, the Department shall conduct an on-site review of the facility's data submission practices. Upon notification of the need for such a review by the Department, any hospital or ambulatory surgical treatment center affected shall, within 2 calendar weeks or 10 working days, whichever is the longer, gather information related to the review process. The facility shall provide suitable workspace and access to all required information from the medical records and patient claims and encounter data underlying and documenting the inpatient or outpatient data under review. Facilities shall provide access to other related documentation deemed necessary to conduct a successful desk audit of inpatient and outpatient data submitted. The on-site review shall be carried out by Department staff over a minimum of one working day and extend for no more than three working days. The facility under review shall ensure the availability of
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persons knowledgeable of the internal organizational processes and information processing systems with the ability to identify inaccurate and unreasonable data characteristics based on the patient mix and services provided by the facility. Facility staff shall produce a summary document within 30 days identifying the findings of the on-site review and detailing the corrective action necessary to correct the deficiencies discovered. The facility shall closely monitor future data submissions to ensure that submissions accurately reflect actual patient mix and health care services provided. It is the responsibility of each facility to review the results of each data submission for erroneous, inaccurate, incomplete or unreasonable information in data accepted by the Department and to resubmit accurate data prior to the end of the submission period.

e) Final edited data shall be received prior to the final closing date, 20 calendar days after the start date for internal data review as specified in Section 1010.40(a)(1) of this Part. Five calendar days are specified between the initial and final closing dates to correct errors in claims and encounter data that were rejected on the last day of submission. There shall be no correction period for erroneous data received during this five-day period. To meet these requirements, the facility shall do all of the following:

1) Correct and re-submit all data rejected throughout the quarterly submission period because of errors revealed by the Department edit checks performed under subsection (b) of this Section, and submit any missing claims and encounter data;

2) Review the resultant data profile for accuracy and completeness; and

3) Supply the Department with an affirmation statement, signed by the chief executive officer or designee, indicating that the facility's data are accurate and complete.

f) Failure to comply with subsections (d) and (e) of this Section shall result in the facility's being noncompliant with this Section, and the facility may be subject to penalties as provided in the Ambulatory Surgical Treatment Center Act and the Hospital Licensing Act.

g) After the facility has made any revisions under subsection (e) of this Section in the data for a particular time period, a data submission profile will be available for the submitting facility's review.
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h) If the Department discovers data errors after releasing the data, or if a facility representative notifies the Department of data errors after the Department releases the data, the Department will note the data errors as caveats to the completed datasets. No revisions or additions to discharge data, case data, or monthly counts will be accepted after the final closing date of each quarterly data collection period. If the Department makes an error in the preparation, presentation or reporting of collected data, the error will be corrected.

i) The Department will reply to the submitting facility acknowledging receipt of the signed affirmation statement required in subsection (e)(3).

Section 1010.60 Data Dissemination

a) The Department will provide facilities the opportunity to review the Consumer Guide to Health Care (Guide) prior to public release. The entire report will be made available to each facility on the Department's secure web server for review before publication. This review period will end 15 working days after the availability date of the review material. During the review period, each facility may submit written comments concerning its report content to the Department. Comments shall be submitted on facility letterhead and shall be signed by the administrator or designee. All comments received by the Department will be kept on file. No comments will be accepted after the end of the review period and no changes to the content of the Guide will be accepted. If any facility or the Department finds erroneous or incomplete data in the Guide, these data will be identified and footnoted prior to publication. If the Department makes an error in the preparation or presentation of the Guide, the error will be corrected.

b) Limited Data Product and Report requests approved by the Department shall result in the creation of the minimum necessary data set from the population of data elements available to the requester and accompanying data use agreement covering access, usage, distribution and confidentiality of the data.

1) The Department will charge fees to the requesting entity for providing access to data files or producing studies, data products or analyses of such data. A schedule of fees for standard and custom datasets and products according to category of purchaser is presented in Section 1010.70 of this Part. In determining fees, the Department will consider all of the following:
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A) Type of data and specified usage;

B) Record count and computer time required;

C) Access fees for computer time;

D) Staff time expended to process the request; and

E) Handling and shipping charges.

2) All requests for data files, data products, aggregations or reports containing limited data elements shall be made in writing to the Department using Departmental forms. All data obtained from the Department shall be used solely for the purpose identified by the requesting entity and for use by the requesting entity. The scope and term of this usage will be detailed in a data use agreement specific to each request. Use of the data for any other purpose shall require a separate and specific written request, approval and data use agreement.

3) When facility-specific data, reporting or comparative analysis is prepared by the Department for public release, affected facilities will be given the opportunity to review and comment on the data, studies or reports and their content prior to release to the public. Facilities will be provided access to the entire report on the Department's secure web server for review prior to publication. The review period will end 15 working days after the availability date of the review material. While no changes to previously submitted data will be accepted, the Department will accept written comments and explanations from facilities during the review period. The Department will keep these comments and explanations on file and, as appropriate and reasonable, will incorporate them into the text description of the published report, study or analyses. If a Departmental error is found in the publication, the error will be corrected.

c) De-identified Data Files and Reports

1) Public use data files, reports and studies based on information submitted by hospitals and ambulatory surgical treatment centers shall contain de-identified data and shall comply with State and federal law, including, but
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not limited to, the Gramm-Leach-Bliley Act and the HIPAA privacy regulations (Security and Privacy: 45 CFR 164).

2) All requests for public use files or special compilations, reports, studies or analyses derived from public use files shall be made in writing to the Department. The release of data related to an approved public use data request shall not require a detailed data request form or comprehensive data use agreement. However, each request will be evaluated and if necessary accompanied by a signed or agreed to data use agreement appropriate to the content of the data requested. The data use agreement will include, but not be limited to, restrictions on patient identification and sale or release of the data to third parties.

Section 1010.70 Data Customer Categories and Data Product Fee Schedule

This Section establishes customer categories, data product descriptions, and data product fees. The release of any patient level or small number data by the Department shall be contingent on the approval of the request and execution of an appropriate data use agreement.

a) Customer categories are established as follows:

1) Category I: Resellers

A) Any corporation, association, coalition, person, entity or individual that redistributes in any form any of the data or products (or any subset thereof) obtained from the Department for any revenue is engaged in reselling of the data or products and shall pay for the data or products at the reseller rate.

B) All redistribution shall be restricted to de-identified data as defined by HIPAA privacy regulations (Security and Privacy: 45 CFR 164).

2) Category II: Commercial, Private, For-Profit Organizations and Non-Illinois State and Local Government Entities

A) Any corporation, association, coalition, person, entity or individual that functions in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization seeking to
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obtain data or products (or any subset thereof) from the Department is presumed to be acquiring the data or products for a commercial use.

B) Any non-profit organization that purchases data materials on behalf of, either in whole or in part, or receives payment from, for-profit organizations for work done is presumed to be acquiring the data or products for a commercial use.

C) Non-Illinois state and local government data release will be contingent on reciprocal data availability.

3) Category III: Federal government, educational institutions, all non-profit organizations, and college students enrolled in non-Illinois educational institutions, including:

A) The federal government.

B) Other non-state or local political subdivisions outside of the State of Illinois that are not covered under Category II.

C) All educational institutions (Illinois and non-Illinois), all non-profit organizations, and all college students enrolled in non-Illinois educational institutions.


b) The following data products are available at rates established by the Department:

1) Standard datasets are defined sets of data elements consisting of the minimum necessary group of elements for a specific request identified from the list of elements available to each category of requester.

A) Research Oriented Dataset (RODS) containing data elements listed in Appendix D of this Part.
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B) Universal Dataset (UDS) containing data elements listed in Appendix E of this Part.

C) State Inpatient Dataset (SIDS) containing elements derived for the purposes of the HCUP, Appendix F of this Part.

D) State Ambulatory Surgery Dataset (SASDS) containing elements derived for the purposes of the HCUP, Appendix G of this Part.

E) Revenue Code Dataset (RCDS), a supplement to datasets A through D containing data elements listed in Appendix H of this Part.

2) The Department will evaluate requests for custom datasets and make the determination of complex or simple based on details of the request.

A) Complex dataset: a subset of RODS, UDS, SIDS or SASDS (with or without RCDS) that contains the majority of significant data elements, or an intricate aggregation or report that includes many significant data elements and compound relationships.

B) Simple dataset: a subset of RODS, UDS, SIDS or SASDS (without RCDS) that contains a small number of significant data elements, or a straightforward aggregation or report that includes few significant data elements and no, or a single, relationship.

c) Standard data product fees by category are set forth in Appendix I of this Part. In addition to standard data product fees, the Department will assess data request processing and data product preparation fees as follows:

1) The Department will assess a non-refundable data request application fee of $100. The application fee shall be applied to the final cost of approved and completed data products.

2) The Department will assess fees for the costs of preparing requested data products, including, but not limited to, programming, research, administrative, media and shipping as described in Appendix J of this Part. The minimum charge will be one unit per resource factor, with additional units as necessary for more complicated requests.
Section 1010. APPENDIX A  Uniform Inpatient Discharge Data

Header Data

1. Hospital ID (federal tax identification number/Department assigned/NPI)
2. Facility name and address (in the header record for verification)
3. Facility city
4. Facility zip code
5. Contact person
6. Telephone number
7. Period covered: first day
8. Period covered: last day

Detail Data

1. Hospital identifier (federal tax identification number/Department assigned/NPI)
2. Patient account number
3. Discharge time (HH)
4. Patient zip code and Plus 4
5. Patient birth date (MMDDCCYY)
6. Patient sex
7. Admission date (MMDDYY) and time (HH)
8. Type of admission
9. Source of admission
10. Patient discharge status

11. Type of bill

12. Total patient charges and components of charges (by revenue code, units of service and charges)

13. Primary payer ID and health plan name

14. Secondary and tertiary payer ID and health plan name (required when present)

15. Principal and secondary diagnosis codes, when present (up to 25)

16. Principal and secondary procedure codes and dates (MMDDYY), when present (up to 25)

17. Attending clinician ID number/NPI

18. Other clinician ID number/NPI (up to 2 required when present)

19. Patient race (according to OMB guidelines)

20. Patient ethnicity (according to OMB guidelines)

21. Patient county code (5 digits: state and county codes for Illinois and border state residents (FIPS code))

22. Diagnosis present at admission for each diagnosis

23. External cause of injury codes (required when present)

24. Newborn birth weight value code and birth weight in grams

25. Admitting diagnosis code

26. Do not resuscitate indicator (entered in first 24 hours of stay)
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27. Prior stay occurrence code and prior stay from and through dates (required when present)

28. Operating clinician ID number/NPI (required when surgical procedures present as a component of treatment)

29. Accident state abbreviation (required when present)

30. Condition employment related (required when present)

31. Accident employment related occurrence code and date of accident (required when present)

32. Crime victim occurrence code and date of crime (required when present)

33. Statement covers period (from and through [discharge date] dates)

34. Insurance group numbers (up to 3 required when present)

35. Page number and total number of pages

36. Diagnoses code version qualifier (9=ICD-9, ICD-10 not yet implemented)

**Trailer Data**

1. Hospital identifier (Federal tax identification number/Department assigned/NPI)

2. Number of physical records in the file excluding header and trailer
Section 1010.APPENDIX B  Ambulatory Surgical Categories Reported by CPT Procedure Codes

1. Surgeries on the integumentary system
2. Surgeries on the musculoskeletal system
3. Surgeries on the respiratory system
4. Surgeries on the cardiovascular system
5. Surgeries on the hemic and lymphatic systems
6. Surgeries on the mediastinum and diaphragm
7. Surgeries on the digestive system
8. Surgeries on the urinary system
9. Surgeries on the male genital system
10. Intersex surgery
11. Surgeries on the female genital system
12. Surgeries on the female reproductive system
13. Surgeries on the endocrine system
14. Surgeries on the nervous system
15. Surgeries on the eye and ocular adnexa
16. Surgeries on the auditory system
Section 1010. APPENDIX C  Ambulatory Surgical Data Elements

Header Data

1. Facility identifier (federal tax identification number/Department assigned/NPI)
2. Facility name and address (in the header record for verification)
3. Facility city
4. Facility zip code
5. Contact person
6. Telephone number
7. Period covered: first day
8. Period covered: last day
9. Surgical site identifier (Department assigned)

Detail Data

1. Facility identifier (Federal tax identification number/Department assigned/NPI)
2. Surgical site identifier (Department assigned)
3. Patient account number
4. Patient zip code and Plus 4
5. Patient birth date (MMDDCCYY)
6. Patient sex
7. Date (MMDDYY) and time (HH) of visit
8. Time (HH) of discharge
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9. Type of admission/visit

10. Source of admission/visit

11. Patient discharge status

12. Type of bill

13. Total patient charges and components of those charges (revenue codes, HCPCS codes with modifiers, date of service, units of service and charges)

14. Primary payer ID and health plan name

15. Secondary and tertiary payer ID and health plan name (required when present)

16. Principal and secondary diagnosis codes, when present (up to 25)

17. Principal and secondary procedure codes and dates (MMDDYY), when present (up to 25); only the values of the CPT coding scheme will be accepted as procedure codes for outpatient data submissions

18. Attending clinician ID number/NPI

19. Operating clinician ID number/NPI

20. Other clinician ID number/NPI (up to 2 required when present)

21. Patient race (according to OMB guidelines)

22. Patient ethnicity (according to OMB guidelines)

23. External cause of injury codes (required when present)

24. Patient county code (5 digits: state and county codes for Illinois and border state residents (FIPS code))

25. Patient reason for visit (diagnosis codes up to 3 required when present)
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26. Accident state abbreviation (required when present)

27. Condition employment related (required when present)

28. Accident employment related occurrence code and date of accident (required when present)

29. Crime victim occurrence code and date of crime (required when present)

30. Page number and total number of pages of this claim

31. Insurance group number (up to 3 required when present)

32. Diagnoses code version qualifier (9=ICD-9, ICD-10 not yet implemented)

33. Statement covers period (from and through [discharge date] dates)

**Trailer Data**

1. Facility identifier (federal tax identification number/Department assigned/NPI)

2. Surgical site identifier (Department assigned)

3. Number of physical records in file excluding header and trailer
Section 1010. APPENDIX D  Research Oriented Dataset (RODS) Data Elements

1. Facility identifier (federal tax identification number/Department assigned/NPI)
2. Patient sex
3. Admission/visit type
4. Admission/visit source
5. Length of stay (in whole days; inpatient only)
6. Patient discharge status
7. Principal diagnosis code and up to 24 secondary codes
8. Principal procedure code and up to 24 secondary codes
9. DRG (or successor category grouping) code inpatient/APC outpatient
10. MDC (or successor) code inpatient/body system outpatient
11. Total charges
12. Room/board charges (inpatient only)
13. Ancillary charges
14. Anesthesiology charges
15. Pharmacy charges
16. Radiology charges
17. Clinical lab charges
18. Labor/delivery charges (inpatient only)
19. Operating room charges
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20. Oncology charges
21. Other charges
22. Combined bill indicator (inpatient only)
23. Patient county
24. Patient planning area
25. Patient Health Service Area
26. Hospital Health Service Area
27. Patient date of birth (CCYYMMDD)
28. Admission date (CCYYMMDD) and time (HH)
29. Discharge Date (CCYYMMDD) and time (HH)
30. Primary, secondary and tertiary payer IDs and health plan names (when available)
31. Patient zip code in every record
32. Primary surgical procedure date (if present)
33. Patient race
34. Patient ethnicity
35. Newborn birth weight in grams
36. Do Not Resuscitate (DNR) (inpatient only)
37. Condition employment related
38. Accident employment related
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39. Crime victim

40. Admitting diagnosis code/reason for visit code

41. Diagnosis present at admission for each diagnosis code (inpatient only)

42. Ecodes (when present)

43. Row ID (when necessary: provides linkage to Revenue Code Dataset)
Section 1010. APPENDIX E   Universal Dataset (UDS) Data Elements

1. Facility identifier (federal tax identification number/Department assigned/NPI)
2. Patient sex
3. Admission/visit type
4. Admission/visit source
5. Length of stay (in whole days) (inpatient only)
6. Patient discharge status
7. Principal diagnosis code and up to 14 secondary codes
8. Principal procedure code and up to 9 secondary codes
9. DRG (or successor category grouping) code inpatient/APC outpatient
10. MDC (or successor) code inpatient/body system outpatient
11. Total charges
12. Room/board charges (inpatient only)
13. Ancillary charges
14. Anesthesiology charges
15. Pharmacy charges
16. Radiology charges
17. Clinical lab charges
18. Labor/delivery charges (inpatient only)
19. Operating room charges
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20. Oncology charges
21. Other charges
22. Combined bill indicator (inpatient only)
23. Primary health plan type
24. Secondary health plan type
25. Tertiary health plan type
26. Patient county
27. Patient planning area
28. Patient Health Service Area
29. Hospital Health Service Area
30. Patient age (in whole years)
31. Admission date (CCYYMMD)
32. Patient zip code (zip masked when hospital/zip cell size less than 10)
33. Newborn birth weight in grams
34. Do Not Resuscitate (DNR) (inpatient only)
35. Hospitalization employment related
36. Admitting diagnosis code
37. Diagnosis present at admission for each diagnosis code (inpatient only)
38. Ecodes (when present)
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39. Number of days between admission and primary procedure (inpatient only) (if present)

40. Row ID (when necessary: provides linkage to Revenue Code Dataset)
Section 1010. APPENDIX F  State Inpatient Dataset (SIDS) Data Elements

1. Age in years at admission
2. Age in days (when age < 1 year)
3. Age in months (when age < 11 years)
4. Admission month
5. Admission source (uniform)
6. Admission type
7. Admission day is a weekend
8. Room and board charges
9. Ancillary charges
10. Anesthesiology charges
11. Pharmacy charges
12. Radiology charges
13. Clinical lab charges
14. Labor-delivery charges
15. Operating room charges
16. Oncology charges
17. Other charges
18. Died during hospitalization
19. Disposition of patient (uniform)
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20. Discharge quarter

21. DRG (or successor category grouping) code in effect on discharge date

22. Data source hospital identifier

23. Principal diagnosis

24. Up to 14 secondary diagnoses

25. CCS: principal diagnosis

26. CCS: up to 14 secondary diagnoses

27. Indicator of sex

28. Length of stay (as received from source)

29. MDC (or successor) code in effect on discharge date

30. Number of diagnoses on this record

31. Number of procedures on this record

32. Primary expected health plan identifier (uniform)

33. Secondary expected health plan identifier (uniform)

34. Principal procedure code (if present)

35. Up to 9 secondary procedure codes (if present)

36. CCS: principal procedure (if present)

37. CCS: up to 9 secondary procedures (if present)

38. Total charges (as received from source)
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39. Calendar year of discharge
40. Patient zip code (uniform)
41. Patient county code (uniform)
42. Newborn birth weight in grams
43. Do Not Resuscitate (DNR)
44. Hospitalization employment related
45. Admitting diagnosis code
46. Diagnosis present at admission for each diagnosis code
47. Ecodes (when present)
48. Number of days between admission and primary procedure (if present)
49. Row ID (when necessary: provides linkage to Revenue Code Dataset)
Section 1010. APPENDIX G  State Ambulatory Surgery Dataset (SASDS) Data Elements

1. Age in years at admission/visit
2. Age in days (when age < 1 year)
3. Age in months (when age < 11 years)
4. Admission/visit month
5. Admission/visit source (uniform)
6. Admission/visit type
7. Admission/visit day is a weekend
8. Anesthesiology charges
9. Pharmacy charges
10. Radiology charges
11. Clinical lab charges
12. Operating room/surgical suite charges
13. Oncology charges
14. Other charges
15. Disposition of patient (uniform)
16. Discharge quarter
17. Data source hospital identifier
18. Principal diagnosis
19. Up to 14 secondary diagnoses
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20. CCS: principal diagnosis
21. CCS: up to 14 secondary diagnoses
22. Indicator of sex
23. APC code
24. Body system affected by condition/injury
25. Number of diagnoses on this record
26. Number of procedures on this record
27. Primary expected health plan identifier (uniform)
28. Secondary expected health plan identifier (uniform)
29. Principal procedure code (if present)
30. Up to 9 secondary procedure codes (if present)
31. CCS: principal procedure (if present)
32. CCS: up to 9 secondary procedures (if present)
33. Total charges (as received from source)
34. Calendar year of discharge
35. Patient zip code (uniform)
36. Patient county code (uniform)
37. Race
38. Ethnicity
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39. Hospitalization employment related
40. State of accident
41. Reason for visit
42. Ecodes (when present)
43. Row ID (when necessary: provides linkage to Revenue Code Dataset)
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Section 1010.ANNEX H Revenue Code Dataset (RCDS) Data Elements

1. Row ID (provides linkage to primary file)
2. Revenue Code
3. HCPCS Code (when available: outpatient only)
4. Date of Service (when available: outpatient only)
5. Units of Service
6. Charge
7. Revenue Type
8. Revenue Category
9. Submission Type (Inpatient or Outpatient)
# Data Product Price List

<table>
<thead>
<tr>
<th>Product</th>
<th>Category I: Resellers (Customers for Resale or Redistribution)</th>
<th>Category II: Commercial/Private/Non-IL Govt/For-Profit Customers with No Resale or Redistribution</th>
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</thead>
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<tr>
<td></td>
<td>Inpatient Data 1987-Ongoing [New data elements will be available beginning with 2009 discharges]</td>
<td>Outpatient Data [Available only to researchers, Illinois educational institutions, and Illinois governmental entities]</td>
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<td></td>
<td>Outpatient Data [2002-2008</td>
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<tr>
<td>Product</td>
<td>Per Quarter</td>
<td>Per Year</td>
</tr>
<tr>
<td>---------</td>
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<td>Universal Dataset</td>
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</tr>
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<td>State Inpatient Dataset (SIDS)</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Custom Dataset (Complex)</td>
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<tr>
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<td>$3,000</td>
</tr>
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### Notes:
- **Inpatient Data**:
  - 1987-Ongoing
  - New data elements will be available beginning with 2009 discharges

- **Outpatient Data**:
  - [Available only to researchers, Illinois educational institutions, and Illinois governmental entities]
  - 2002-2008 | 2009 | Ongoing
  - [Available to all approved requesters]

### Price List:
- **Category I: Resellers (Customers for Resale or Redistribution)**
  - **Universal Dataset**: $8,000 | $24,000 | n/a | $8,000 | n/a | $24,000
  - **State Inpatient Dataset (SIDS)**: $8,000 | $24,000 | n/a | $8,000 | n/a | $24,000
  - **State Ambulatory Surgery Dataset (SASDS)**: n/a | n/a | n/a | $8,000 | n/a | $24,000
  - **Custom Dataset (Complex)**: $8,000 | $24,000 | n/a | $8,000 | n/a | $24,000
  - **Custom Dataset (Simple) [Price + app fee + costs]**: $1,000 | $3,000 | n/a | $1,000 | n/a | $3,000
  - **Revenue Code Dataset Inpatient: 1993-Ongoing [not available separately]**: $3,000 | $8,000 | n/a | n/a
  - **Revenue Code Dataset (RCDS) Outpatient: 2002-2008 | 2009-Ongoing [Not available separately]**: n/a | n/a | n/a | $3,000 | n/a | $8,000

### Price List (Category II):
- **Universal Dataset**: $4,000 | $12,000 | n/a | $4,000 | n/a | $12,000
- **State Inpatient Dataset (SIDS)**: $4,000 | $12,000 | n/a | n/a
### NOTICE OF ADOPTED RULES

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#### Custom Dataset (Simple) [Price + app fee + costs]
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#### Revenue Code Dataset (RCDS)

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[Not available separately]

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**Outpatient:** 2002-2008 | 2009-Ongoing
[Not available separately]

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### Category III: Non-Profit/Educational Institution/College Student Non-IL Institution Customers with No Resale or Redistribution

#### Research Oriented Dataset
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#### State Inpatient Dataset (SIDS)
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### Category IV: IL Gen Assembly/IL Executive Officers/IL Const Officers/IL and Local Govt/College Student IL Inst Customers with No Resale or Redistribution

#### UDS, SIDS, SASDS, RCDS and Custom Dataset
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<tr>
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<th>Application Fee</th>
<th>Costs</th>
<th>Revenue Code</th>
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1. Outpatient data may be released earlier if the Department determines that quantity and quality of data from all facilities has reached a satisfactory level of comparability.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 1010. APPENDIX J Data Product Preparation Cost Table

<table>
<thead>
<tr>
<th>Resource</th>
<th>Hours/Units</th>
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<tr>
<td>Administration</td>
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<td>Media (cd-rom/dvd-rom)</td>
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<td>Shipping</td>
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<td>Shipper listed cost</td>
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</table>
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Public Schools Evaluation, Recognition and Supervision

2) **Code Citation**: 23 Ill. Adm. Code 1

3) **Section Numbers**

<table>
<thead>
<tr>
<th>Adopted Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.30 Amendment</td>
</tr>
<tr>
<td>1.60 Amendment</td>
</tr>
<tr>
<td>1.80 Amendment</td>
</tr>
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</table>

4) **Statutory Authority**: 105 ILCS 5/2-3.6

5) **Effective Date of Amendments**: June 26, 2007

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 in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: March 9, 2007; 31 Ill. Reg. 3625

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Difference between proposal and final version**: Revisions were made in Section 1.30 to indicate that the names given to ranges of scores on the accommodated State assessment are the same as those given to score ranges on the regular assessment.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were requested by JCAR, and no agreements letter was issued.

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

14) **Are there any other proposed rulemakings pending on this Part?** No

15) **Summary and Purpose of Amendments**: Some of the portions of Part 1 that describe the single system of accountability, as required by the No Child Left Behind Act (NCLB), include duplicate and contradictory provisions that need to be eliminated. This situation
arose out of an unusual set of developments. While the rulemaking that would put the new accountability requirements in place was pending, legislation was enacted in Illinois (Public Act 94-666) to state alternate provisions for determining whether schools and districts had made adequate yearly progress and for removing designations of academic early warning or academic watch status. These State-level alternatives were stated to be effective unless the U.S. Department of Education (USDE) formally disapproved them. In order to conclude the rulemaking and have the required accountability system in place, ISBE adopted a version of Sections 1.30, 1.60, and 1.80 that reflected both possibilities. After a number of months, a response was received from USDE formally disapproving the policies stated in Illinois law. On that basis, ISBE is now deleting that material from the rules.

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

Melina Wright  
NCLB Liaison  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
217/782-0354

The full text of the Adopted Amendments begins on the next page:
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Certification System
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
1.90 System of Rewards and Recognition - The Illinois Honor Roll
1.95 Appeals Procedure
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties (Repealed)
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
STATE BOARD OF EDUCATION

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1.260  Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270  Book and Material Selection (Repealed)
1.280  Discipline
1.285  Requirements for the Use of Isolated Time Out and Physical Restraint
1.290  Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310  Administrative Responsibilities
1.320  Evaluation of Certified Staff in Contractual Continued Service
1.330  Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410  Determination of the Instructional Program
1.420  Basic Standards
1.430  Additional Criteria for Elementary Schools
1.440  Additional Criteria for High Schools
1.445  Required Course Substitute
1.450  Special Programs
1.460  Credit Earned Through Proficiency Examinations
1.462  Uniform Annual Consumer Education Proficiency Test
1.465  Ethnic School Foreign Language Credit and Program Approval
1.470  Adult and Continuing Education
1.480  Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510  Transportation
1.515  Training of School Bus Driver Instructors
1.520  School Food Services (Repealed)
1.530  Health Services
1.540  Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1. APPENDIX F  Criteria for Determination – Student Performance and School Improvement (Repealed)

1. APPENDIX G  Criteria for Determination – State Assessment (Repealed)


SUBPART A: RECOGNITION REQUIREMENTS

Section 1.30 State Assessment
The State Superintendent Board of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent Board in the design and implementation of special studies.

a) Development and Participation

1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)

2) Districts shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent Board.

3) A school shall generally be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.

4) All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment or by participating in an accommodated or alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).

A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code, students who attend public university laboratory schools under
STATE BOARD OF EDUCATION

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Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.

B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.

5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities or limited English proficiency.

b) Assessment Procedures

1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.

c) Accommodated Assessment

Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated
form of the State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student of limited proficiency in English may, however, participate in the regular assessment for his or her grade if, in the judgment of the district or the student's parent, the regular State assessment is more appropriate for that student. See also Section 1.60(b) of this Part.

d) Alternate Assessment
Students whose Individualized Education Programs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA) for all subjects tested. See also Section 1.60(c) of this Part.

e) Review and Verification of Information
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.

1) Within 30 days after the preliminary data are made available, each district or charter school shall use a means prescribed by the State Board to indicate either:

   A) that its preliminary data are correct; or

   B) that unresolved problems still exist within its data.

2) In cases where unresolved problems still exist, staff of the State Board and/or its contractor shall have an additional period of 15 days within which to work with the affected district or charter school to make the necessary corrections.

3) At the end of the 15-day period discussed in subsection (e)(2) of this Section, all districts’ and charter schools’ data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.

f) Reports of State Assessment Results
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.

   A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.

   B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.

2) Each report shall include, as applicable to the receiving entity:

   A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and

   B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).

   g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
h) **Classification of Scores**
Each score achieved by a student on a regular, accommodated, or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".

1) Each score achieved by a student on a regular State assessment (i.e., the Illinois Standards Achievement Test (ISAT) or the Prairie State Achievement Exam (PSAE)), as well as each score in mathematics achieved on the accommodated State assessment, shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.

2) Each score in reading achieved by a student on the accommodated State assessment shall be classified as "beginning", "strengthening", "expanding", or "transitioning". Among these scores, those identified as either "expanding" or "transitioning" shall be considered as demonstrating proficiency.

23) Each score achieved by a student on the Illinois Alternate Assessment shall be classified as "attempting", "emerging", "progressing", or "attaining". Among these scores, those identified as "progressing" or "attaining" shall be considered as demonstrating proficiency.

i) **Scores Relevant to Adequate Yearly Progress**
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores", provided, however, that scores in reading or mathematics that are earned by students who have individualized education programs (IEPs) shall be "relevant scores" only to the extent identified in their IEPs, unless the policy expressed in Section 2-3.25a of the School Code [105 ILCS 5/2-3.25a] via P.A. 94-666 is formally disapproved by the U.S. Department of Education. For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students in Grade 2 on the Terra Nova examination (CTB McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940 (2001)) shall also be considered "relevant scores" for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the
determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 31 Ill. Reg. 9897, effective June 26, 2007)

**Section 1.60 Subgroups of Students; Inclusion of Relevant Scores**

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.

1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);

2) Racial/ethnic groups:
   A) White,
   B) Black,
   C) Hispanic,
   D) American Indian or Alaskan Native,
STATE BOARD OF EDUCATION

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E) Asian/Pacific Islander,

F) Multiracial/ethnic;

3) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or

4) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).

b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.

1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any such student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.

2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection
(b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.

c) **All**If the U.S. Department of Education formally disapproves the use of indicators for students with disabilities based on their IEPs as provided in Section 2-3.25a of the School Code, all relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made, and subsections (c)(1) through (c)(5) of this Section shall apply. If the U.S. Department of Education does not formally disapprove the use of indicators based on students' IEPs, subsection (c)(6) of this Section shall apply instead.

1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)

2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.

3) A district may apply to the State Superintendent Board of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent Board, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of such students in its population. The State Superintendent Board of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

A) families of students with significant cognitive disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or

B) the district's student population is so small that the presence of even a small number of students with significant cognitive disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or

C) other circumstances exist such that the overrepresentation of students with significant cognitive disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.

4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:

A) scores of students who belong to the fewest subgroups;

B) scores of students who belong to the largest subgroups;

C) scores of students who belong to the smallest subgroups;

D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or

E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
STATE BOARD OF EDUCATION
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5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.

6) Regardless of whether a student with an IEP participates in the regular State assessment or in the alternate form of the State assessment, his or her scores shall be used to determine AYP only if the IEP provides for reliance on those scores for that purpose. If the IEP establishes other indicators as the basis for determining that the student has made sufficient progress in a given school year, that student shall be counted, in each of the subgroups of which he or she is a member, according to the determination made on that basis.

d) Targets for scores demonstrating proficiency

1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:

   A) For 2003-04, 40 percent;
   B) For 2004-05 and for 2005-06, 47.5 percent;
   C) For 2006-07, 55 percent;
   D) For 2007-08, 62.5 percent;
   E) For 2008-09, 70 percent;
   F) For 2009-10, 77.5 percent;
   G) For 2010-11, 85 percent;
H) For 2011-12 and for 2012-13, 92.5 percent;
I) For 2013-14, 100 percent.

2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

e) "Safe Harbor"
A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 31 Ill. Reg. 9897, effective June 26, 2007)

Section 1.80 Academic Early Warning and Watch Status

The movement of schools and districts that do not make adequate yearly progress (AYP) into academic early warning status and then into academic watch status shall be as specified in Section 2-3.25d of the School Code, except that the failure provided that the U.S. Department of Education does not formally disapprove the provisions of that Section added by P.A. 94-666. If Section 2-3.25d applies as amended by P.A. 94-666, a school or district shall not make AYP for two consecutive annual calculations as contemplated in that Section only if scores in the same content area (i.e., in reading or in mathematics) and within the same grouping (i.e., subgroup or the entity as a whole) fall short of the applicable targets set forth in Section 1.60 of this Part in two consecutive annual calculations, or if students in the same subgroup fail to attain the targeted participation rate, attendance rate, or graduation rate, as applicable, in two consecutive annual
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evaluations. If the U.S. Department of Education formally disapproves of this policy, then a school or district shall fail to make AYP for two consecutive annual calculations shall be based upon if those calculations identify failure to attain the same applicable target, regardless of whether the same subgroup is involved in both calculations. Further, unless the U.S. Department of Education formally disapproves of this policy, a school or district shall be removed from any "status designation" after two consecutive years' one year's calculations show that it has met the applicable criteria for AYP in both those years.

(Source: Amended at 31 Ill. Reg. 9897, effective June 26, 2007)
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1) **Heading of the Part:** Special Education

2) **Code Citation:** 23 Ill. Adm. Code 226

3) **Section Numbers:**

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226.710    Amendment
226.720    Amendment
226.730    Amendment
226.731    New Section
226.735    New Section
226.740    Amendment
226.750    Amendment
226.760    Amendment

4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6

5) Effective Date of Amendments: June 28, 2007

6) Does this rulemaking contain an automatic repeal date? No
7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2006; 30 Ill. Reg. 4421

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
   
   A) Statement of Objection: January 26, 2007; 30 Ill. Reg. 2033
   
   B) First Agency Response (Refusal): April 6, 2007; 31 Ill. Reg. 5659
   
   C) Second Agency Response (Proposed Modifications): June 8, 2007; 31 Ill. Reg. 8365
   
   D) Dates Agency Responses Submitted for Approval to JCAR: March 21, May 21, and June 18, 2007

11) Differences between proposal and final version: Due to the volume of public comment received and the Objection and Filing Prohibition issued by the Joint Committee on Administrative Rules, the text of the proposed amendments as originally published in the Illinois Register underwent a number of significant revisions. The changes summarized below include only those that form part of the final text of the amendments being presented for publication and filing.

**First Notice Changes in Response to Public Comment:**

Several changes in terminology were made to eliminate negative connotations. "Mental retardation" was replaced with "cognitive disability", "emotional disturbance" was changed to "emotional disability", and "regular education" was replaced with "general education".

Technical corrections were made in some of the cross-references to the Code of Federal Regulations in order to reflect the final version of the federal requirements for special education.

Several provisions in Section 226.50 were revised to make their intended meaning clearer.
The definition of "developmental delay" (Section 226.75) was revised to provide for eligibility of students through nine years of age instead of seven. Several definitions were also added, including "Least Restrictive Environment (LRE)", "Limited English Proficient", and "Native Language".

Information was inserted in the introductory paragraph to Section 226.110 to clarify the meaning of "date of referral". That Section was also changed in two places to refer to 14 school days, and subsection (d) was revised to allow 60 school days from the date of written parental consent until completion of the IEP meeting. Other changes were made to eliminate the connotation that an evaluation is required in every instance and for consistency in referring to qualified bilingual specialists.

Section 226.130 was revised by stating a one-year delay in the effectiveness of the requirement for use of a process relying upon scientific, research-based intervention in determining whether a student has a specific learning disability.

The introductory statement in Section 226.150 was reworded and expanded by insertion of a reference to the relevant portion of the federal regulations. Subsection (c) of that Section was revised to refer to proficiency in English rather than a "predominantly English language use pattern".

The introductory provision of Section 226.180 was amplified by inserting the phrase “at public expense” with reference to evaluations. Greater specificity was added regarding the calculation of the timeline under which districts convene IEP meetings after independent educational evaluations.

The required membership of the IEP Team (Section 226.210) was clarified with respect to students of non-English background and students whose behavior impedes their learning or the learning of others. Further, the requirement for participation of a general education teacher was restated for clarity, and greater specificity was included regarding students who had been characterized as being "of less than school age".

Section 226.220(a) was revised in terms of the timeframe for implementing an IEP after notice is provided to the parents. Subsection (b) was also revised to be more precise.

Section 226.230 was changed so that a behavioral intervention plan would not be required for every student whose IEP includes a behavioral goal. Instead, the existing approach to behavioral intervention plans was retained. Subsection (c)(1) of this Section
was also reworded to afford the same flexibility now made available under the relevant federal regulation.

Section 226.240 was amplified to make explicit the requirements for considering students’ eligibility for programs and services outside special education.

In Section 226.260(b)(2), the word "school" was restored in the discussion of the timeline in question.

A provision was added to Section 226.520 to permit parents to waive the ten-day notice period before placement if they wish to do so. The amount of time within which a district must request due process after a parent's revocation of consent was lengthened from three business days to five.

The title of Section 226.570 was changed to "State Complaint Procedures".

Section 226.615 was reworded to correspond to the relevant provisions of the pending legislation that later was enacted as Public Act 94-1100. That is, a parent need only file a hearing request with the school district, and the district is then to forward the request to ISBE.

Two timelines stated in Section 226.655(c) were changed to 45 school days.

Section 226.720(b) was clarified to make it explicit that a district may permit a child in an early childhood classroom who reaches his or her sixth birthday during a year to complete that year. Subsection (c) was also restored, requiring age-appropriate settings for special education and services.

The proposed change in the definition of "general education classroom" stated in Section 226.730(a) and Section 226.731(a) was reversed to retain the current maximum of 30 percent students with IEPs and to eliminate the potential for a 40 percent maximum with certain stipulations. Alternate class size maximums were inserted, to be effective if a higher threshold of personnel reimbursement by the State is reached. A new provision was added to require districts to state how staffing decisions would be made when taking into consideration not only the instruction that special educators provide but also the other services and activities that make up their work load.

Second Notice Changes (JCAR Agreements):
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Section 226.10 was corrected to provide information about the publication in the Federal Register of the final federal regulations instead of the proposed version.

The text of Section 226.670 as ISBE had intended to amend it was added to the rulemaking.

The reference to the Emancipation of Minors Act was corrected.

Various nonsubstantive, technical corrections were made for the sake of consistency in language usage, format, and style.

Modifications in Response to the Objection and Filing Prohibition:

New material was inserted into Section 226.130 to make the requirement for implementation of a process that determines how a child responds to scientific, research-based interventions contingent upon development of a plan at the State level. In developing the plan, the State Superintendent of Education will consult with statewide organizations representing teachers and administrators, as well as the State Advisory Council on the Education of Students with Disabilities. The plan is to outline the nature and scope of the need for professional development and other resources; quantify the cost and identify possible sources of funding; and describe how priority in the allocation of resources will be given to districts that may otherwise be unable to meet the requirement.

Section 226.130 was also amplified with a statement noting that districts may not use a child’s participation in a process of the required type as the basis for denying a parent's request for an evaluation of the child.

The new class size maximums stated in Section 226.730 were deferred for one additional year, to become effective in 2009-10 instead of 2008-09, as originally proposed. A corresponding change was made in Section 226.731, making its provisions effective for two school years instead of just one. A new subsection (d) was added in that Section to preserve an existing provision regarding the inclusion of all children who receive either direct or indirect services in a provider's caseload.

Emphasis was added to Section 226.730(b) to ensure it will be understood that only special education classes are being discussed. In subsections (b)(1), (2), and (3), the references to the percentage of the school day for which students are "removed from the general education classroom" were replaced with references to the percentage of the school day for which students "receive special education services".
The material that had earlier been added to Section 226.730 on the subject of districts' policies for making staffing decisions (see above) was moved to a separate Section 226.735, titled "Work Load for Special Educators". The discussion of a required policy was changed to require a plan, which must be developed in cooperation with an entity's affected employees, and new Section 226.735 notes the applicability of the Illinois Educational Labor Relations Act in cases where employees are represented by an exclusive representative.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: The State Board of Education is required by the U.S. Department of Education to ensure that relevant regulations are reconciled with the reauthorized Individuals with Disabilities Education Improvement Act (IDEIA) (also referred to as "IDEA 2004"). Notably, IDEA 2004 requires that each State receiving funds "identify in writing to local educational agencies located in the State and the Secretary [of USDE] any . . . rule, regulation or policy as a State-imposed requirement that is not required by this title and Federal regulations" and "minimize the number of rules, regulations and policies to which the local educational agencies and schools located in the State are subject under this title". [20 U.S.C. § 1407(a)(1)&(3)]

As a result, a primary strategy in revising Part 226 has been to reference the federal regulations instead of parroting their language and to reserve substantive text in Part 226 for those circumstances in which a conscious decision has been made to provide more detail or to offer more protection to students with disabilities than federal law provides. Specific Illinois provisions related to transition plans, short-term measurable objectives in students' individualized education programs, case load (now "work load"), and class size are examples of these instances.

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

Elizabeth Hanselman
Special Education and Support Services 217/782-4870
Illinois State Board of Education
STATE BOARD OF EDUCATION

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100 North First Street
Springfield, Illinois  62777-0001

The full text of the Adopted Amendments begins on the next page:
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SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

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226.10 Purpose
226.50 Requirements for a Free Appropriate Public Education (FAPE)
226.60 Charter Schools
226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section
226.100 Child Find Responsibility
226.110 Evaluation Procedures
226.120 Reevaluation Identification of Needed Assessments
226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability Evaluation Requirements
226.135 Additional Procedures for Students Suspected of or Having a Cognitive Disability
226.140 Modes of Communication and Cultural Identification
226.150 Evaluation Case Study to be Nondiscriminatory
226.160 Determination of Eligibility (Repealed)
226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
226.180 Independent Educational Evaluation
226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

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226.230  Content of the IEP
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SUBPART D: PLACEMENT

Section
226.300  Continuum of Placement Options
226.310  Related Services
226.320  Service to Students Living in Residential Care Facilities
226.330  Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340  Nonpublic Placements by Parents Where FAPE is at Issue
226.350  Service to Parentally-Placed Children in Private Schools

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Section
226.400  Disciplinary Actions
226.410  Manifestation Determination Review (Repealed)
226.420  Appeals (Repealed)
226.430  Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440  Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

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226.500  Language of Notifications
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226.600 Calculation of Timelines
226.605 Request for Hearing; Basis (Repealed)
226.610 Information to Parents Concerning Right to Hearing
226.615 Procedure for Request
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226.625 Rights of the Parties Related to Hearings
226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
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226.675 Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680 Reporting of Decisions (Repealed)
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226.700 General
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226.720 Facilities and Classes
226.730 Class Size Provisions for 2009-10 and Beyond
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Section
226.800 Personnel Required to be Qualified
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226.810 Special Education Teaching Approval
226.820 Authorization for Assignment
226.830 List of Independent Evaluators
226.840 Qualifications of Evaluators

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].


SUBPART A: GENERAL

Section 226.10 Purpose

This Part establishes the requirements for the treatment of children and the provision of special education and related services pursuant to the Individuals with Disabilities Education Improvement Act (also referred to as "IDEA") ([20 USC 1400 et seq.]), its implementing regulations (34 CFR 300, as amended by 71 Fed. Reg. 46540 (August 14, 2006, no later
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amendments or editions included), and Article 14 of the School Code [105 ILCS 5/Art. 14]. This Part also distinguishes between requirements derived from federal authority and those imposed additionally pursuant to Article 14 of the School Code or the authority of the State Board of Education. The requirements of IDEA, its implementing regulations, and this Part shall apply in every instance when a child is or may be eligible for special education and related services.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)

A "free appropriate public education ("FAPE")," as defined at 34 CFR 300.17, must be made available by school districts to children with disabilities in accordance with 34 CFR 300.101 through 300.103, unless otherwise specified in this Section. Each local school district shall ensure that a free appropriate public education (FAPE) is available to each child with a disability who is between the ages of 3 and 21, resides in the State and is enrolled in the district, and requires special education and related services to address the adverse effect of the disability on his or her education. The special education and related services must be provided according to the child’s individualized education program (IEP) at no cost to the parent and in accordance with this Part. As public schools, charter schools are also bound by these requirements, and children with disabilities who attend public charter schools and their parents retain all rights under this Part.

a) As part of this obligation, each local district shall develop and implement procedures for creating public awareness of special education and related services and for advising the public of the rights of children with disabilities.

1) All such procedures shall ensure that information is made available in each of the major languages represented in the local school district and in language that will be understandable to parents, regardless of ethnic or cultural background or hearing or visual abilities.

2) Procedures developed by a district pursuant to this Section shall include, but need not be limited to:

A) Annual notification to all parents in the district regarding the special education services available in or through that district and of their right to receive a copy of this Part upon request; and
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B) An annual dissemination of information to the community served by the school district regarding the special education services available in or through the district and the rights of children with disabilities.

3) Documentation, including examples as appropriate, of the school district's efforts pursuant to this Section shall be maintained in the district's files.

b) As part of this obligation, each local school district shall comply with the requirements for identifying, locating, and evaluating all children with disabilities set forth in Section 226.100 of this Part.

c) A local school district is obligated to make FAPE available to each eligible child no later than the child's third birthday. (See Sections 226.110(d) and 226.260 of this Part.)

d) The special education services and placement that constitute FAPE for a particular child shall be identified based on the child's unique needs and not on the child's disability. These services shall address all of the child's identified needs for special education and related services.

e) The district shall provide nonacademic and extracurricular services and activities in a manner necessary to afford children with disabilities an equal opportunity to participate in those services and activities.

f) The local school district shall ensure that no delay occurs in implementing a child's IEP, including any case in which the source of payment or provision of services to the child is being determined.

g) No eligible child from three through 21 years of age may be permanently excluded from the public schools, either by direct action by the board of education, by indication of the district's inability to provide an educational program, or by informal agreement between the parents and the school district to allow the child to remain without an educational program.

1) A public agency need not provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten school days or fewer in that school year, if services are not provided to a child without disabilities who has been similarly
removed. An eligible child who has been suspended or expelled from school for more than ten school days during the school year must continue to receive services necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.

2) In providing FAPE to children with disabilities who have been suspended or expelled from school, a school district shall meet the requirements set forth in Subpart E of this Part.

Transfer Students

Provision of FAPE to students who transfer into a local school district shall be made in accordance with the requirements of 20 USC 1414(d)(2)(C). The additional requirements of this subsection (a) shall also apply.

1) In the case of an eligible student transferring into a district from another district within Illinois, when the new district obtains a copy of the student's IEP before or at the time the child is presented for enrollment:

A) The district may adopt the IEP of the former local school district without developing a new IEP if:

i) a copy of the child's current IEP is available;

ii) the parents indicate, either orally or in writing, satisfaction with the current IEP; and

iii) the new district determines that the current IEP is appropriate and can be implemented as written.

B) A district that cannot fully implement an IEP from a student's
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former district shall note in the IEP the services to be provided and shall explain what is being done to secure the remaining services, resources, or other unfulfilled portions of the IEP and how long those actions are expected to take.

B)(C) If the district does not adopt the former IEP and seeks to develop a new IEP for the child, the district shall, within ten days after the date of the child's enrollment, the district must provide written notice to the parent including the proposed date of the IEP meeting, in conformance with Section 226.530 of this Part, initiate an IEP meeting for the purpose of developing the new IEP. While the new IEP is under development, the district shall implement services comparable to those described in the IEP from the former district.

2) If the new school district does not receive a copy of the child's current IEP or a verbal or written confirmation of the requirements of that IEP from the previous school district when the child is presented for enrollment, the child shall be enrolled and served in the setting that the receiving district believes will meet the child's needs until a copy of the current IEP is obtained or a new IEP is developed by the school district.

A) In no case shall a child be allowed to remain without services during this interim.

B) The new district shall request the student's records from the sending district or school by the end of the next business day after the date of enrollment.

C) No later than ten days after expiration of the time allotted under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] for the sending district or school to forward the child's records, the new district shall initiate an IEP meeting for the purpose of developing a new IEP, unless the sending district's or school's IEP arrives before this time elapses, the student has transferred from a district within Illinois, and the new district adopts the previously held IEP and the conditions set forth in subsection (h)(1)(A) of this Section apply.
Jurisdictional Disputes
Each school district is responsible for ensuring that no eligible child for whom services are sought is denied FAPE due to jurisdictional disputes among Illinois agencies. Provision of FAPE to such a student shall not preclude a district from seeking repayment for costs incurred from any other school district or entity that is determined responsible for such costs.

Nothing in this Part relieves any participating agency of the responsibility for providing or paying for any services the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

Eligibility; Graduation or Completion of Program

1) An eligible student who requires continued public school educational experience to facilitate his or her integration into society shall be eligible for such services through age 21, inclusive (i.e., through the day before the student's 22nd birthday) (see 34 CFR 300.101(a)).

2) Students who reach age 21 during a school year shall be allowed to complete that year.

3) The provision of FAPE is not required with respect to a student with a disability who has graduated with a regular high school diploma or its equivalent.

A student with a disability who has fulfilled the minimum State graduation requirements set forth in Section 27-22 of the School Code [105 ILCS 5/27-22] satisfactorily completed a secondary program shall be eligible for a regular high school diploma.

A) If the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond that point, issuance of that diploma shall be deferred so that the student will continue to be eligible for those services.

B) If the student is to receive a regular high school diploma, at least one year prior to the student's anticipated date of its
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issuance and graduation, both the parent and the student shall receive written notification in conformance with the requirements of 34 CFR 300.503 of this Part that eligibility for public school special education services ends following the granting of a diploma and that the parent (or the student, if Section 226.690 of this Part applies) may request an IEP meeting to review of the recommendation that the student receive a regular diploma for graduation.

4)§ Students who have participated in a graduation ceremony graduated but have not been awarded regular high school diplomas continue to be eligible to receive FAPE through age 21, inclusive.

d)¶ Exception for Certain Students Incarcerated as Adults

Pursuant to 34 CFR 300.102(a)(2), the right to receive FAPE does not extend to students from 18 through 21 years of age who are incarcerated and who were not identified as eligible and did not have IEPs in their educational placements immediately prior to incarceration.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.60 Charter Schools

For purposes of the Individuals with Disabilities Education Act and this Part, charter schools established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] shall be treated either as schools within school districts or as local educational agencies in their own right.

a) When a school’s charter is issued by a local board of education pursuant to Section 27A-8 of the School Code [105 ILCS 5/27A-8], that charter school shall be considered as a school within the district over which that board of education exercises jurisdiction.

b) When a school’s charter is issued by the State Board of Education pursuant to Section 27A-9(f) of the School Code [105 ILCS 5/27A-9(f)], that charter school shall be considered as a local educational agency.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)
Section 226.75 Definitions

Assistive Technology Device: See 34 CFR 300.5. Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Behavioral Intervention: An intervention based on the methods and empirical findings of behavioral science and designed to influence a child's actions or behaviors positively.

Case Study Evaluation: See "Evaluation".

Cultural Identification: Identifying the family's general cultural factors, such as ethnicity and language spoken, that may have an impact on the design of the case study evaluation procedures used.

Date of Referral: The date on which written parental consent to complete an evaluation is obtained or provided.

Day; Business Day; School Day: See 34 CFR 300.11. A calendar day, unless otherwise indicated as "business day" or "school day".

Business Day: Monday through Friday, except for federal and State holidays (unless holidays are specifically included in the designation of business days, as at 34 CFR 300.403(d)(1)(ii)).

School Day: Any day including a partial day, during the regular school year that students are in attendance at school for instructional purposes.

Developmental Delay: See 34 CFR 300.8 and 300.111(b). Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through nine five years of age).

Disability: IDEA identifies 13 disabilities as the basis for students' eligibility for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, cognitive disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning
disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance. Any of the following specific conditions:

**Autism:** A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. (A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the other criteria of this Section are satisfied.) Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

**Deaf-Blindness:** Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**Deafness:** A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

**Emotional Disturbance (includes schizophrenia, but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance):** A condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal
relationships with peers and teachers;

Inappropriate types of behavior or feelings under normal circumstances;

A general pervasive mood of anxiety or unhappiness or depression; or

A tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment: An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness.

Mental Retardation: Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.

Multiple Disabilities: Concomitant impairments (such as mental retardation-blindness, mental retardation orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments (does not include deaf-blindness).

Orthopedic Impairment: A severe orthopedic impairment that adversely affects a child’s educational performance; includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other Health Impairment: Limited strength, vitality or alertness, including a heightened sensitivity to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

is due to chronic or acute health problems, such as asthma, attention deficit disorder or attention deficit hyperactivity disorder,
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Diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and adversely affects a child's educational performance.

Specific Learning Disability: A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage.) [105 ILCS 5/14–1.03(a)]

Speech or Language Impairment: A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

Traumatic Brain Injury: An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Visual Impairment: An impairment in vision that, even with correction, adversely affects a child's educational performance (includes both partial sight and blindness).

Domain: An aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.
Educational Performance: A student's academic achievement and ability to establish and maintain social relationships and to experience a sound emotional development in the school environment.

Eligible: Identified in accordance with this Part as having any of the disabilities defined in this Section and needing special education and related services.

Equipment (a programmatic definition, not intended to coincide with the definition of "equipment" given in the Program Accounting Manual at 23 Ill. Adm. Code 110.120): See 34 CFR 300.14.

Machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and

All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

Evaluation: See 34 CFR 300.15. A series of procedures designed to provide information about a child's suspected disability; the nature and extent of the problems that are or will be adversely affecting his/her educational development; and the type of intervention and assistance needed to alleviate these problems.

Extended School Year Services: See 34 CFR 300.106(b). Special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child's IEP and at no cost to the parents of the child and meet the requirements of Section 226.750(c) of this Part.

Functional Behavioral Assessment: An assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

General Curriculum: The curriculum adopted and/or used by a local school
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district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

IEP Team: See 34 CFR 300.23. The group of individuals enumerated in Section 226.210 of this Part, except that in three instances the team shall be expanded to include any other qualified professionals whose expertise is necessary to administer and interpret evaluation data and make an informed determination as to whether the child needs special education and related services (i.e., when identifying the specific assessments required in order to evaluate a child's individual needs; when determining whether the child is eligible pursuant to this Part; and when conducting a Manifestation Determination Review).

Independent Educational Evaluation: See 34 CFR 300.502(a)(3)(i). An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. (See Section 226.180 of this Part.)

Individualized Education Program or (IEP): See 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education. A written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with Subpart C of this Part.

Individualized Family Service Plan or (IFSP): See 34 CFR 300.24. A written plan for providing the early intervention services to a child eligible under 34 CFR 303 and the child's family.

Interim Plan: A portion of an IEP that identifies the services that will be provided as a temporary measure, either when the child's complete IEP cannot be implemented or when the parents and the district have only agreed to a portion of the services that will be needed, and that sets out the specific conditions and timelines to which both the parents and the district have agreed.

Least Restrictive Environment (LRE): See 34 CFR 300.114. The setting that permits a child to be educated with nondisabled children to the maximum extent appropriate. (See Section 226.240(c) of this Part.)

Limited English Proficient: See 34 CFR 300.27.
Native Language: See 34 CFR 300.29.

Parent: See 34 CFR 300.30. A natural or adoptive parent of a child; a guardian but not the State if the child is a ward of the State; a person acting in the place of a parent of a child (such as a grandparent or stepparent with whom a child lives); a person who is legally responsible for a child's welfare, or a surrogate parent who has been appointed in accordance with Section 226.550 of this Part. A foster parent is a "parent" when the natural parent's authority to make educational decisions on the child's behalf has been extinguished under State law and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under IDEA, and has no interest that would conflict with the interests of the child.

Participating Agency: A State or local agency, other than the local school district, that is or may be legally responsible for providing or funding services to a student who is eligible under this Part.

Personally Identifiable (with reference to information): See 34 CFR 300.32. Including the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's Social Security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) of this Part.

Qualified Personnel: Staff members or other individuals who hold the certificate, license, registration, or credential that is required for the performance of a particular task.

Qualified Bilingual Specialist: An individual who holds the qualifications described in Section 226.800(f) of this Part.

Qualified Specialist: An individual who holds the applicable qualifications described in Subpart I of this Part.

Referral: A formal procedure established by a school district which involves a
Related Services: See 34 CFR 300.34. Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes; also including school health services, social work services in schools, and parent counseling and training. (See Section 226.310 of this Part.) Related services do not include those performed by licensed physicians or dentists (except for diagnostic or evaluative services or consultation to staff), registered or licensed practical nurses (except when functioning as school nurses), or other medical personnel involved in the provision of ongoing medical care.

Special Education: See 34 CFR 300.39. Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals, in institutions, and in other settings, and including instruction in physical education.

Special School: An educational setting which is established by the local school district exclusively to meet the needs of eligible children.

Student Record: See Section 2 of the Illinois School Student Records Act [105 ILCS 10/2].

Supplementary Aids and Services: See 34 CFR 300.42. Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Transition Services: See 34 CFR 300.43. A coordinated set of activities for a student with a disability that:

Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent
living, or community participation;

Is based on the individual student's needs, taking into account the student's preferences and interests; and

Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

This Section implements the requirements of 34 CFR 300.111.

a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 CFR 300.131), including children not enrolled in the public schools, who may be eligible for special education and related services. Procedures developed to fulfill the child find this responsibility shall include:

1) An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.

2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.

3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines. Each local school district shall participate in
transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(9) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.

B) A child is considered "referred" to a school district when he or she is identified in writing by staff of an early intervention program pursuant to 34 CFR 303. Such a referral is effective no later than 60 school days prior to the child's third birthday, regardless of the date on which the notification takes place. (See Section 226.260 of this Part.)

4) Coordination and consultation with nonpublic schools located within the district that results in child-find activities comparable to those affecting students in the public schools. Costs of child-find and evaluation activities may not be considered as part of the expenditures used by the district to meet its obligation under 34 CFR 300.453(a).

b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for referral and evaluation set forth in this Subpart B shall apply.

c) Each school district shall be responsible for ensuring that the confidentiality requirements of 34 CFR 300.560–300.577, 105 ILCS 10/4(a), 23 Ill. Adm. Code 375, and Section 226.740 of this Part apply to all data used to meet the Child Find requirement.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.110 Evaluation Procedures Referral

Procedures for requesting and conducting initial evaluations of children who are suspected of requiring special education and related services shall conform to the requirements of 34 CFR 300.301, 300.304, 300.305, and 300.306. For purposes of this Section, the "date of referral" discussed in Section 14-8.02 of the School Code shall be understood to be the date of written parental consent for an evaluation, and screening procedures done in accordance with 34 CFR 300.302 shall not be considered an evaluation. Consent for the initial evaluation shall be
When there is reason to believe that a child may have a disability requiring special education and related services, the child shall be referred for a special education case study evaluation.

a) **Referral Procedures for Requesting an Initial Evaluation**

Each school district shall develop and make known to all concerned persons procedures by which an evaluation may be requested. These procedures shall:

1) Designate the steps to be taken in making a request for an evaluation;

2) Designate the person(s) to whom a request may be made;

3) Identify the information that must be provided;

4) Provide any assistance that may be necessary to enable persons making referrals to meet any related requirements established by the district; and

5) Identify the process for providing the parents with notice of their rights with respect to procedural safeguards.

b) A request may be made by a parent of a child or by an employee of a State educational agency, another State agency, a local educational agency, or any concerned person, including but not limited to school district personnel, the parent(s) of a child, an employee of a community service agency, another professional having knowledge of a child's problems, a child, or an employee of the State Board of Education.

c) **District's Response to Request**

1) The school district shall be responsible for processing the request, deciding what action should be taken, and initiating the necessary procedures.

2) To determine whether the referred child requires an evaluation, the district may utilize screening data and conduct preliminary procedures such as
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observation of the child, assessment for instructional purposes, consultation with the teacher or other individual making the request, referring agent, and a conference with the child.

3) Within 14 school days after receiving a request for an evaluation, the district shall determine whether an evaluation is warranted or not to conduct a case study evaluation and notify the referring party and the parent of the decision and the basis on which it was reached. If the district determines not to conduct an evaluation, it shall provide written notice to the parents in accordance with 34 CFR 300.503(b). If an evaluation is to be conducted:

A) The district shall convene a team of individuals (including the parent) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.

B) The team shall identify the assessments necessary to complete the evaluation in accordance with 34 CFR 300.305 and shall prepare a written notification for the parents as required under 34 CFR 300.304(a). For each domain, the notification shall either describe the needed assessments or explain why none are needed.

C) The district shall ensure that the notification of the team's conclusions is transmitted to the parents within the 14-school-day timeline applicable under this subsection (c)(3), along with the district's request for the parents' consent to conduct the needed assessments.

d) Upon completion of the assessments identified pursuant to subsection (c)(3) of this Section, but no later than 60 school days following the date of written consent from the parent to perform the needed assessments, the determination of eligibility shall be made and the IEP meeting shall be completed. If the district decides to conduct an evaluation, parental consent must be obtained.

1) Pursuant to Section 14-8.02 of the School Code [105 ILCS 5/14-8.02], the case study evaluation and IEP meeting shall be completed within 60 school days after the date of referral or the date of the parent's application.
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for admittance of the child to the public school.

2) The IEP meeting shall be conducted within 30 days after the child is determined eligible. The overall limit specified in subsection (d)(1) of this Section still applies.

3) When a child is referred for evaluation with fewer than 60 days of pupil attendance left in the school year, the eligibility determination shall be made and, if the child is eligible, an IEP shall be in effect prior to the first day of the next school year.

e) If the parent refuses consent for initial evaluation, the district may continue to pursue the evaluation by using the mediation or due process procedures described in Section 226.560 and Subpart G of this Part.

e(f) At the conclusion of the meeting convened pursuant to subsection (d) of this Section, the team shall prepare a report describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child's eligibility. This description shall relate the information considered to the child's needs and shall further conform to the requirements of Section 226.130 of this Part if applicable. The IEP Team's report shall also include:

1) the date of the meeting; The referring party shall be provided written notice of the district's decision not to conduct an evaluation and, subject to the requirements of the Illinois School Student Records Act [105 ILCS 10] and 23 Ill. Adm. Code 375 (Student Records), the reasons for that decision; and

2) the signatures of the participants, indicating their presence at the meeting; and

The parent shall be provided written notice of:

A) The date of the referral and the reasons for which the case study evaluation was requested; and

B) The reasons for which the district decided not to conduct a case study evaluation.
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3) any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team's report.

f) The school district shall provide a copy of the IEP Team's report to the parent at the conclusion of the team's meeting. In addition, the district shall provide to the parent, within ten school days after the meeting, written notice conforming to the requirements of Section 226.520 of this Part as to the eligibility determination reached with respect to the child. The parent shall also be entitled to receive copies of any evaluation reports upon request.

g) A copy of the IEP Team's report, together with all documentation upon which it is based, shall become a part of the child's temporary student record.

h) If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed. For example, the use of a translator when a qualified bilingual specialist is not available may create nonstandard conditions.

i) If any needed portion of the evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the district shall note the missing portions in the child's evaluation report and state the reasons why those portions could not be completed.

j) In the event that the student is determined to be eligible for special education and related services pursuant to the procedures described in subsections (d) and (e) of this Section, the IEP meeting shall be conducted within 30 days after the date of that determination.

k) If a district refuses or fails to conduct an evaluation, the parent of the child in question (or the student, if Section 226.690 of this Part applies) may appeal such refusal or failure in an impartial due process hearing.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)
Section 226.120  Reevaluations Identification of Needed Assessments

Procedures for the completion of reevaluations of children for whom special education and related services are currently being provided shall conform to the requirements of 34 CFR 300.303, 300.304, 300.305 and 300.306, as well as the relevant provisions of Section 226.110 of this Part.

Each school district shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services. An evaluation shall cover all domains (see Section 226.75 of this Part) that are relevant to the individual child under consideration. The IEP Team shall determine the specific assessments needed to evaluate the individual needs of the child.

a) The IEP Team that identifies the assessments and procedures needed must have the knowledge and skills necessary to interpret the resulting evaluation data and make an informed determination as to whether the child needs special education and related services. The composition of the team will vary depending upon the nature of the child's suspected disability and other relevant factors.

b) The IEP Team shall review and evaluate existing information about the child, including:

1) Information from a variety of formal and informal sources, including information provided by the child's parents;

2) Current classroom-based assessments and observations;

3) Observations by teachers and providers of related services;

4) Information provided by the child; and

5) Information from specialized evaluations such as those performed by independent evaluators, medical evaluators, behavioral intervention specialists, bilingual specialists, etc.

c) The team may conduct its review without a meeting.

d) The team shall determine what additional evaluation data are needed in each of the relevant domains, and from what sources that information should be obtained,
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in order for the team to determine:

1) Whether the child has, or continues to have, one or more of the disabilities defined in Section 226.75 of this Part;

2) The present levels of performance and educational needs of the child;

3) Whether the disability is adversely affecting the child's education;

4) Whether the child needs (or continues to need) special education and related services; and

5) Whether any additions or modifications to the child's special education and related services are needed to enable the child to meet the goals set out in his or her IEP and to participate appropriately in the general curriculum.

e) If the IEP Team identifies the need for additional evaluations, the school district shall administer or arrange for such tests and other evaluation procedures as may be needed to produce the needed information.

f) If the IEP Team determines that no additional information is needed, the district shall provide written notice to the child's parents of:

1) the determination and the reasons for it; and

2) the parents' right to request an assessment to determine whether the child is or continues to be eligible for special education and related services.

g) Within ten school days after a parent requests an assessment pursuant to subsection (f)(2) of this Section the district shall either:

1) Notify the parent that it will conduct the assessment and make the necessary arrangements; or

2) If the district does not wish to conduct the assessment, request a due process hearing or notify the parent (in keeping with the requirements of Section 226.520 of this Part) of his or her right to request a due process hearing.
The IEP Team shall document its evaluation decisions, the basis for the determination made in each domain, and its decisions under subsections (d) and (f) of this Section. This information shall be provided to the parents in the form of a written notice in accordance with Section 226.520 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability Evaluation Requirements

a) In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall adhere to the procedures set forth at 34 CFR 300.307, 300.308, 300.309, 300.310, and 300.311 when evaluating a student who is suspected of, or who has previously been identified as having, a specific learning disability as described in 34 CFR 300.8.

b) Provided that the requirements of this subsection (b) are met, each district shall, no later than the beginning of the 2010-11 school year, implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. When a district implements the use of a process of this type, the district shall not use any child's participation in the process as the basis for denying a parent's request for an evaluation.

1) No later than January 1, 2008, the State Superintendent of Education shall, in consultation with the statewide teacher organizations, statewide school management organizations, and State Advisory Council on Education of Students with Disabilities, prepare and disseminate a plan outlining the nature and scope of the professional development that is necessary to permit implementation of a process of this type and describing any additional activities or resources that the Superintendent finds to be essential.

2) The plan shall quantify the estimated cost of the professional development and other necessary resources and shall identify sources of funding that are or may become available to the State Superintendent for these purposes.

3) The plan shall include:
A) a method of identifying school districts that are less able than others to implement a process of the required type without technical or financial assistance from the State;

B) a timeframe for the provision of training, other technical assistance and materials, or financial resources for related purposes that demonstrates the State Superintendent's best efforts to secure and provide relevant support to districts; and

C) a method of allocating resources that affords first consideration to districts that may otherwise be unable to implement a process of the required type without diverting necessary support from other aspects of the educational program.

c) No later than January 1, 2009, each district shall develop a plan for the transition to the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. Each district's plan shall identify the resources the district will devote to this purpose and include an outline of the types of State-level assistance the district expects to need, with particular reference to the professional development necessary for its affected staff members to implement this process. The transition plan developed pursuant to this subsection (c) may be incorporated into a district's district improvement plan (see 23 Ill. Adm. Code 1.85(b)) if one exists.

d) In addition to using an identification process of the type required by subsection (b) of this Section, a district may use a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

Each local school district shall establish written procedures to ensure that the following requirements are met:

a) Tests and other materials used to evaluate a child:

1) Shall be selected and administered so as not to be discriminatory on a racial or cultural basis;
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2) Shall be provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

3) Shall be technically sound and designed to assess the relative contributions of cognitive, behavioral, physical, and developmental factors; and

4) Shall be used in a manner consistent with the instructions provided by their publishers.

b) A variety of assessment tools and strategies shall be used by qualified specialists who are trained and knowledgeable and shall be used to gather relevant functional and developmental information about the child. The assessment shall include information provided by the parent that may assist in determining:

1) Whether the child is eligible for special education and related services; and, if so,

2) The content of the child's IEP or IFSP, including information related to enabling the child to be involved in and progress in the general curriculum or, if in preschool, to participate in appropriate activities.

c) When a student is suspected of having a specific learning disability, an observation shall be conducted in accordance with Section 226.170 of this Part.

d) Any standardized test that is administered shall:

1) Have been validated for the specific purpose for which it is used; and

2) Be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the test.

e) Tests and other evaluation materials shall be tailored to assess specific areas of educational need and may not be merely those that are designed to provide a single general intelligence quotient.

f) Tests shall be selected and administered so as to ensure that, if they are administered to a child with impaired sensory, motor or communication skills, the results of each test accurately reflect the factors that test purports to measure.
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g) No single procedure and no single individual shall be used as the sole criterion or evaluator for determining whether a child is eligible pursuant to this Part or for identifying an appropriate educational program for a child.

h) The school district shall use assessment tools and strategies that provide relevant information and are sufficiently comprehensive to assist in identifying all of the child's needs for special education and related services, whether or not commonly linked to the disability according to which the child has been classified.

i) If an assessment is conducted under nonstandard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determine whether additional assessments are needed. For example, the use of a translator when a qualified bilingual professional is not available may create nonstandard conditions.

j) If any needed portion of a case study evaluation cannot be completed due to lack of parental involvement, religious convictions of the family, or inability of the child to participate in an evaluative procedure, the district shall note the missing portion(s) in the child's evaluation report and state the reason(s) why such portion(s) could not be completed.

k) Each individual conducting a portion of a child's evaluation shall be qualified in accordance with Section 226.840 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.135 Additional Procedures for Students Suspected of or Having a Cognitive Disability

In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall ensure that a psychological evaluation has been conducted and a recommendation for eligibility made by a school psychologist for any child who is suspected of or determined to have a cognitive disability.

(Source: Added at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.140 Modes of Communication and Cultural Identification
Before a child is given an case study evaluation, the local school district shall ensure compliance with the requirements of Section 14-8.02 of the School Code by determining the primary language of the child's home, general cultural identification, and mode of communication.

a) Determination of the child's language use pattern and general cultural identification shall be made by determining the language(s) spoken in the child's home and the language(s) used most comfortably and frequently by the child.

b) If the child has a non-English-speaking background, a determination shall be made of his or her proficiency in English. Such a determination shall be conducted in accordance with the provisions of 23 Ill. Adm. Code 228 (Bilingual Education), which specifies the assessment procedures and eligibility criteria for bilingual education programs (see 23 Ill. Adm. Code 228.15).

c) Determination of the child's mode of communication shall be made by assessing the extent to which the child uses expressive language and the use he or she makes of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for expressive language.

d) The child's language use pattern, proficiency in English, mode of communication, and general cultural identification shall be noted in the child's temporary student record, and this information shall be used in the evaluation and in the development and implementation of the individualized education program.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.150 Evaluation Case Study to be Nondiscriminatory

Each evaluation shall be conducted so as to ensure that it is linguistically, culturally, racially, and sexually nondiscriminatory with respect to language, culture, race, and gender. (See also 34 CFR 300.304(c)).

a) The language(s) used to evaluate a child shall be consistent with the child's primary language of the home or other mode of communication. (See Section 226.140 of this Part.) If the language use pattern involves two or more languages or modes of communication, the child shall be evaluated by qualified
specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the child. The provisions of subsections (b) and (c) of this Section shall apply when a qualified bilingual specialist is needed but unavailable.

b) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall use an individual who possesses the professional credentials required under Section 226.840 of this Part to complete the specific components of the evaluation. This qualified specialist shall be assisted by a certificated school district employee or other individual who has demonstrated competencies in the language of the child.

c) If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another individual as provided in subsection (b) of this Section are unsuccessful, the district shall conduct assessment procedures which do not depend upon language. Any special education resulting from such alternative procedures shall be reviewed annually until the student's proficiency is determined no longer to be limited pursuant to 23 Ill. Adm. Code 228 (Transitional Bilingual Education; see Section 228.15).

d) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture.

e) If the child's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, the district shall utilize test instruments and procedures that do not stress spoken language and one of the following:

1) Visual communication techniques in addition to auditory techniques.

2) An interpreter to assist the evaluative personnel with language and testing.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.160 Determination of Eligibility (Repealed)

Each school district shall develop written eligibility criteria that comply with the definitions of the disability categories identified in Section 226.75 of this Part.
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a) Upon completing the administration of tests and any other evaluation procedures, the IEP Team shall meet to interpret the evaluation data. This shall be done for the purpose of determining whether the child is eligible for special education and related services. In making this determination, the IEP Team shall:

1) Draw upon information from a variety of sources, including aptitude and achievement tests, parental input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2) Ensure that information obtained from all of these sources is documented and considered; and

3) Ensure that a psychological evaluation has been conducted and a recommendation for eligibility has been made by a school psychologist for all children determined mentally impaired.

b) A child may not be determined eligible under this Part if the determinant factor for that determination is lack of instruction in reading or math or limited English proficiency and the child does not otherwise meet the district’s eligibility criteria.

c) At the conclusion of the IEP Team’s meeting, the team shall prepare a report describing its consideration of pre-existing information about the child, all new evaluation reports obtained, and any other information relevant to the decision about the child’s eligibility. This description shall relate the information considered to the child’s needs and shall further conform to the requirements of Section 226.170(d) of this Part if applicable. The team’s report shall also include:

1) the date of the meeting;

2) the signatures of the participants, indicating their presence at the meeting; and

3) any separate written statement provided by a participant who wishes to be on record as disagreeing with the conclusions expressed in the team’s report.

d) The school district shall provide a copy of the IEP Team’s report to the parent at the conclusion of the team’s meeting. In addition, the district shall provide to the parent, within ten school days after the meeting, written notice conforming to the
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requirements of Section 226.520 of this Part as to the eligibility determination reached with respect to the child. The parent shall also be entitled to receive copies of any evaluation reports upon request.

e) A copy of the IEP Team’s report, together with all documentation upon which it is based, shall become a part of the child’s temporary student record.

f) If a child is determined eligible for special education and related services, an IEP shall be developed in accordance with Subpart C of this Part.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)

The determination of the existence of a specific learning disability shall be conducted in accordance with the requirements set forth in the federal regulations at 34 CFR 300.541-543.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.180 Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation of their child at public expense in accordance with 34 CFR 300.502 and Section 14-8.02(b) of the School Code, subject to the provisions of this Section. The following rights and requirements shall also apply.

a) The district shall provide to the parents, upon their request, the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part. b) If the parents disagree with the district’s evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local school district superintendent they shall submit to the local school district superintendent a written request to that effect.

e) If the district disagrees with the need for an independent educational evaluation, it shall initiate a due process hearing to demonstrate that its evaluation is appropriate. Such a hearing must be initiated by the local school district within five days following receipt of a written parental request for an independent educational evaluation.
d) An independent educational evaluation at public expense must be completed within 30 days after receipt of a parent’s written request, unless the school district initiates a due process hearing or the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party’s agreement, the district shall initiate a due process hearing within ten school days after the date on which the extension was proposed.

e) If the final decision of the hearing and review process is that the school district’s evaluation is appropriate, the parents shall have the right to an independent educational evaluation, but not at public expense.

f) If the school district’s evaluation is shown to be inappropriate, the district shall pay for the independent educational evaluation or reimburse the parents for the cost of the evaluation.

g) If the parent is entitled to an independent educational evaluation at public expense, it shall be completed within 30 days after the decision is rendered, unless the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party’s agreement, the school district shall initiate a due process hearing within ten school days after the date on which the extension was proposed.

b|h) When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:

1) an individual whose name is included on the list of independent educational evaluators developed by the State Board of Education pursuant to Section 226.830 of this Part provided by the State Board of Education with regard to the relevant type(s) of evaluation; or

2) another individual possessing the credentials required by Section 226.840 of this Part.

c)i) If the parent wishes an evaluator to have specific credentials in addition to those required by Section 226.840 of this Part, the parent(s) and the school district shall agree on the qualifications of the examiner and the specific evaluation(s) to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the
school district shall initiate a due process hearing subject to the time constraints set forth in this Section, as applicable.

j) The conditions under which an independent evaluation is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, shall meet the criteria that the public agency uses when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an independent evaluation. Although the district may ask the parent to specify the areas of disagreement with the local school district's evaluation, the district may not impose any additional conditions or timelines related to obtaining an independent educational evaluation at public expense (such as requiring the parent to specify the areas of disagreement).

d)k) If the parent obtains an independent educational evaluation, the written result of that evaluation shall be considered by the IEP Team. The district shall send the notice convening the IEP Team's meeting within ten days after receiving the evaluation report of an evaluation conducted at public expense. In the case of an evaluation conducted at private expense, the district shall send the notice within ten days after the parent requests a meeting to consider the results of an independent evaluation.

1) The district shall consider the results in any decision made with respect to the provision of a free appropriate public education to the child.

2) The independent evaluation results may be presented as evidence at a hearing or review regarding the child pursuant to this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.190 Reevaluation (Repealed)

a) A local school district shall reevaluate an eligible child whenever conditions warrant a reevaluation or the child's parent or teacher requests a reevaluation, but at least once every three years. Reevaluations are subject to the applicable requirements of Sections 226.110 through 226.180 of this Part.

b) A district shall reevaluate an eligible child before determining that the child is no longer eligible pursuant to this Part.
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c) A reevaluation is not required for a student who graduates from high school with a regular high school diploma or its equivalent or attains the age of 21. (See Section 226.50(k)(4) of this Part.)

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.200 General Requirements

Each school district shall provide special education and related services to eligible children in accordance with their IEPs.

a) An IEP shall be in effect before special education and related services are provided to an eligible child.

b) Any activity undertaken with respect to a child's IEP (such as developing or revising the goals, benchmarks, short-term objectives, services, or placement) shall be conducted by an IEP Team that conforms to the requirements of Section 226.210 of this Part.

c) Each school district shall have an IEP in effect for each eligible child within its jurisdiction at the beginning of each school year.

1) When an IEP is developed or revised, notice to the parents shall be provided immediately in accordance with Section 226.520 of this Part, and implementation of the IEP shall occur no later than ten days after the provision of such notice.

2) A school district shall provide special education and related services to eligible children in accordance with their IEPs. The district and teachers shall make efforts in good faith to assist children in achieving the goals and objectives or benchmarks listed in their IEPs. However, an IEP does not constitute a guarantee by a school district or teachers that a child will progress at a specified rate.

3) If a participating agency other than the local school district fails to provide transition services required by an IEP, the school district shall convene an IEP meeting to identify alternative strategies for meeting the applicable
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transition objectives established in the child's IEP.

d) A child's IEP shall be reviewed at least annually to determine whether the goals for the child are being achieved.

e) Either a child's teacher or a child's parent may request the review of the child's IEP at any time. Within ten days after receiving such a request, the district shall either agree and notify the parent in accordance with Section 226.530(b) of this Part or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.

f) A child's IEP shall be revised if necessary to address:

1) any lack of expected progress related to the annual goals or the general curriculum, if appropriate;

2) the child's anticipated needs;

3) information about the child provided to or by the parents; or

4) any other relevant matters.

g) Each district shall have procedures in place for providing to involved staff members the information they need about the results of a child's IEP meeting, including any responsibilities they will have for implementation of the IEP.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.210 IEP Team

The composition of the IEP Team for a particular child, and the participation, attendance, and excusal of the team members and other individuals in the IEP meeting, shall conform to the requirements of 34 CFR 300.321, 300.322, 300.324, and 300.325 this Section. The additional requirements of this Section shall also apply.

a) The general education teacher who serves as a member of a child's IEP Team shall be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to instruct the child. The child's parents shall be members of the IEP Team.
b) For a child age three through five years who has not yet entered the primary grades, the team shall include an individual qualified to teach preschool children without identified disabilities. The IEP Team shall include at least one regular education teacher if the child is participating or may participate in the regular education environment.

1) This should be the teacher who is or may be responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child. The responsibilities of this teacher shall include assisting in:

A) the determination of appropriate positive behavioral interventions and strategies for the child; and

B) the identification of supplementary aids and services, program modifications, and supports for school personnel, consistent with 34 CFR 300.347(a)(3).

2) If the child does not have a regular teacher but is anticipated to receive at least some instruction in the regular education setting, the team shall include a regular classroom teacher qualified to teach children of that age.

3) For a child of less than school age, the team shall include an individual qualified to teach preschool children.

c) The team shall include at least one special education teacher. If known, this shall be the person who is or will be responsible for implementing a portion of the child’s IEP. If the child is receiving only speech and language services, the speech and language pathologist shall fulfill the role of the special education teacher set forth at 34 CFR 300.321(a)(3).

d) The representative of the public agency required by 34 CFR 300.321(a)(4) must, in addition to the requirements set forth in that portion of the federal regulations, have If the child has more than one regular or special education teacher, the local school district may designate which teacher(s) will participate. e) The IEP Team shall include a representative of the local school district who: 1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; 2) Is knowledgeable about the general
The IEP Team shall include a qualified bilingual specialist or bilingual teacher, if the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to the child's instructional needs. If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall instead meet the requirements set forth in Section 226.150(b) of this Part.

In the case of a child whose behavior impedes his or her learning or the learning of others, the team may include a person knowledgeable about positive behavior strategies, who may be one of the individuals enumerated in subsections (b) through (f) and (h) of this Section.

The IEP Team shall include an individual who is qualified to interpret the instructional implications of the evaluation results, who may be one of the individuals enumerated in subsections (b) through (g) of this Section.

In the case of a student for whom transition services must be planned, the district shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If a public agency invited to send a representative to a meeting does not do so, the district shall document other steps taken to obtain participation of that agency in the planning of any transition services.

Participation of Student

1) Either the district or the parent may invite the student who is the subject of the IEP meeting to attend.

2) The district shall invite the student when a purpose of the meeting is to plan for transition services needed by the student. The notice to the student shall conform to the requirements of Section 226.520(b)(8) of this Part. If the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.

3) The district shall invite the student and the parent when Section 226.690
of this Part applies. The student's absence from the IEP meeting shall be subject to the provisions for parental participation set forth in Section 226.530 of this Part.

k) At the discretion of the parent (or the student, if applicable) or the district, the IEP Team shall include other individuals with knowledge or special expertise regarding the child, including providers of related services.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.220 Factors in Development, Review, and Revision of the IEP

The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply. In developing a child's IEP, the IEP Team shall consider the strengths of the child and the concerns of the parents for enhancing the child's education, as well as the results of the most recent valid evaluation and any available assessment information that may be useful. If the IEP Team determines that one or more of the factors described in this Section could impede learning or that the child needs a particular device or service (including an intervention, accommodation, behavioral intervention or strategy, or other program modification or support for school personnel) in order for the child to receive FAPE, these needs shall be documented in the IEP.

a) When an IEP has been developed or revised, a notice in accordance with 34 CFR 300.503(b) and (c) shall be provided immediately to the parents, and implementation of the IEP shall occur no later than ten days after the provision of this notice. The team shall consider whether the child requires assistive technology devices and services.

b) Either a child's educational provider or a child's parent may request an IEP meeting at any time. Within ten days after receipt of such a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child. The team shall consider whether the child has any special needs related to communication.

c) In the case of a child of limited English proficiency, the team shall consider the language-related needs of the child.

d) In the case of a child who is deaf or hard of hearing, the team shall consider the
child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and mode of communication, academic level, and full range of needs, including opportunities for direct instruction in the child's language and mode of communication.

e) In the case of a child whose behavior impedes his or her learning or the learning of others, the team shall consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

f) In the case of a child who is visually impaired, the team shall consider whether instruction in Braille and/or the use of Braille will be necessary. To omit or discontinue Braille instruction or use requires an evaluation of the child's reading and writing skills and needs and a determination by the IEP Team that Braille is not appropriate.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.230 Content of the IEP

The content of each child's IEP shall conform to the requirements of 34 CFR 300.320. The additional requirements of this Section shall also apply. Nothing in this Section shall be construed to require the inclusion of information in one section of a child's IEP that is already contained in another section.

a) Each IEP shall include: all the components enumerated in this subsection (a).

1) A statement of the child's present levels of educational performance, including: A) How the child's disability affects the child's involvement and progress in the general curriculum; or B) For a preschool child, how the disability affects the child's participation in appropriate activities. 2) A statement of measurable annual goals that reflect consideration of the State Goals for Learning and the Illinois Learning Standards (see 23 Ill. Adm. Code 1), as well as benchmarks or short-term objectives developed in accordance with the child's present levels of educational performance, related to:

A) Meeting the child's needs that result from the child's disability, to enable the child to be involved in and progress in the general
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curriculum or, for preschool children, to participate in activities appropriate to the child's age; and

B) Meeting each of the child's other educational needs that result from the child's disability.

3) A description of how the child's progress toward his or her annual goals will be measured and of how the parent(s) will be informed of the child's progress. This description shall include a statement of the child's ability to participate in classroom-based assessments and what accommodations are necessary, if any. If the child is unable to participate even with accommodations, a description of the alternative assessment(s) and/or method(s) to be used shall also be provided.

A) Parents of children with disabilities shall be informed of their children's progress at least as often as parents of children without disabilities are informed of their children's progress.

B) The information provided to the parents of a child served pursuant to this Part shall include a description of the child's progress toward his or her annual goals and an indication of the extent to which that progress is sufficient to enable the child to achieve those goals by the time the current IEP will require annual review.

2) A statement regarding of the child's ability to participate in State and district-wide assessments.

A) This statement must describe any individual accommodations that are needed in order for the child to participate in a given assessment.

B) If the IEP Team determines that the child will not participate in a particular assessment of student achievement (or part of an assessment), a statement as to:

i) Why that assessment is not appropriate for the child; and

ii) How the child's performance will be assessed, including a description of the alternate assessments to be used.
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3) A statement as to the language(s) or mode(s) of communication in which special education and related services will be provided, if other than or in addition to English.

6) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular education class and in extracurricular and other nonacademic activities.

7) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided in order for the child:

   A) To advance appropriately toward attaining the annual goals;

   B) To be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities.

8) The projected beginning date for the services and modifications described in subsection (a)(7) of this Section; the amount, frequency, location, and duration of each of the services and modifications.

4) A statement as to whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE ("extended school year services") and, if so, a description of those services that includes their amount, frequency, duration, and location.

10) The placement that the team has determined to be appropriate for the child.

b) The IEP of a student who requires a behavioral intervention plan shall:

1) Summarize the findings of the functional behavioral assessment;

2) Summarize prior intervention(s) implemented;

3) Describe any behavioral intervention(s) to be used, including those aimed at developing or strengthening alternative or more appropriate
behaviors;

4) Identify the measurable behavioral changes expected and methods(s) of evaluation;

5) Identify a schedule for a review of the interventions' effectiveness; and

6) Identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.

c) Beginning not later than the first IEP to be in effect when the child turns 14½, and updated annually thereafter, the IEP shall include: The IEP for a student who has reached the age of 14 shall also include a description of the student's transition service needs under the applicable components of the IEP, with specific reference to the student's courses of study.

1) appropriate, measurable, postsecondary goals based upon age-appropriate assessments related to employment, education or training, and, as needed, independent living;

2) the transition services that are needed to assist the child in reaching those goals, including courses of study and any other needed services to be provided by entities other than the school district; and

3) any additional requirements set forth in Section 14-8.03 of the School Code [105 ILCS 5/14-8.03].

d) For purposes of 34 CFR 300.320(c), the age of majority under Illinois law is 18. The IEP for a student who has reached the age of 14½ shall include goals for employment, postsecondary education, or community living alternatives and a description of transition supports or services, based on the student's needs, including identification of the agency responsible for delivering any needed support or service and, as applicable, any interagency responsibilities or needed linkages. e)The IEP for a student who has reached the age of 17 shall include documentation indicating that the student has been informed of the rights under the Individuals with Disabilities Education Act that will transfer to the student when he or she reaches the age of 18. f) The IEP of a student who may, after reaching age 18, become eligible to participate in the home-based support services
program for mentally disabled adults with cognitive disabilities that is authorized by the Developmental Disability and Mental Disability Services Act [405 ILCS 80] shall set forth specific plans related to that program that conform to the requirements of Section 14-8.02 of the School Code.

g) Students Incarcerated as Adults

1) The IEP of a student incarcerated as an adult is not required to comply with:

A) The requirements of subsection (a)(4) of this Section regarding assessment; and

B) The requirements of subsections (c) and (d) of this Section regarding planning for the transition to adult life and services to assist with that transition, if the student's eligibility for special education will end before he or she will be eligible to be released from prison.

2) The IEP Team may modify a student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements of Section 226.240(c) of this Part regarding placement in the least restrictive environment shall not apply in these circumstances.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.240 Determination of Placement

The determination of placement shall conform to the requirements of 34 CFR 300.114 through 300.116, 300.327, and 300.501(c), and the IEP Team shall take into consideration the student's eligibility for other educational programs and services such as bilingual education, career and technical education, gifted education, and federal Title I programs. a) The placement determination shall be made by the IEP Team. b) The placement determination shall be consistent with the child's IEP. c) The placement determination shall provide the least restrictive environment for the child. 1) To the maximum extent appropriate, each child, including children in public or nonpublic residential facilities, shall be educated with children who are nondisabled. 2) Special education classes, separate schooling, or other removal of children with disabilities from the regular education environment shall occur only if the nature or severity of the disability...
is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 3) Each child's placement shall be as close as possible to his or her home. 4) Unless the IEP requires some other arrangement, a child shall be educated in the school he or she would attend if not disabled. 5) Consideration shall be given to the possible harmful effect of a placement on the child or on the quality of services received. 6) A child shall not be removed from an age-appropriate regular classroom solely because of needed modifications in the general curriculum. d) The placement decision shall, to the maximum extent appropriate, permit the child to participate in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the district). e) The placement determination shall be reviewed at least annually or any time the IEP is revised.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.250 Child Aged Three Through Five

In the case of an eligible child three through five years of age, an IFSP that contains the material described in 34 CFR 300.323(b) 20 USC 1436 may serve as a child's IEP if using that plan is agreed to by the local school district and the child's parents. If a district proposes to use an IFSP, the local school district shall:

a) Provide a detailed explanation of the differences between an IFSP and an IEP to the child's parents;

b) Obtain informed, written consent from the parents for the use of the IFSP; and

c) **Ensure that the IFSP shall be** developed in accordance with the IEP requirements found in Subpart C Sections 226.200 through 226.230 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.260 Child Reaching Age Three

a) Child with an **Individualized Family Service Plan (IFSP)**

For each child who will be making the transition from an early intervention program into the special education program of a school district at age three, the district shall ensure that either an IEP or the child's IFSP is in effect on his or her third birthday. A representative of the school district shall participate in the transition meeting scheduled by the early intervention team.
b) Child Without an IFSP

1) For each child who is referred to a school district at least 60 school days prior to his or her third birthday and determined eligible, the district shall ensure that either an IEP or an IFSP is in effect on his or her third birthday.

2) For each child who is referred with fewer than 60 school days remaining before his or her third birthday, or after that date, and determined to be eligible, the district shall comply with the requirements of Section 226.110(c)-(j) of this Part.

c) If a child's third birthday occurs during the summer, the IEP Team for that child shall determine when the district's services to the child will begin.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART D: PLACEMENT

Section 226.300 Continuum of Placement Options

Each local school district shall, in conformance with the requirements of 34 CFR 300.39 and 300.115, ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services. With respect to the home instruction and instruction in hospitals and institutions referenced in 34 CFR 300.39 and 300.115; the continuum shall include at least the following.

a) Regular Classes

The child receives his or her basic educational experience through instruction in regular classes. However, these experiences are supplemented through:

1) Additional or specialized instruction from the teacher;

2) Consultation to and with the teacher by providers of special education and related services;

3) Provision of special equipment, materials, and accommodations;
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4) Modification in the instructional services (e.g., multi-age placement, expectations, grading, etc.);

5) Modification of curricular content or educational methodology; or

6) Other supplementary services, such as itinerant or resource services, in conjunction with the regular class placement.

b) Special Classes

The child receives specially designed instruction through a special education class. The child is included in those parts of regular classes which are appropriate.

c) Special Schools

The child receives specially designed instruction in a special school. The child is included in those parts of regular classes which are appropriate.

d) Home/Hospital Services

The child receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition.

b) When an eligible student has a medical condition that will cause an absence for two or more consecutive weeks of school or ongoing intermittent absences, the IEP Team for that child shall consider the need for home or hospital services. Such consideration shall be based upon a written statement from a physician licensed to practice medicine in all its branches which specifies:

1) the child's condition;

2) the impact on the child's ability to participate in education (the child's physical and mental health-level of tolerance for receiving educational services); and

3) the anticipated duration or nature of the child's absence from school.

c) If an IEP Team determines that home or hospital services are medically
necessary, the team shall develop or revise the child's IEP accordingly.

d) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week.

e) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.

f) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.

g) Services required by the IEP shall be implemented as soon as possible after the district receives the physician's statement.

e) State Operated or Nonpublic Programs

The child is served in a State operated or nonpublic facility because his or her disabilities are so profound or complex that no services offered by the public schools can meet his or her needs.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.310 Related Services

Each school district shall ensure that related services (defined in 34 CFR 300.34) are provided if necessary to assist an eligible child in benefiting from his or her special education. The related services that will be provided to a particular child shall be described in the IEP in conformance with the requirements of Section 226.230(a)(7) and (8) of this Part. The most commonly provided related services include assistive technology; audiology; counseling services; early identification and assessment of disabilities; diagnostic medical services; occupational therapy; orientation and mobility services; parent counseling and training; physical therapy; recreation; rehabilitation counseling; school health services; school psychological services; school social work services; special readers, braillists, typists, and interpreters; speech-language pathology services; transition services; transportation; and vocational education.
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a) Assistive Technology: Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device as defined in Section 226.75 of this Part. Examples include:

1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for children with disabilities;

3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

5) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

6) Training or technical assistance for individuals providing education or rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a student with a disability.

b) Audiology includes such services as:

1) Identification of children with hearing loss;

2) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

3) Provision of habilitative activities such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation;

4) Creation and administration of programs for the prevention of hearing loss;
5) Counseling and guidance for pupils, parents, and teachers regarding hearing loss; and

6) Determination of a child’s need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

e) Occupational Therapy:

1) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

2) Improving ability to perform tasks for independent functioning;

3) Preventing, through early intervention, initial or further impairment or loss of function.

d) Orientation and Mobility Services: Services provided to a blind or visually impaired child to enable the child to attain systematic orientation to and safe movement within the environments in school, home, and community. Includes teaching a child:

1) Spatial and environmental concepts and the use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);

2) The use of the long cane to supplement visual travel skills or as a tool for safely negotiating the environment;

3) The use of remaining vision and low vision aids; and

4) Other concepts, techniques, and tools deemed appropriate for the child.

e) Parent Counseling and Training: Services to assist parents in understanding the special needs of their child, provide parents with information about child development, and help parents to acquire the skills that will allow them to support the implementation of their child’s IEP or IFSP.
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f) Recreation: Services such as:
   1) Assessment of leisure function;
   2) Therapeutic recreation services;
   3) Recreation programs in schools and community agencies; and
   4) Leisure education.

g) Rehabilitation Counseling: Services provided in individual or group sessions that focus on career development, preparation for employment, achieving independence, and integration in the workplace and community of a student with a disability.

h) School Health Services include such activities as:
   1) Preparing a health assessment by conducting interviews with a child’s parents and teachers, reviewing the Certificate of Child Health Examination, reviewing the vision and hearing screening results and other pertinent health information, and recommending additional medical evaluations as indicated;
   2) Interpreting health assessment results;
   3) Obtaining, integrating, and interpreting pertinent health information about a child as it applies to learning;
   4) Consulting with other staff members in planning school programs to meet the needs of children who require the provision of special health services at school;
   5) Planning and managing a program of school health services to meet the specific needs of all children;
   6) Identifying and mobilizing community health resources to enable children to learn as effectively as possible in the educational program; and
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7) Administering medication.

i) School Psychological Services may include such activities as:

1) Administering psychological and educational tests and other assessment procedures;

2) Interpreting assessment results;

3) Obtaining, integrating, and interpreting information about children’s behavior and conditions relating to learning;

4) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;

5) Planning, managing, and providing a program of psychological services, including psychological counseling for children and parents; and

6) Assisting in completing a functional behavioral assessment, as well as assisting in the development of positive behavioral intervention strategies.

j) School Social Work Services may include activities such as:

1) Preparing a social developmental study on a child with a disability;

2) Group and individual counseling with a child and his or her family;

3) Working with parents and others on those problems in a child’s living situation (home, school, and community) that affect the child’s adjustment in school;

4) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

5) Assisting in completing a functional behavioral assessment, as well as assisting in the development of positive behavioral intervention strategies.

k) Speech Language Pathology Services encompass such activities as:
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1) Screening, diagnosis and appraisal of specific speech and language impairments;

2) Identification of children with speech and/or language impairments;

3) Referral and follow-up for medical or other professional attention necessary for the habilitation of speech and language impairments;

4) Planning and developing interventions and programs for children or youth with speech and language impairments;

5) Provision of services for the habilitation and prevention of speech and language impairments; and

6) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

1) Transportation: Special transportation services required because of the child's disability or the location of the special education program or related services, and which are in addition to the regular transportation services provided by the local school district.

1) Travel to and from school and between schools;

2) Travel in and around school buildings;

3) Specialized vehicles, specialized equipment (such as lifts and ramps, whether provided on regular, adapted, or special buses), and personnel who provide assistance to students in the course of transportation

m) Travel Training: Providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:

1) Develop an awareness of the environment in which they live; and

2) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in
Section 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities

When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child's needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, use of a State-operated program should be given first consideration. However, the district shall refer the child to the agency or facility which is most appropriate to the individual situation. This determination shall be based upon recent diagnostic assessments and other pertinent evidence and made in light of such other factors as proximity to the child's home. Evidence of a condition that presents a danger to the physical well-being of the student or to other students may be taken into consideration in identifying the appropriate placement for a particular child.

a) When it appears that a child will require a placement pursuant to this Section, the IEP Team shall invite representatives of potential service providers to assist in identifying or verifying the appropriate placement for that child. If one or more needed representatives cannot attend, the district shall use other methods to ensure their participation.

b) The local school district is responsible for ensuring implementation of the child's IEP and convening any needed IEP meetings, including the annual review. If the district allows a State-operated or nonpublic school to initiate and conduct the IEP meeting, the district must ensure that the parent and a representative of the district are invited to participate in any decision about the child's IEP and agree to any proposed changes in the program before the changes are implemented. The district remains responsible for the development and implementation of the child's IEP and for compliance with the requirements of this Part.

c) No school district shall place any child in a nonpublic special education program, nor shall any such program accept placement of any child with a disability under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02], unless all the following conditions have been met.

1) The program has been approved by the State Board of Education pursuant to the criteria set forth in 23 Ill. Adm. Code 401 (Special Education...
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Facilities Under Section 14-7.02 of the School Code) for the school year for which placement is sought.

2) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.

3) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code [105 ILCS 5/14-4.01].

4) The program has been approved by the State Board of Education for all of the disability categories applicable to the student and requiring services pursuant to the IEP.

5) The program has been approved by the State Board of Education for the age range that includes the age of the student.

6) The district has determined that all educational programming and related services specified on the child's IEP will be provided to the student by the facility. The use of a nonpublic facility or program pursuant to 23 Ill. Adm. Code 401 does not relieve the local school district of the responsibility for ensuring that the student will receive the provision of all programming and related services required by the IEP, whether from one source or from multiple sources.

7) The school district and the facility have entered into the contractual agreement required by subsection (d) of this Section.

8) The child will receive an education that meets the standards applicable to education provided by the school district.

d) If a nonpublic school placement is chosen, the district and the facility shall enter into an agreement utilizing a format provided by the State Board of Education. The agreement shall provide for, but need not be limited to:

1) The child's IEP, as developed by the local school district;
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2) The amount of tuition that will be charged;

3) Assurance that the special education staff of the placing school district may inspect the private facility and confer with the staff at reasonable times; and

4) Assurances that the placement will result in no cost to parents.

e) When a nonpublic facility is used, the school district shall be responsible for the payment of tuition and the provision of transportation as provided by Section 14-7.02 of the School Code. (See also Section 226.750(b)226.750(e) of this Part.)

f) Each local school district shall be responsible for monitoring the performance of each State-operated or nonpublic facility where it has placed one or more eligible students, to ensure that the implementation of each IEP conforms to the applicable requirements of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.340 Nonpublic Placements by Parents Where FAPE is at Issue

This Section shall apply to students with disabilities who have been, or are to be, placed in a nonpublic facility by their parents following the parents' refusal to accept an offer of FAPE by a school district. For such students, the reimbursement obligations and other requirements set forth at 34 CFR 300.148 shall be applicable. If a determination is made by a hearing officer or court of law that the school district is not obligated to provide special education or reimbursement to such a student, the school district shall treat the student as a student defined by Section 226.350 of this Part.

Except as provided in 34 CFR 300.403, a parent who elects to place a child in a nonpublic school or facility without the consent or referral of the local school district is not entitled to have the district pay for that placement if the district made or attempted to make FAPE available to the child.

a) Disagreements between a parent and a school district regarding the district's provision of an appropriate program for a particular child shall be resolved by means of the due process afforded pursuant to Subpart G of this Part.

b) No child who is placed into a nonpublic facility by his or her parent(s) without the
consent or referral of the local school district has an individual right to receive the special education and related services that the child would receive if enrolled in the district. Instead, a district's services to such children are subject to the provisions of Section 226.350 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.350 Service to Parentally-Placed Children in Private Schools

"Parentally-Placed Private School Students" shall be defined as set forth in 34 CFR 300.130. As noted in Section 226.100 of this Part, school districts shall conduct child find for parentally-placed private school students in conformance with the requirements of 34 CFR 300.131. Each school district shall also conform to the requirements of 34 CFR 300.132 through 300.144. In fulfilling the requirements of 34 CFR 300.134 (Consultation) and 300.135 (Affirmation), school districts that are members of the same special education joint agreement are permitted to conduct jointly their consultation with private school and parent representatives. However, even when multiple districts' funds are pooled by a joint agreement, the amounts that are required to be used for services to parentally-placed private school students must be spent in accordance with each member district's "proportionate share" obligation. School districts that are members of the same special education joint agreement shall be prohibited from aggregating proportionate share funds when determining services for parentally-placed private school students.

a) To the extent consistent with their number and locations in the State, provision must be made by school districts for services to children with disabilities who have been enrolled in private schools by their parents.

1) Each school district shall consult annually with representatives of private schools in light of the funding available for serving their students, the number of such students, their needs, and their respective locations to decide:

A) Which children will receive services;

B) What services will be provided;

C) How the services will be provided;

D) How the services provided will be evaluated; and
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b) The services provided by a school district to children with disabilities enrolled in private schools shall be comparable in quality to the services provided to eligible children enrolled in the district. "Comparable in quality" means provided by similarly qualified personnel.

1) Eligible students in private schools may receive a different amount of services than eligible children in public schools.

2) No individual child must receive a specific service or receive the same amount of service the child would receive in a public school.

3) For any child served pursuant to this Section, the school district shall develop a service plan that identifies the services that the district will provide to the child. The plan shall meet the requirements of Section 226.230 of this Part and shall be developed, reviewed, and revised consistent with Sections 226.200, 226.210, 226.220, and 226.530 of this Part.

c) Services may be provided on site at a child's private school, including a religiously-affiliated school, to the extent consistent with the provisions of IDEA (20 USC 1413(d)).
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d) Transportation to and from a site other than the private school shall be provided if necessary for a child to benefit from or participate in the services offered by the district at that site. This includes transportation from the service site to the private school or to the child's home, depending upon the timing of services.

e) When a student receives services from a school district pursuant to this Section, the procedural safeguards described in Subpart F of this Part shall be available only with respect to complaints that the district has failed to fulfill the requirements of this Section. The due process requirements of Subpart G of this Part shall not apply.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART E: DISCIPLINE

Section 226.400 Disciplinary Actions

With respect to disciplinary action concerning children with disabilities, school districts shall conform to the requirements of 34 CFR 300.530 through 300.536, as well as Section 10-22.6 of the School Code [105 ILCS 5/10-22.6]. In addition, upon the occurrence of any act that may subject the student either to expulsion from school or suspension resulting in more than ten cumulative days of suspension during any one school year, the district shall be required to convene a meeting of the IEP Team to review the student's behavioral intervention plan or, if a behavioral intervention plan has not yet been developed, to develop one.

a) School personnel may order the removal of an eligible child from his or her current placement for periods of no more than ten consecutive school days each in response to separate incidents of misconduct, as long as such repeated removals do not constitute a pattern based on consideration of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. In such a case, these removals shall not be considered to constitute a change in placement.

1) After an eligible child has been removed from his or her placement for ten school days in the same school year, the district shall provide services to the child on any subsequent day(s) of removal.

2) School personnel, in consultation with the child's special education teacher, shall determine the extent of the services to be provided, which
shall be adequate to enable the child to progress appropriately in the
general curriculum and advance toward achieving the goals set forth in his
or her IEP.

b) Any removal of a student (i.e., any "suspension") shall be reported immediately to
the student's parents, along with a full statement of the reasons for the suspension,
a copy of which shall also be given to the school board. The district shall provide
the parents notice of their right to request that the district review the suspension
decision, as required by Section 10-22.6 of the School Code [105 ILCS 5/10-
22.6].

e) When a district first removes a child for more than ten school days in a school
year or initiates a removal that will constitute a change in placement, the district
shall, no later than ten business days after the date of such removal, either:

1) convene an IEP meeting to review and, if necessary, revise the child's
existing behavioral intervention plan as appropriate to address the child's
behavior; or

2) convene an IEP meeting to develop a plan for a functional behavioral
assessment for the child and, as soon as possible thereafter, develop a
behavioral intervention plan for the child in light of that assessment.

d) Upon any subsequent removal of a child that does not constitute a change in
placement, the members of the IEP Team shall review the child's behavioral
intervention plan and its implementation. If any one member of the team believes
that the plan needs to be modified, the district shall convene an IEP meeting to
review the plan and revise it as the team deems appropriate.

e) A student may be suspended from using the transportation provided by the school
district if his or her behavior warrants such a measure. When suspending
transportation privileges results in the student's absence from school on a given
day, that day shall be considered a day of suspension or removal, and the
requirements of Section 10-22.6 of the School Code shall apply.

f) School personnel may order a change in placement for an eligible child to an
interim alternative educational setting for the same amount of time that a child
without a disability would be subject to discipline, up to a maximum of 45 days,
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1) the child carries a weapon, as defined at 34 CFR 300.520, to school or to a
   school function under the jurisdiction of a state or a local school district;
   or

2) the child knowingly possesses or uses illegal drugs or sells or solicits the
   sale of a controlled substance, both as defined at 34 CFR 300.520, while at
   school or a school function under the jurisdiction of a state or a local
   school district.

   g) No later than ten business days after making the decision to place the child in an
      alternative setting, the district shall convene an IEP meeting as delineated in
      subsection (c) of this Section.

   h) The interim alternative educational setting in which a child is placed pursuant to
      subsection (f) of this Section shall be identified by the child's IEP Team.
      1) The setting shall be selected so as to enable the child to continue to
         progress in the general curriculum.
      2) While the child is served in the interim alternative educational setting, he
         or she shall continue to receive the services and modifications set forth in
         the IEP.
      3) The placement shall include services and modifications designed to
         address the behavior that resulted in the child's being removed from his or
         her current educational placement and to prevent that behavior from
         recurring.

   i) Interim alternative educational settings for students who exhibit behavior that is
      likely to result in injury to themselves or others are subject to the provisions of
      Section 226.655 of this Part.

   j) No eligible child shall be expelled for behavior or a condition which is, or results
      from, the child's disability. If a district is considering expelling an eligible
      student, the district shall:
      1) Conduct a manifestation-determination review as described in Section
         226.410 of this Part;
2) Adhere to the requirement of Section 10-22.6(a) of the School Code regarding meeting with the parent(s); and

3) Maintain the child in an appropriate placement.

k) An expulsion constitutes a change in placement and requires revision of the child's IEP in a manner that conforms to the applicable requirements of Subpart C of this Part. Cessation of services to an eligible child is prohibited during a period of expulsion.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.410 Manifestation Determination Review (Repealed)

The requirements of this Section shall apply whenever a disciplinary action is contemplated with respect to an eligible child that will constitute a change in placement and that action is being considered because of behavior that violates any rule or code of conduct of the school district that applies to all students.

a) On the date when the district determines that disciplinary action will be taken, the district shall notify the parents in writing to that effect and shall notify them of the procedural safeguards that apply.

b) As soon as possible, but in no event more than ten school days after the date on which the district determines that disciplinary action will be taken, the district shall conduct a review of the relationship between the child's disability and the behavior that is subject to the disciplinary action (a "manifestation determination review").

c) The manifestation determination review shall be conducted by the IEP Team.

d) The IEP Team shall determine whether the child's behavior was a manifestation of his or her disability. In making its determination, the IEP Team shall consider all available relevant information, including:

1) evaluation and diagnostic results, including information supplied by the child's parent(s);
2) observations of the child; and

3) the child's current IEP and placement.

e) The team may determine that the subject behavior was not a manifestation of the child's disability only if it is determined that:

1) The child’s IEP and placement were appropriate, and special education services, supplementary aids and services, and behavioral intervention strategies were provided consistent with that IEP and that placement.

2) The child’s disability did not impair his or her ability to understand the impact and consequences of the behavior.

3) The child’s disability did not impair his or her ability to control the behavior.

f) If the child's behavior is determined to have been a manifestation of his or her disability, the district shall immediately initiate steps to remedy any deficiencies identified in the IEP or its implementation, so that such deficiencies may be removed as soon as possible.

g) If the child's behavior is determined not to have been a manifestation of the disability, the district may apply relevant disciplinary procedures in the same manner as it would with respect to children without disabilities. In such a case, the district shall ensure that the student’s special education and disciplinary records are provided for consideration by the person(s) making the final determination regarding the disciplinary action to be taken.

h) When the application of a disciplinary measure results in a change in placement, services shall be provided to the extent determined necessary by the IEP Team to enable the student to progress in the general curriculum and advance appropriately toward achieving the goals set forth in his or her IEP.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.420 Appeals (Repealed)

a) If the child's parent disagrees with a determination that the child's behavior was
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not a manifestation of the disability or with any disciplinary decision regarding placement, the parent may request an expedited due process hearing in accordance with Subpart G of this Part.

b) The local school district, upon receiving the parent's request for a due process hearing, shall immediately initiate the procedure set forth in Section 226.615 of this Part to request an expedited due process hearing.

c) If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day period, whichever occurs first, unless the parent and the district agree otherwise. The same shall apply if a parent appeals the decision of a hearing officer in this regard.

d) If a child's IEP Team proposes a new placement to take effect upon the expiration of an interim placement, and if the child's parent wishes to challenge that new placement, the child shall return to the placement previously set forth in his or her IEP (i.e., prior to placement in the interim alternative educational setting) during the pendency of any due process hearing, except as provided in subsection (e) of this Section. (For purposes of this subsection (d), "new placement" may mean placement in the same alternative educational setting that was used as an interim alternative.)

e) If school personnel consider that it is too dangerous for the child to be returned to the current placement, the district may request an expedited due process hearing to extend the length of time the student may remain in the interim alternative educational setting. (See Section 226.655 of this Part.)

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)

a) A child who has not been determined eligible under this Part and who has engaged in behavior that violated any rule or code of conduct of the local school district may assert any of the protections provided for in this Part if the school district had knowledge that the child might be an eligible child before the occurrence of the behavior that precipitated disciplinary action.
b) A district shall be deemed to have knowledge that a child may be an eligible child if, prior to the incident:

1) The parent of the child has expressed concern in writing (or orally, if the parent is illiterate in English or has a disability that prevents a written statement) to personnel of the school district that the child is in need of special education and related services;

2) The behavior or performance of the child demonstrates the need, or a potential need, for such services;

3) The parent of the child has requested an evaluation of the child; or

4) The child's teacher or another school employee has expressed concern in writing about the behavior or performance of the child to the director of special education or to other district personnel, in accordance with the district's child find or referral procedures.

c) A district shall not be deemed to have knowledge that a child may be an eligible child if:

1) the district determined that no evaluation was necessary or conducted an evaluation and determined that the child was not eligible; and

2) provided written notice to the child's parents of its determination.

d) If a district does not have knowledge that a child is or may be an eligible child prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as those applied to children without disabilities engaging in comparable behavior.

1) When a request is made for an evaluation of a child during the time period when the child is subjected to disciplinary measures, the district shall conduct an evaluation in an expedited manner.

2) The child shall remain in the educational placement determined by school authorities, which may include suspension or expulsion without educational services, until the evaluation is completed.
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3) The district shall provide special education and related services after developing an IEP if the child is determined to be eligible for special education and related services.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

a) Nothing in this Part prohibits a local school district from reporting a crime committed by a child with a disability to appropriate authorities; or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

b) A local school district reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the authorities to whom it reports the crime, to the extent permitted by the Illinois School Student Records Act [105 ILCS 10], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], and the Family Educational Rights and Privacy Act (20 USC 1232(g)).

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.500 Language of Notifications

a) The notices to individual parents required in this Subpart F shall conform to the requirements of 34 CFR 300.503(c), be:

1) Written in language understandable to the general public; and

2) Provided in such a way as to accommodate the primary language or other mode of communication of the respective parent, unless it is clearly not feasible to do so.

b) If the primary language or other mode of communication of the parent is not a
written language, the local school district shall ensure that:

1) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

2) The parent understands the content of the notice; and

3) There is written evidence in the child's record that the requirements of this subsection (b) have been met.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

**Section 226.510 Notification of Parents' Rights**

A copy of the notice of procedural safeguards available to the parents of a child with a disability shall be given to the parents in accordance with, and shall conform to the requirements of, 34 CFR 300.504.

a) A written notification conforming to the requirements of subsection (b) of this Section shall be given to parents on at least the following occasions:

1) Upon a child's initial referral for evaluation;

2) Along with each notification of an IEP meeting;

3) Along with each request for consent for the reevaluation of a child; and

4) Upon receipt of a request for due process pursuant to this Part.

b) The notification required by this Section shall include a full explanation of all of the rights available to parents concerning:

1) Independent educational evaluation;

2) Prior written notice;

3) Parental consent;

4) Inspection and review of all educational records having to do with:
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A) The identification, evaluation, and educational placement of the child; and

B) The provision of FAPE to the child;

5) The opportunity to file a written complaint with the Illinois State Board of Education as described in Section 226.570 of this Part;

6) Procedures for students who are subject to placement in an interim alternative educational setting;

7) Requirements for parents' unilateral placement of children in private schools at public expense;

8) Mediation services;

9) Due process hearings, including requirements for disclosure of evaluation results and recommendations;

10) A child's placement during the pendency of due process proceedings;

11) Civil actions; and

12) Attorneys' fees.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.520 Notification of District's Proposal

The written notice a school district is required to provide to a parent prior to a proposal or refusal Ten days before a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of, or the provision of FAPE to, a child shall conform to the requirements of 34 CFR 300.503. "Reasonable time", for purposes of 34 CFR 300.503(a), is defined as ten days, the district shall provide written notice to the parent to that effect.

a) If the notice relates to an action proposed by the school district that also requires parental consent, the district may give notice at the same time as it requests consent.
b) The notice required by this Section shall include:

1) A description of the action proposed or refused by the district;
2) An explanation of why the district proposes or refuses to take the action;
3) A description of any other options that the district considered and the reasons why those options were rejected;
4) A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;
5) A description of any other factors that are relevant to the district's proposal or refusal;
6) A statement that the parents of an eligible child are protected by the procedural safeguards of this Part, and an indication of the means by which a description of those procedural safeguards may be obtained;
7) Sources for parents to contact to obtain assistance in understanding the provisions of this Part; and
8) If a meeting will be held, the information required by Section 226.530(b)(1) of this Part.

c) A parent may waive the ten-day notice period before placement, allowing the district to place the child in the recommended program as soon as practicable.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.530 Parents' Participation

With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" shall mean notification no later than ten days prior to the proposed date of the meeting. In addition, the

Nothing in this Part precludes routine communication and consultation from occurring among school employees without parents in attendance, including preparatory-
activities that school personnel engage in to develop a proposal or a response to a parent's proposal that will be discussed at an IEP meeting. b) Whenever a meeting is to be held which a parent has a right to attend, the requirements of this subsection (b) shall apply. 1) No later than ten days prior to the proposed date of the meeting, except for a meeting convened pursuant to Section 226.400(g) of this Part, the district shall notify the parents in writing of the purpose of the meeting, the proposed date, time, and place for the meeting, who else will be in attendance, and the parent's right to invite other individuals with knowledge or special expertise regarding the child. If a parent indicates that the proposed date or time is inconvenient, the district shall make reasonable efforts to accommodate the parent's schedule. 2) If neither parent can attend, the district shall use other methods to attempt to secure at least one parent's participation, including rescheduling the meeting, individual or conference telephone calls, or use of such other means of communication as may be available. 3) A meeting may be conducted without a parent in attendance if the district is unable to obtain the parent's participation. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed on time and place, such as: A) Detailed records of telephone calls made or attempted and the results of those calls; B) Copies of correspondence sent to the parents and any responses received; and C) Detailed records of visits made to the parent's home or place of employment and the results of those visits. 4) The district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of an interpreter for parents who are deaf or whose native language is other than English. 5) Any document generated during the meeting, including a copy of the IEP, shall be provided to the parent upon request, unless an applicable federal or State statute or federal regulation requires its automatic provision without a request.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.540 Consent

Consent, as defined in 34 CFR 300.9, shall be obtained and may be revoked in accordance with the requirements of 34 CFR 300.154(e), 300.300, 300.323, and 300.622. In addition, the following requirements shall apply:

a) A parent shall be considered to have given consent only when:

1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;

2) The parent understands and agrees in writing to the carrying out of the
activity for which his or her consent is sought, and the consent describes
that activity and lists the records (if any) that will be released and to
whom; and

3) The parent understands that his or her granting of consent is voluntary and
may be revoked at any time.

b) A school district may not require parental consent as a condition of any benefit to
the parent or the child except for the service or activity for which consent is
required.

e) Parental consent shall be obtained before conducting an initial evaluation of a
child. Consent for initial evaluation shall not be construed as consent for initial
placement.

d) Parental consent shall be obtained before conducting any reevaluation of a child.
If a parent fails or refuses to provide consent for a required triennial reevaluation
within ten days after the district requests it, the district shall request a due process
hearing.

e) Parental consent shall be obtained prior to the initial provision of special
education and related services.

f) Parental consent shall be obtained prior to the use of the parent's private insurance
to pay for services required by a child's IEP.

g) Parental consent shall be obtained for the disclosure of personally identifiable
information about a child, consistent with the requirements of the Student Records
Act.

h) Parental consent shall be obtained for the use of an IFSP instead of an IEP.

ai) A parent may revoke consent for any action by the district or cooperative entity
serving his or her child that requires parental consent. If a parent desires to
revoke consent, he or she may do so either in writing or orally. If the revocation
of consent is communicated orally, the district or cooperative entity shall commit
the parent's request to writing and provide a copy of this written summary to the
parent within five days.
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bj) Any revocation of consent is effective immediately, subject to the provisions of subsection (c) of this Section, but is not retroactive, i.e., it does not negate an action that occurred after the consent was given and before it was revoked. For purposes of this subsection (bj), a district shall be considered to have given immediate effect to a parent's revocation of consent when it either discontinues the action that is the subject of the revocation prior to its next scheduled occurrence or provides to the parent a written explanation of the timeline for the district's action and the reasons for that timeline. The district or cooperative entity shall ensure that each staff member whose activities are affected by the revocation of consent is promptly informed of the revocation.

c(k) If a district disagrees with a parent's revocation of consent, the district may request a due process hearing pursuant to Subpart G of this Part.

1) If the parent's revocation of consent pertains to an evaluation or re-evaluation of the student, the district shall not proceed with the evaluation or re-evaluation during the pendency of due process.

2) If the parent's revocation of consent pertains to a special education placement for the student that is already in effect, the district's request for a due process hearing shall have the effect of staying that placement, provided that the district submits the request in writing to the State Board of Education in keeping with the provisions of Section 226.615 of this Part and within five business days after the parent's revocation occurred.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.550 Surrogate Parents

The qualifications, responsibilities, and appointment procedures for surrogate parents shall conform to the requirements of 34 CFR 300.519 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply:

a) Whenever the parent or guardian of a child who is or may be eligible for services pursuant to this Part is not known or unavailable, or when the child is a ward of the State living in a residential facility, a person shall be assigned to act as a surrogate parent for the child in matters relating to the identification, evaluation, and educational placement of the child and the provision of a free, appropriate public education to the child.
1) A foster parent is considered a parent for the purposes of this Section, so a child residing with a foster parent does not require a surrogate parent to represent him or her in educational matters.

2) When a child who is a ward of the State is placed in a residential facility, a representative of that facility shall submit to the State Board of Education a request for the appointment of a surrogate parent if the district has not already done so.

b) The State Board of Education shall appoint a surrogate parent for each child who requires one, in keeping with the criteria set forth in 34 CFR 300.519(d) and the following requirements.

1) All reasonable efforts shall be made to secure a surrogate parent whose racial, linguistic, and cultural background is similar to the child's.

2) The surrogate parent shall have been trained by the State Board.

3) The surrogate parent shall have no interest that conflicts with the interests of the child he or she will represent.

4) The surrogate parent shall have the knowledge and skills needed to ensure adequate representation of the child.

5) An individual may not be appointed as a surrogate parent for a child if he or she is:

   A) employed by the State Board of Education;

   B) employed by the school district in which the child is enrolled; or

   C) employed by any other agency involved in the child's education.

c) When a surrogate parent is appointed, the State Board of Education shall provide written notification to the local school district, the individual appointed, and, if applicable, the residential facility of the name and address of the surrogate parent, the specific responsibilities to be fulfilled, and the length of time for which the appointment is valid.
d) Any person participating in good faith as a surrogate parent on behalf of a child before school officials or a hearing officer shall have immunity from civil or criminal liability that otherwise might result by reason of such participation, except in cases of willful and wanton misconduct.

e) The services of any person assigned as a surrogate parent shall be terminated if the child’s parent or guardian becomes available.

f) When a child living in a residential facility no longer requires a surrogate parent, a representative of the facility shall notify the State Board of Education in writing to that effect. This notification shall include the reason for withdrawal of the request.

e) When a surrogate parent’s appointment is terminated, the State Board of Education shall so notify the surrogate parent, the local school district, and, if applicable, the residential facility.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.560 Mediation

The procedures for mediation shall conform to the requirements of 34 CFR 300.506. Each school district shall inform parents that the State Board of Education offers a process of mediation that can be used when there are disputes regarding the identification, evaluation, or placement of, or the provision of FAPE to, a child. This notification shall be provided at least whenever a due process hearing is requested.

a) Each district shall ensure that, when used, the mediation process:

1) Is voluntarily entered into by all parties; and

2) Is not used to deny or delay a parent’s right to a due process hearing, or to deny any other rights afforded under this Part.

b) If either party is interested in participating in mediation, that party shall contact the State Board of Education.

e) Each session in the mediation process shall be scheduled in a timely manner and
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held in a location that is convenient to the parties involved in the dispute.

d) Discussions that occur during mediation shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to mediation may be required to sign a confidentiality pledge prior to the commencement of the process.

e) Any agreement reached in the course of mediation shall be set forth in writing and shall be consistent with applicable federal and State laws and regulations.

f) The State Board of Education shall maintain a list of individuals who are qualified mediators and knowledgeable about the laws and regulations relating to the provision of special education and related services.

g) Mediators shall be selected by the State Board from its list by rotation.

h) The State Board of Education shall bear the cost of sending a mediator to sessions held pursuant to this Section and other, incidental costs.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.570 State Complaint Procedures

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151, 300.152, and 300.153.

a) A parent, individual, organization, or advocate may file a signed, written complaint with the State Board of Education alleging that a local school district, cooperative service unit or the State has violated the rights of one or more children with disabilities. Such a complaint shall include:

1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part;

2) The facts on which the statement is based; and

3) The signature and contact information for the complainant;

4) The names and addresses of the students involved;
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the names of the schools of attendance), if known;

5) A description of the nature of the problem of the child, including the facts relating to the problem; and

6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

b) A complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date on which the complaint is received.

c) Within 60 days after a valid complaint is filed, the State Board of Education shall:

1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.

2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

3) Provide the public entity with the opportunity to:

A) offer a proposal to resolve the complaint; and

B) offer to engage the parent in mediation or alternative means of dispute resolution.

4) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the School Code, or this Part.

5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:

A) findings of fact and conclusions;

B) the reasons for the State Board of Education's final decision.
C) orders for any actions, including without limitation technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.

Each complaint that complies with the requirements of subsections (a) and (b) of this Section shall be investigated within 60 days after its receipt by the State Board of Education. An extension of that time limit is allowed if exceptional circumstances exist with respect to a particular complaint.

d) An extension of the time limit set forth in subsection (c) of this Section shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(3)(B) of this Section. Upon completion of the State Board's investigation, the agency shall issue a letter of findings that sets forth:

1) the allegations of the complaint;

2) findings of fact and conclusions;

3) the reasons for the decision; and

4) orders for any actions that are necessary to bring a school district into compliance with applicable requirements.

e) If a written complaint is received by the State Board of Education involving one or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.

f) If a complaint is filed about an issue that has previously been decided in a due process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's local school district's failure to implement a decision arising from due process, however, shall be resolved by the State Board pursuant to Section 226.675 of this Part.
Section 226.600 Calculation of Timelines

In calculating the timelines specified in this Subpart G, Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11] shall apply. The first day shall be excluded and the last day shall be included, unless the last day is Saturday, Sunday, or a holiday as defined or fixed in any statute now or hereafter in force in this State, in which case it shall be excluded. If the day succeeding such Saturday, Sunday, or holiday is also a holiday or Saturday or Sunday, then such succeeding day shall also be excluded.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.605 Request for Hearing; Basis (Repealed)

A parent, a school district, or a student may request an impartial due process hearing for any reason connected to the identification, evaluation, or placement of, or the provision of services to, a student who is or may be eligible pursuant to this Part. No other party shall have standing to submit such a request. The school district or public agency must insure that all requests or notices pursuant to due process are maintained in a confidential manner consistent with the Illinois School Student Records Act and the rules of the State Board of Education at 23 Ill. Admin. Code 375.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.610 Information to Parents Concerning Right to Hearing

a Each school district shall notify parents in writing of the procedures for requesting a due process hearing in accordance with 34 CFR 300.507 and 300.508. This written notice shall be provided to the parent by the district upon receipt of a request for a due process hearing. Written notice provided to parents as required under Section 226.510 of this Part shall be deemed sufficient notice for purposes of this Section. inform parents in writing of their right to a hearing and of the procedures for requesting one. The district shall notify the parent of the information the parent must provide when requesting a hearing, in one of the following ways:

1) The district may provide the parent with a model form designed by the State Board of Education in accordance with 34 CFR 300.507(c)(1)(v)(3);
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or

2) The district may inform the parent that the request for a hearing must include the following information:

A) the name of the child;

B) the address of the child's residence;

C) the name of the school the child is attending;

D) a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem;

E) a proposed resolution of the problem, to the extent known and available to the parents at the time; and

F) if known, whether the parents will be represented by legal counsel.

b) The director of special education shall assist parents in taking whatever action is necessary to use the hearing process.

c) The district shall inform the parents of the availability of mediation and of any free or low-cost legal services and other publicly funded advocacy services available in the area if the parent requests the information, or if the parent or the district initiates a hearing.

d) The local education agency may develop procedures that require the parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the State that is funded through a federal grant under IDEA.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.615 Procedure for Request
The filing, basis for, and content of due process requests, whether by a parent, a student, or a local school district, shall conform to the requirements of 34 CFR 300.507 and 300.508. Pursuant to Section 226.605 of this Part, the local school district, the parent of any student resident within the district, or the student may request an impartial due process hearing. A parent’s or student’s request for a hearing shall be made in writing to the superintendent of the school district in which the student is a resident. The district shall provide any assistance that may be necessary to enable a person requesting a due process hearing to meet any related requirements. (See Section 226.655 of this Part for requirements pertaining to expedited due process hearings.) In addition, in order to fulfill the requirement to "forward a copy of the due process complaint to the SEA", as specified in 34 CFR 300.508(a)(2), the school district superintendent shall, within five days after receipt of the request, forward the request to the State Board of Education in Springfield by certified mail or another means that provides written evidence of the delivery.

a) If the district makes the request, it shall be sent in writing to the State Board of Education in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections (b)(1)(A), (C) and (D) of this Section.

b) When a district receives a request for a hearing from a parent or from a student, then within five days after its receipt of the request the district shall:

1) Send a letter to the State Board of Education in Springfield requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by certified mail or another means that provides written evidence of the delivery and shall include:

A) the name, address, and telephone number of the student and the parent, and of the person making the request for the hearing if other than the student or the parent;

B) the date on which the request for the hearing was received by the local school district;

C) the nature of the controversy to be resolved;

D) the remedy being sought;

E) the primary language spoken by the parents and student; and
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F) a copy of the request.

2) Send to the person requesting the hearing, by certified mail or another means providing written evidence of delivery, a copy of the letter sent to the State Superintendent.

A) If the hearing has been requested by the district or the student, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.

B) All references to parents made in the remainder of this Subpart G shall be understood to include both the parents and the person requesting the hearing.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.620 Denial of Hearing Request (Repealed)

A request for an impartial due process hearing that conforms with Section 226.605 of this Part may not be denied for any reason.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.625 Rights of the Parties Related to Hearings

The hearing rights of parties shall conform to the requirements of 34 CFR 300.512 and Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a]. In addition, the following requirements shall apply.

a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part.

b) The parents may inspect and review all school records pertaining to their child, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.

c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense.

1) If the parents believe that acquisition of a completed independent
evaluation will require a delay in convening the hearing, the parents shall request such a delay as provided in Section 226.640(c) of this Part.

2) The parents may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the school district’s expense. The hearing officer shall delay the hearing as provided for in Section 226.640(b) of this Part.

3) This subsection (a)(c) shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

d) Either party to a hearing, other than an expedited hearing conducted pursuant to Section 226.655 of this Part, has the right to the disclosure, at least five days prior to the hearing, of any evidence to be introduced. At least five days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party’s evaluations that the party intends to use at the hearing. Either party may prohibit the introduction of evidence which was not disclosed to that party at least five days prior to the hearing. The hearing officer may reschedule the hearing to permit full disclosure. Disclosure of evidence with respect to an expedited hearing shall conform to the requirements of Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].

e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, the abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall authorize the issuance of subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5/14-8.02a(g)].

f) Pursuant to 34 CFR 300.509(c)(1)(i), the parent has the right to have the child who is the subject of the hearing present at the hearing.

bg) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is
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hearing impaired and/or uses a primary language other than English. Interpreters shall be provided at the school district's expense.

h) The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.

i) The hearing officer shall conduct the hearing in a fair, impartial, and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel.

j) The hearing shall be closed to the public unless the parents of the child specifically request that it be open. The hearing officer shall advise the parents of their right to have the hearing open to the public. If the parents make such a request, the hearing shall be open. (References to parents in this subsection (j) apply to the student if Section 226.690 of this Part applies.)

k) The parties shall have the right to confront and cross-examine witnesses.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers

a) Impartial due process hearing officers must possess qualifications in conformance with the requirements of 34 CFR 300.511 and Section 14-8.02c(b) of the School Code [105 ILCS 5/14-8.02c(b)]. In order to be considered for training as an impartial due process hearing officer, an individual either must hold a master's degree or a juris doctor degree or must hold a bachelor's degree in combination with relevant experience. 1) For purposes of this Subpart G, "Relevant experience", as used in Section 14-8.02c(b) of the School Code, means at least three years' experience, whether paid or voluntary, in special education, disability-related issues, or advocacy.

2) Employees of the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, State Operated Elementary and Secondary
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Schools, or private providers of special education facilities or programs may not serve as impartial due process hearing officers. [105 ILCS 5/14-8.02a(c)]

3) Except as provided in Section 14-8.02a(f) of the School Code, former employees of, and current or former contractors to, the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, state-operated elementary and secondary schools, or private providers of special education facilities or programs shall not be disqualified as potential hearing officers by virtue of such employment or service.

b) An individual wishing to be considered as an impartial due process hearing officer shall submit an application to the State Board. In completing the application form, which shall be provided by the State Board, the individual shall disclose at least the following information:

1) name and address;

2) degrees held;

3) current employment status, including, if applicable, the employer's name and the title of the employee's position;

4) school district of residence; and

5) professional background and relevant experience.

c) Persons who have complied with the requirements of subsections (a) and (b) of this Section shall, if recommended by the Screening Committee pursuant to Section 14-8.02a(b) of the School Code, then be invited to complete a training course conducted as provided in Section 14-8.02a(d) of the School Code. Failure to complete this training course successfully shall result in ineligibility to serve as a hearing officer.

Based on the recommendations of the training entity, interviews, and supporting information, the due process screening committee, applying the objective criteria developed by the Advisory Council on Education of Children with Disabilities, shall recommend to the Advisory Council those candidates to be appointed as impartial due process hearing officers. The number of candidates recommended shall equal 150% of the number deemed necessary by
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the State Board of Education.
e) Each hearing officer shall at least annually attend a review session and/or training course pursuant to Section 14-8.02a(d) of the School Code. Failure to attend a required review session or training course shall result in the hearing officer's termination.

f) Conditions of Service

Hearing officers' terms of service and subsequent reappointment shall be as provided in Section 14-8.02a(d) and (e) of the School Code.

1) A hearing officer shall accept each case to which he or she is assigned, unless:

A) the hearing officer is ill;

B) the hearing officer has a personal, professional, or financial interest that would conflict with his or her objectivity with respect to a particular case; or

C) the hearing officer is ineligible to accept a particular case pursuant to Section 226.635(a) of this Part.

2) A hearing officer whose other commitments will interfere with his or her ability to accept cases for more than 15 days shall so notify the State Board of Education in writing.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers

The appointment, recusal, and substitution of due process hearing officers shall conform with the requirements of Section 14-8.02a(f-5) of the School Code [105 ILCS 5/14-8.02a(f-5)].

a) Upon receipt of a request for a hearing the State Board shall, within five days (one day for an expedited hearing) and using the rotation system called for in Section 14-8.02a(f) of the School Code, appoint an impartial due process hearing officer and notify that individual and the parties of his or her appointment. Prior to making any appointment, the State Board shall review the background of the prospective appointee in order to establish that:
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1) the individual has never been employed by or administratively connected with the school district or special education cooperative involved in the case;

2) the individual is not a resident of the district involved; and

3) the prospective appointee has no apparent personal, professional, or financial interest that would interfere with his or her objectivity regarding the matter at issue.

b) An appointee who does not meet the requirements set forth in subsection (a) of this Section shall recuse himself or herself within five days after receiving notification of the appointment, except that an appointee in an expedited hearing shall recuse himself or herself immediately if recusal is necessary. Notification to the State Board of such recusal may occur by telephone, provided that a written statement is also supplied.

c) A PARTY TO A DUE PROCESS HEARING conducted under Section 14-8.02a of the School Code SHALL BE PERMITTED ONE SUBSTITUTION OF A HEARING OFFICER AS A MATTER OF RIGHT [105 ILCS 5/14-8.02a(f)]. A request for a substitute hearing officer shall be made in writing to the State Board of Education within five days after the verified date of delivery of the notification at the last known address. In the event that both parties submit written requests on the same day and both should be received simultaneously, the State Board of Education shall deem the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will thereby be absolutely protected.

d) Section 14-8.02a(f) of the School Code contemplates two situations requiring the appointment of a hearing officer other than the individual who originally receives the case under the rotation system and specifies different methods of selecting a replacement.

1) When the appointed hearing officer is unavailable or recuses himself or herself before the parties are notified of his or her appointment, the State Board shall appoint the next scheduled hearing officer under the rotation system.
When a hearing officer recuses himself or herself after learning the circumstances of a case, or when a party to the hearing submits a proper request for substitution, the State Board shall select and appoint another hearing officer at random.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.640 Scheduling the Hearing and Pre-Hearing Conference

The provisions of this Section shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

a) The hearing officer shall schedule a pre-hearing conference in accordance with the requirements of Section 14-8.02a(g-40) of the School Code [105 ILCS 5/14-8.02a(g-40)]. Within five days after receiving written notification by the State Board, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties and otherwise in accordance with Section 14-8.02a(g) of the School Code for convening the hearing and pre-hearing conference.

b) The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of the pre-hearing conference and the hearing.

Either party may request a delay in convening the hearing and/or the pre-hearing conference. The party requesting a delay shall do so in writing to the hearing officer, with a copy sent at the same time to the other party. The requesting party shall set forth the reasons for the request. The hearing officer shall either grant or deny the request and shall so inform the parties and the State Board of Education in writing. The hearing officer shall determine a new time and date for convening the hearing and/or pre-hearing conference.

1) If the parties jointly propose a delay in convening the hearing or pre-hearing conference, it shall be delayed as agreed. The hearing officer, being advised of such agreement, shall confirm the delay in writing to the parties and the State Board of Education. Such notice shall become part of the administrative record.

2) If the parties cannot agree to a mutually convenient time and place for convening the hearing and/or pre-hearing conference, the hearing officer shall fix such time and place, notify the parties in writing, and proceed
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to convene and conduct the pre-hearing conference and hearing, provided that the delay shall not continue for a period longer than necessitated by the circumstances that precipitated the delay.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.645 Conducting the Pre-Hearing Conference

a) The hearing officer shall convene the pre-hearing conference in accordance with Section 14-8.02a(g-40)(g) of the School Code.

b) Any party to the pre-hearing conference shall be permitted to participate by teleconference (Section 14-8.02a(g) of the School Code). It shall be the responsibility of the parties to ensure that any information required at the pre-hearing conference is received by the hearing officer and the other party at or prior to the conference. c) At the conclusion of the pre-hearing conference, the hearing officer shall prepare a report of the conference that shall be entered into the hearing record. The report shall include, but need not be limited to: 1) the issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses; 2) a determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and 3) such stipulations of fact as have been agreed to during the pre-hearing conference. d) The provisions of this Section shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.650 Child's Status During Due Process Hearing (Repealed)

a) Except as provided in Section 226.655 of this Part, during the pendency of any administrative or judicial proceeding regarding a due process hearing decision, the child shall remain in his or her current educational placement unless the State or local agency and the parents of the child agree otherwise.

b) If the due process hearing involves an application for initial admission to the public school, the child, with the consent of the parents, shall be placed in the public school until the completion of all the proceedings.
e) If the decision of a hearing officer agrees with the child’s parents that a change of placement is appropriate, that placement shall be treated as an agreement between the State or local agency and the parents for purposes of subsection (a) of this Section.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.655 Expedited Due Process Hearing

Requests for expedited due process hearings shall be made in accordance with 34 CFR 300.532 and 300.533 and Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].

a) The State Board of Education shall arrange for an expedited hearing when: 1) The local school district requests such a hearing because school personnel maintain that it is dangerous for the child to be in the current placement. 2) The parent requests such a hearing because the parent disagrees with the district's placement decision when a child is moved to an interim alternative educational setting for a weapon or drug violation. 3) The parent requests such a hearing because the parent disagrees with the district's determination that a child's behavior was not a manifestation of the child's disability. b) During the pendency of an expedited hearing, the child's placement shall be the interim alternative educational setting that was determined appropriate by the IEP Team. c) The hearing officer shall determine:

1) whether the child shall be placed in the proposed alternative educational setting; or

2) whether the local school district has demonstrated that the child's behavior was not a manifestation of the child's disability (see Section 226.410 of this Part).

b) The hearing officer shall consider the following factors in determining whether an interim alternative placement is appropriate:

1) Whether the local school district has demonstrated by substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;
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2) Whether the child's current placement is appropriate;

3) Whether the district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

4) Whether the interim alternative educational setting will permit full implementation of the student's IEP and includes services and modifications designed to prevent the undesired behavior from recurring.

c) If all the conditions set forth in subsection (b)(d) of this Section are met, the hearing officer shall order a change in the child's placement to an appropriate interim alternative educational setting for not more than 45 school days. 1) This new alternative educational setting shall be identified by the IEP Team as provided in Section 226.400(h) of this Part. 2) If the district demonstrates that the student is substantially likely to injure himself or herself or others if returned to the placement that was used prior to the student's removal, the hearing officer may order that the student remain in the interim setting for subsequent periods of up to 45 school days each.

f) An expedited hearing shall result in a decision within ten school days after the request for the hearing, unless the parents and the local school district agree otherwise.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.660 Powers and Duties of Hearing Officer

a) Once appointed, the impartial due process hearing officer shall not communicate with the State Board of Education or its employees concerning the hearing [105 ILCS 5/14-8.02a(g)] and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) or 14-8.02b of the School Code, as applicable.

b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.
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The hearing officer shall conduct the hearing and, with respect to the hearing, shall have, but is not limited to, the following powers:

a) To administer, or to authorize the court reporter to administer, oaths;

b) To examine witnesses;

c) To authorize the issuance of subpoenas;

d) To rule upon the admissibility of evidence;

e) To order independent evaluations;

f) To grant specific extensions of time;

g) To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;

h) To render decisions and issue orders and clarifications.

d) The hearing officer shall comply with timelines established in Section 14-8.02a or Section 14-8.02b of the School Code [105 ILCS 5/14-8.02a(g-55)].

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.665 Record of Proceedings

A record of the hearing shall be made and the cost of such record borne in accordance with 34 CFR 300.512(a)(4) and Section 14-8.02a(g-55) of the School Code [105 ILCS 5/14-8.02a(g-55)]. The hearing officer shall ensure that an electronic verbatim record of the hearing is made in the format of the parent's choice (such as by tape recording or by a court reporter). The hearing officer shall also ensure that all written evidence presented at the hearing is marked to indicate the party offering the evidence and is made part of the administrative record. The parents or the district may obtain a copy of the verbatim record of the hearing. The State Board and the district shall share equally the cost of providing these copies.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)
Section 226.670  Decision of Hearing Officer; Clarification

a) Within ten days after the conclusion of the hearing—(two days for an expedited hearing), the hearing officer shall issue a written decision that sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall order the parties to take all steps necessary to ensure appropriate placement and services for any student found to be eligible for special education services. The hearing officer shall specify the procedures necessary to ensure timely compliance with his or her order, in accordance with Section 14-8.02a(j) of the School Code.

b) The bases and timelines for decisions of hearing officers shall conform to the requirements of 34 CFR 300.513 and Section 14-8.02a(h) of the School Code [105 ILCS 5/14-8.02a(h)]. In addition, the hearing officer's decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code. The decision shall be translated into the native language of the parents if their primary language is other than English.

c) A written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code.

d) As provided in Section 14-8.02a(h) of the School Code, the hearing officer shall retain jurisdiction after issuance of his or her decision for the sole purpose of considering a request for clarification. A request for clarification shall be submitted and acted upon as provided in Section 14-8.02a(h) of the School Code. In the case of an expedited hearing, the hearing officer shall retain jurisdiction either until the 45th day after the initial removal of the student or until 45 days after that hearing officer's latest decision in the case.

e) The hearing decision, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State Board as provided in Section 226.675 of this Part.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.680  Reporting of Decisions (Repealed)

The State Board of Education shall, after deleting all personally identifiable information and indexing by subject matter, make the decisions of impartial due process hearing officers available to the Illinois State Advisory Council on Education of Children with Disabilities, to impartial due process hearing officers, and to the Screening Committee established pursuant to
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Section 14-8.02a(b) of the School Code. This information shall also be available to other interested parties upon request.

(Source: Repealed at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.690 Transfer of Parental Rights

This Section implements 34 CFR 300.520.

a) When a student with a disability reaches the age of majority (18 years of age; see 755 ILCS 5/11-1) or becomes an emancipated minor pursuant to the Emancipation of Mature Minors Act [750 ILCS 30][750 ILCS 5/Art. 11a](except for a student with a disability who has been adjudged as a disabled person pursuant to 755 ILCS 5/Art. 11a-1):

1) The school district shall provide any notice required by this Part to both the individual and the parents, and all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to the student; and

2) All rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to a child who is incarcerated in an adult or juvenile, State, or local correctional institution.

b) Whenever rights are transferred to a student pursuant to this Section, the district shall notify the student and the parents of the transfer of rights.

c) All notices that are required under this Part and 34 CFR 300 shall be provided to the student and the parent after the student reaches the age of majority.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.700 General

a) Each school district shall provide and maintain appropriate and effective
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educational programs, at no cost to the parents, for all eligible children who are residents of the district. b) Each school district shall establish and implement a goal of ensuring full educational opportunity for all children with disabilities in its service area. Each district shall make available to children with disabilities the variety of educational programs and services available to nondisabled children in the area served by the district, including art, music, industrial arts, consumer and homemaking education, and vocational education. c) Special education and related services shall be established and conducted as an integral part of the district's educational effort. d) Each school district, independently or in cooperation with other districts, shall provide a comprehensive program of special education for children with disabilities who are from three through 21 years of age and who are resident in the district. A "comprehensive program" is one that includes:

1) A viable organizational and financial structure;

2) Systematic procedures for identifying and evaluating the need for special education and related services;

3) A continuum of appropriate alternative placements available to meet the needs of children for special education and related services (see Section 226.300 of this Part);

4) Qualified personnel who are employed in sufficient number to provide:
   A) Administration of the program;
   B) Supervisory services;
   C) Instructional and resource services;
   D) Related services; and
   E) Transportation services;

5) Appropriate and adequate facilities, equipment and materials;

6) Functional relationships with public and private agencies that can supplement or enhance the special education services of the public schools;
7) Interaction with parents and other concerned persons that facilitates the educational development of children with disabilities;

8) Procedures for internal evaluation of the special education services provided; and

9) Continuous planning for program growth and improvement based on internal and external evaluation.

be) The school district is the primary agent for the delivery of special education services. Districts may carry out their obligations with regard to special education by forming cooperatives or joint agreements. These entities are:

1) Authorized by State law to develop, manage, and provide services or programs on behalf of school districts;

2) Recognized as agencies for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State;

3) Considered as service agents of the participating districts; and

4) Directed by, and responsible to, all the participating local districts.

cf) Special education and related services that would not comply with specific requirements of this Part shall require written approval from the State Board of Education prior to their implementation. A district's request for approval shall be submitted in writing to the State Board and shall include a description of the district's proposal. In determining whether to approve such a request, the State Board's staff shall consider whether the proposed program or service will compromise students' educational opportunity or prevent the full implementation of any student's IEP, in light of such factors as the students' disabilities and the proposed class size, staff qualifications, physical plant and evaluation plan. Denial of such a request may be appealed to the State Superintendent of Education.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)
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Section 226.710 Policies and Procedures

a) Each local school district, or the cooperative entity of which it is a member, shall develop written policies and procedures conforming to the requirements of subsection (b) of this Section and shall submit these to the State Board of Education for approval, using a format supplied by the State Board. The State Board shall approve those that conform to the requirements of this Section and are consistent with applicable federal and State statutes and regulations. The State Board shall notify districts of any deficiencies that must be remedied before approval will be granted.

b) Each set of policies and procedures shall address the district's compliance with at least the requirements for:

1) the provision of a free appropriate public education;
2) child find;
3) evaluation and determination of eligibility;
4) Individualized Education Programs;
5) students' participation in assessments;
6) serving students in the least restrictive environment;
7) the provision of extended school year services;
8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;
9) serving students who attend nonpublic schools;
10) procedural safeguards;
11) establishing the goal of full educational opportunity;
12) confidentiality of personally identifiable information; and
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13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (KidCare; Title XXI) program to supplement special education programs and services (if the district is participating in one or more of those federal programs).

c) Any revision of a set of policies and procedures shall be submitted to the State Board for approval prior to its implementation.

d) Each set of policies and procedures shall constitute a public document.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.720 Facilities and Classes

a) Facilities used for special education services shall be appropriate to, and adequate for, the specific programs or services for which they are used and, pursuant to Section 14-8.01 of the School Code, shall be subject to the applicable provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools). Such facilities shall be comparable to those provided to the students in the general education environment.

b) The age range of students within a special education grouping shall not exceed four years at the elementary level and six years at the secondary level. Early childhood classes and services shall serve only children from three through five years of age, except that a district shall not be prohibited from permitting a child who reaches his or her sixth birthday during a year to complete that year.

c) Special education classes and services shall be delivered in age-appropriate settings.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.730 Class Size for 2009-10 and Beyond Case Load/Class Size

a) When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs identified special education eligibility, that utilizes the general curriculum, that is taught by an instructor certified for general regular education, and that is not designated as a
general remedial classroom. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disability, and the degree of intervention necessary.

b) Class size means the total number of students an educator serves during any special education class. As used in this subsection (b), "class" means any circumstance where only students with IEPs are served and at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary. A student shall be considered to require "instructional services" when he or she receives special education instruction for 50 percent of the school day or more. Classes and services for such students shall be subject to the limitations of this subsection (b)(a).

1) Except as provided in subsection (b)(5) of this Section, classes in which all the students receive special education services for 20 percent of the school day or less shall have at least one qualified teacher for each 15 students in attendance during any given class. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class.

2) Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 20 percent of the school day but no more than 60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.

3) Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 60 percent of the school day shall have at least one qualified teacher for each eight students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.
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4) Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.

5) For any school year in which the amount of State reimbursement for teachers identified in Section 14-13.01 of the School Code [105 ILCS 5/14-13.01] exceeds the amount in effect on January 1, 2007, by at least 100 percent and no corresponding reduction has been made in other State sources of support for special education:

A) The maximum class size stated in subsection (b)(1) of this Section shall be 13 rather than 15;

B) The maximum class size stated in subsection (b)(2) of this Section shall be eight rather than 10; and

C) The maximum class size stated in subsection (b)(3) of this Section shall be six rather than eight.

6) The provisions of subsections (b)(1) through (5) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.

c) The maximum class sizes set forth in subsection (b) of this Section shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education in the least restrictive environment to which they are entitled.

1) Early childhood instructional classes or services shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.

2) Instructional classes or services for students who have either a severe/profound disability or multiple disabilities as defined in Section 226.75 of this Part shall have a maximum enrollment of five students.
3) Instructional classes or services for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disturbance or behavioral disorder shall have a maximum enrollment of eight students.

4) Instructional classes or services for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:

   A) The students are grouped in relation to a common educational need; or

   B) The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.

5) Instructional classes or services designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of twelve students.

6) Instructional classes or services for children whose primary disability is mild/moderate mental impairment shall have a maximum enrollment of 12 students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.

7) A school district may increase the enrollment in an instructional class or service by a maximum of two students in response to unique circumstances which occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class or service by a maximum of five students when a full-time, noncertified assistant is provided.

b) A student shall be considered to require “resource services” when he or she receives special education instruction for less than 50 percent of the school day.
Classes and services for such students shall be subject to the limitations of this subsection (b).  

1) Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.  

2) The teacher or service provider shall participate in determining the appropriate enrollment.  

3) The number of children served by a speech language pathologist shall be based on the speech-language needs of each child. At no time shall the caseload exceed 80 students and, beginning September 1, 2003, the caseload of a speech language pathologist shall not exceed 60 students.  

4) A school district may not increase the enrollment subsection in a resource class or service when a noncertified assistant is provided.  

c) The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.  

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)  

**Section 226.731 Class Size Provisions for 2007-08 and 2008-09**  

a) When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for regular (general) education, and that is not designated as a general remedial classroom.  

b) A student shall be considered to require "instructional" classes when he or she receives special education instruction for 50 percent of the school day or more. Classes for such students shall be subject to the limitations of this subsection (b).  

1) Early childhood instructional classes shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.
2) Instructional classes for students who have either a severe/profound disability or multiple disabilities shall have a maximum enrollment of five students.

3) Instructional classes for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disability or behavioral disorder shall have a maximum enrollment of eight students.

4) Instructional classes for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:
   A) The students are grouped in relation to a common educational need; or
   B) The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.

5) Instructional classes designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of 12 students.

6) Instructional classes for children whose primary disability is mild/moderate cognitive disability shall have a maximum enrollment of 12 students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.

7) A school district may increase the enrollment in an instructional class by a maximum of two students in response to unique circumstances that occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class by a
maximum of five students when a full-time, noncertified assistant is provided.

c) A student shall be considered to require "resource" classes when he or she receives special education instruction for less than 50 percent of the school day. Classes for such students shall be subject to the limitations of this subsection (c).

1) Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.

2) The teacher shall participate in determining the appropriate enrollment.

d) The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.

(Source: Added at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.735 Work Load for Special Educators

In order to provide students with IEPs the free, appropriate education to which they are entitled, each entity subject to this Part shall adopt a plan specifying limits on the work load of its special educators so that all services required under students' IEPs, as well as all needed ancillary and support services, can be provided at the requisite level of intensity.

a) Each plan shall be developed in cooperation with the entity's affected employees and, where there is an exclusive representative, in accordance with the Illinois Educational Labor Relations Act (IELRA) [115 ILCS 5]. Each plan shall take effect for the 2009-10 school year, or as soon as possible after that date, if a later date is necessary to comply with an agreement under the IELRA in effect at the beginning of that school year.

b) Each plan shall be based on an analysis of the activities for which the entity's special educators are responsible and shall encompass, but need not be limited to:

1) individualized instruction;

2) consultative services and other collaboration among staff members;
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3) attendance at IEP meetings and other staff conferences; and

4) paperwork and reporting.

c) The number of children served by a speech-language pathologist shall be based on the speech-language needs of each child. The other provisions of this Section notwithstanding, at no time shall the caseload of a speech-language pathologist exceed 60 students.

(Source: Added at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.740 Records; Confidentiality

a) Students' records shall be maintained in accordance with 34 CFR 300.610 through 300.627, the School Student Records Act [105 ILCS 10] and the rules of the State Board of Education (23 Ill. Adm. Code 375). In addition, the following requirements shall apply:

b) Each school district shall protect the confidentiality of personally identifiable information during its collection, storage, disclosure, and destruction.

c) All persons collecting or using personally identifiable information shall receive training or instruction regarding the State's and school district's policies and procedures and the requirements of this Part for ensuring the confidentiality of any personally identifiable information collected, used or maintained.

d) Each school district shall maintain, for public inspection, a current listing of the names and positions of those employees within the local school district who may have access to personally identifiable information.

e) Parents shall be afforded the opportunity to inspect, review, and copy all educational records with respect to the identification, evaluation, educational placement, and provision of FAPE to their child. Each school district shall provide parents on request a list of the types and locations of educational records collected, maintained, or used by the agency. If any educational record includes information on more than one child, the parents of any of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

gf) The portion of each district's policies and procedures that is required pursuant to
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Section 226.710(b)(3) of this Part shall require that all information maintained concerning a student receiving special education be directly related to the provision of services to that child and shall address:

1) the method by which information concerning a student will be collected;

2) the confidential nature of the information;

3) the use to which the information will be put;

4) how the information will be recorded and maintained;

5) the period for which the information will be maintained;

6) the persons to whom the information will be available; and

7) under what circumstances the information will be made available.

The portion of each district’s policies and procedures referred to in subsection (a)(4) of this Section shall be consistent with:

1) The Illinois School Student Records Act;

2) 23 Ill. Adm. Code 375 (Student Records);

3) 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision);

4) The Family Educational Rights and Privacy Act; and


(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.750 Additional Services

Additional services and activities shall be provided to students whose IEPs require them in accordance with 34 CFR 300.105 (Assistive Technology), 300.106 (Extended School Year Services) and 300.108 (Physical Education). In addition, the following shall apply: The
additional services and activities referred to in this Section shall be provided to students whose IEPs require them. In each such case, the relevant requirements of this Section shall apply.

a) Assistive Technology

1) The responsible school district shall furnish such assistive technology devices as a child's IEP may prescribe, including providing these in the child's home if required in order for the child to receive FAPE.

2) Each school district shall ensure that hearing aids and assistive technology or adaptive devices are functioning properly.

ab) Behavioral Intervention

1) School districts shall establish local policies and procedures on the use of positive behavioral interventions to manage, intervene in, or change the behavior of students with disabilities.

2) Each district's policies and procedures shall require that IEP teams consider strategies including positive behavioral interventions and supports to address behaviors which impede a child's functioning or that of other children in the academic setting or in noninstructional contexts such as regular transportation and extracurricular activities. The district's policies and procedures shall include criteria for determining when a particular student's possible need for a behavioral intervention plan should be reviewed.

3) Behavioral interventions shall be used in consideration of the child's physical freedom, social interaction, and right to placement in the least restrictive environment and shall be administered in a manner that respects human dignity and personal privacy.

c) Extended School Year

A school district shall not limit its provision of services during an extended school year to particular categories of disability, nor shall a district unilaterally limit the type, amount, or duration of such services.

d) Physical Education
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Physical education services, specially designed if necessary, shall be made available to every child receiving FAPE.

1) Each child with a disability shall participate in a regular physical education program available to nondisabled children unless the child is receiving services full time in a separate facility or needs specially designed physical education, as prescribed in the child's IEP.

2) If a child is receiving services full time in a separate facility, the school district shall ensure that he or she receives physical education services appropriate to his or her needs.

Transportation

Each child who is eligible for special education and related services pursuant to this Part shall be eligible for special transportation. Such transportation shall be provided as the child's disability or the program location may require.

1) Arrival and departure times shall ensure a full instructional day which is comparable to that of the regular education students. Any deviation from this standard must be based upon the individual needs of the child and reflected in the child's IEP.

2) Every effort should be made to limit the child's total travel time to not more than one hour each way to and from the special education facility.

3) The special transportation shall be scheduled in such a way that the child's health and ability to relate to the educational experience are not adversely affected.

4) Vehicles utilized for special transportation shall be adapted to the specific needs of the children receiving this service.

5) Personnel responsible for special transportation shall be given training experiences which will enable them to understand and appropriately relate to children with disabilities.

6) When a district has placed students in a State-operated or nonpublic day program, the district shall provide transportation for the children in that program.
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7) When a child is placed in a residential facility, the school district shall provide transportation services for the child's initial trip to the facility and return home at the close of the school term. The district shall likewise provide transportation for the child at the beginning and end of each school term thereafter.

A) If the district assumes responsibility for transportation arrangements, it shall provide reasonable notice to parents of departure dates and times. It shall in all instances notify the parents within 48 hours after completing those arrangements.

B) The modes of travel and degree of support and supervision to be provided shall be included in the student's IEP.

C) The district shall provide transportation services for one round trip home, at a midterm break or at another time as mutually agreed by the district and the parents, and at any additional time when the facility is to be temporarily closed.

D) The school district shall provide round-trip transportation at any time the district seeks additional diagnostic assessments of the student or if the parent wishes the child to be present during a due process hearing.

E) The school district shall provide round-trip transportation in emergencies such as serious illness of the child or death or imminent death of an individual in the child's immediate family. "Immediate family" includes a parent, a grandparent, a sibling, or any person who resides in the child's immediate household. If the district questions the severity of an illness of the child or an immediate family member, it may require the opinion of a licensed physician to corroborate the severity of the illness.

F) The school district may also provide transportation services to encourage family contacts and/or to reintegrate the child into the home and community. The district shall have the authority to determine, upon consultation with the parents, when transportation
Vocational Education

Students eligible pursuant to this Part shall receive vocational education in accordance with their individual IEPs.

1) Community work experiences that are part of a student's IEP shall occur during the school day, unless this is precluded by the nature of the experiences.

2) Participation in community work experiences shall be in accordance with the student's IEP and applicable child labor laws.

2d) All community work experiences which are provided by the school as part of the IEP and for which the student receives educational credit shall be supervised by school personnel.

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)

Section 226.760 Evaluation of Special Education

a) The extent to which a school district is fulfilling its responsibilities to children with disabilities shall be determined by the State Board of Education. Official representatives of the State Board shall be authorized to examine all documentation, including student records, that would facilitate such determination.

b) Evaluation by the State Board of Education shall focus on the district's provision of special education services, on each special education cooperative organization of which it is a participant, and on community resources utilized by the district.

c) Evaluation of special education services shall be based on all of the following elements.

1) Comprehensive Plan: The performance of the program, as evidenced by data that state education agencies must collect, including without limitation the information collected pursuant to 34 CFR 300.170, 300.600, 300.601, 300.602, and 300.646: Each district or cooperative entity shall...
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have in place a comprehensive plan conforming to the requirements of 34 CFR 300.137 that describes the district’s provision of special education services, its plan for program improvement, and those factors unique to the individual district or cooperative which must be considered in the evaluation. This plan shall be reviewed at least triennially and revised as needed to reflect the district’s current circumstances. The resulting revisions shall be filed with the State Board of Education. Alternatively, a district may submit a statement indicating that its triennial review did not reveal a need for any changes. The plan shall be a public document.

2) Policies and Procedures The State Board shall consider the adequacy of the policies and procedures developed pursuant to Section 226.710 of this Part.

3) Continuous Internal Evaluation Each district or cooperative entity shall develop and implement procedures to assess the extent to which children with disabilities are being adequately served and the effectiveness of each special education service;

4) Records Each district or cooperative entity shall maintain records to demonstrate compliance with the assurances furnished in its applications for State and federal funds.

d) The State Board of Education shall provide written reports of its evaluations and any subsequent recommendations or actions to the appropriate boards of education.

e) Compliance with the requirements of this Part shall be a factor in determining a district's recognition status pursuant to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

f) A district whose status is changed to "nonrecognized" due to an unfavorable evaluation of its compliance with the requirements of this Part shall have the opportunity to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

(Source: Amended at 31 Ill. Reg. 9915, effective June 28, 2007)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Contested Cases and Other Formal Hearings

2) **Code Citation**: 23 Ill. Adm. Code 475

3) **Section Number**: Adopted Action: 475.40 Amendment

4) **Statutory Authority**: 5 ILCS 100/5-10(a)(i)

5) **Effective Date of Amendment**: June 26, 2007

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

7) **Does this rulemaking contain incorporations by reference?** No

8) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Notice of Proposal Published in Illinois Register**: March 9, 2007; 31 Ill. Reg. 3665

10) **Has JCAR issued a Statement of Objection to this 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 agreements issued by JCAR?** No changes were requested by JCAR, and no agreements letter was issued.

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

14) **Are there any other proposed rulemakings pending on this Part?** No

15) **Summary and Purpose of Amendment**: This amendment is essentially a technical revision intended to bring the rules into conformance with the agency's long-standing practice based on legal analysis. That is, when an application for a certificate is denied because the applicant is not of good character, the applicant is not entitled to the same type of due process (a full evidentiary hearing) as would be afforded to someone who already held a certificate. Hearings before the State Teacher Certification Board or the State Superintendent have never been afforded to individuals whose applications have
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been denied on this basis, and the reference found in Section 475.40(b)(2) needed to be deleted.

16) Information and questions regarding this adopted amendment shall be directed to:

Darren Reisberg
General Counsel
Illinois State Board of Education
100 North First Street
Springfield, Illinois  62777-0001

217/782-8535

The full text of the Adopted Amendment begins on the next page.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS

Section 475.40 Notice of Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the ISBE or the State Superintendent of Education, upon written request or upon the Superintendent's own motion, of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) All hearings conducted under the jurisdiction of the STCB shall be initiated when the STCB or the State Superintendent of Education issues a written Notice of
Opportunity for Hearing. Such a notice shall be served upon all known parties to the hearing and shall be issued:

1) upon written request of a person entitled to a hearing; or

2) upon presentation of evidence to the STCB or the State Superintendent demonstrating that a certificate should be suspended or revoked under Section 21-1 or 21-23 of the School Code [105 ILCS 5/21-1 or 21-23] or that an application for a certificate should be denied under Section 21-1 of the School Code.

c) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten days after receipt. When such a request is received, a Notice of Hearing shall be issued by the entity under whose jurisdiction the hearing will be held.

d) Requirements for Service of Notices

1) Service of either a Notice of Opportunity for Hearing or a Notice of Hearing shall be complete when it has been:

A) served in person; or

B) served by certified or registered United States Mail, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved.

2) A Notice of Hearing shall be served no fewer than 30 days before the day designated for the hearing.

3) The person serving the notice shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on ______________________, 20 _____, addressed to the following at the address shown:

______________________________
Signature
If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

e) A Notice of Hearing served under this Section shall include:

1) The time, place and nature of the hearing;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) A reference to the particular section of the statutes and rules involved;

4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and

5) A designation of a hearing officer, if any, to preside over the hearing, and the hearing officer's address.

f) A copy of a Notice of Hearing served pursuant to this Section shall be referred to the designated hearing officer or other designated individual, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

g) Service of any document other than a notice upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service as specified in subsection (d)(3) of this Section.

(Source: Amended at 31 Ill. Reg. 10035, effective June 26, 2007)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Appeal Proceedings Before the State Teacher Certification Board

2) Code Citation: 23 Ill. Adm. Code 485

3) Section Numbers: Adopted Action:
485.10 New Section
485.20 New Section
485.30 New Section
485.40 New Section
485.50 New Section
485.60 New Section
485.70 New Section
485.80 New Section

4) Statutory Authority: 105 ILCS 5/21-13

5) Effective Date of Rules: June 26, 2007

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 9, 2007; 31 Ill. Reg. 3670

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

Section 485.20 was revised slightly to eliminate the connotation that the State Teacher Certification Board may delegate its decision-making responsibility to a hearing officer.

Section 485.60 was reworded to convey how continuances and extensions of time are granted, and exceptions of "good cause" were inserted.

Section 485.80 was changed by lengthening the deadline for the Certification Board's issuance of a final decision and eliminating the potential for an extension.
Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.

Will this rulemaking replace any emergency rulemaking currently in effect? No

Are there any other proposed rulemakings pending on this Part? No

Summary and Purpose of Rules: This new set of rules covers appeals heard by the State Teacher Certification Board (STCB) when a regional superintendent or the State Superintendent has suspended an individual's certificates pursuant to Section 21-23 of the School Code. That Section of the law provides that in such an instance the individual's appeal is directed to the STCB. New Part 485 will provide the procedural framework for these appeals, as distinct from other situations (evidentiary hearings) where a hearing before the Certification Board is the individual's first avenue of recourse, as under Part 475. These rules reflect the procedures that have been developed in the few recent instances of appeals.

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

Darren Reisberg
General Counsel
Illinois State Board of Education
100 North First Street
Springfield, Illinois  62777-0001

217/782-8535

The full text of the Adopted Rules begins on the next page:
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NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 485
APEAL PROCEEDINGS BEFORE THE
STATE TEACHER CERTIFICATION BOARD

Section 485.10 Authority and Applicability

This Part is adopted pursuant to Section 21-13 of the School Code [105 ILCS 5/21-13]. This Part shall apply to all appeal proceedings conducted by the State Teacher Certification Board to review administrative decisions made by the State Superintendent of Education or the regional superintendent of schools to suspend certificates pursuant to Section 21-23 of the School Code.

Section 485.20 Appeal of Decision to Suspend Certificate

a) A holder of a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21] shall have the right to appeal to the State Teacher Certification Board (Certification Board) a decision of the State Superintendent of Education or the regional superintendent of schools to suspend the holder's certificates. Prior to rendering a decision, the Certification Board may avail itself of the services of a hearing officer to discharge any of its other responsibilities under this Part.
b) Form of Appeal
Each appeal shall conform to the following requirements:

1) The appeal shall be in writing, dated, and signed by the person appealing or his or her representative.

2) The appeal shall identify the certificate type and number and state the name of the certificate-holder, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order.

3) The appeal shall identify the parts of the suspension decision with which the holder disagrees and the specific reasons for that disagreement and shall state why the decision of the State Superintendent or the regional superintendent should be reversed.

c) Filing of Appeal
The certificate-holder shall file the appeal not later than ten days following receipt of the order of suspension. The appeal shall be submitted by certified mail, return receipt requested, or personally delivered, in duplicate, to the Secretary of the State Teacher Certification Board at the following address:

Secretary, State Teacher Certification Board
Illinois State Board of Education
100 North First Street
Springfield IL  62777

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than ten days following the receipt of the order of suspension will not be processed.

d) Notice to Parties
The Board shall give written notice of the certificate-holder’s appeal to the certificate-holder or his or her representative and the complaining party in the hearing that was held before the State Superintendent or regional superintendent. This notice shall inform the certificate-holder of the required filing of a written brief and the opportunity:

1) to inspect the record; and
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2) to file a request for oral argument and extension of stay before the Board.

e) Representation
Any party may be represented by legal counsel in the appeal proceeding.

Section 485.30 Record of Suspension Proceedings

a) The record of proceedings in a suspension case heard before the State Superintendent shall consist of:

1) The official record of the hearing as described in 23 Ill. Adm. Code 475.90(i), the rules of the State Board of Education for Contested Cases and Other Formal Hearings;

2) Any written briefs filed by the parties after the close of the hearing, as described in 23 Ill. Adm. Code 475.90(j); and

3) The order of the State Superintendent, including the findings, opinions, and recommendations of the Hearing Officer, as described in 23 Ill. Adm. Code 475.100.

b) The record of proceedings in a suspension case heard before a regional superintendent shall consist of:

1) All pleadings, notices, responses, motions, and rulings;

2) Evidence received;

3) A statement of matters officially noticed;

4) Offers of proof, objections, and rulings thereon;

5) Any proposed findings and exceptions;

6) Any decision, opinion, or report of the regional superintendent;

7) All staff memoranda or information submitted to the regional superintendent or regional office of education in connection with the regional superintendent's consideration of the case;
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8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but no such communication shall form the basis for any finding of fact;

9) Any written briefs filed by the parties after the close of the hearing; and

10) The order of the regional superintendent, including the findings of fact, conclusions of law, opinions, or recommendations.

c) Upon reasonable notice, either written or oral, to the Secretary of the Board, a party may inspect the record of the suspension proceedings during normal business hours at the office of the Secretary. A party may also obtain a copy of the record at the party's own expense at the cost of $.25 per page.

d) No additional evidence outside the record of proceedings shall be presented by the parties before the Board.

Section 485.40 Briefs and Response

a) The certificate-holder shall file a written brief within 21 days after receipt of the notice provided pursuant to Section 485.20(d) of this Part. The brief shall include the following:

1) The certificate-holder's name, the certificate type and number, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order;

2) A summary of the portions of the suspension decision with which the holder disagrees and the specific reasons for that disagreement;

3) A statement of facts, with appropriate reference to the pages of the record on appeal; and

4) Argument, supported by reasons for contentions, with citation of legal authorities and the pages of the record relied on.

b) Briefs shall be filed with the Secretary of the Board in the same manner as is provided for the appeal in Section 485.20 of this Part, and a copy shall be served on the complaining party in the suspension hearing that was held before the regional superintendent or the State Superintendent.
c) The complaining party or the party's representative may file a response with the Board within 14 days after receipt of the certificate-holder's brief. Responses shall be supported by argument and served on all parties at the time they are filed.

d) Failure of a certificate-holder to file a timely brief as required by this Section shall constitute a withdrawal of the appeal.

Section 485.50 Oral Argument

The Board shall decide a case on the record of proceedings as defined in Section 485.30 of this Part and shall consider the certificate-holder's brief and any response, as defined in Section 485.40 of this Part, without oral argument; or shall grant oral argument where necessary or appropriate for a full and fair disposition of the appeal, as follows:

a) Request for Oral Argument
   At the time of filing the brief, a certificate-holder may request in writing that the Board hear oral argument and extend the stay of proceedings. The requesting party must certify in writing that he or she has served a copy of the request for oral argument and extension of stay on the State Superintendent or regional superintendent.

b) Decision on Request
   The Board shall grant or deny a request within 35 days after receiving it.

   1) If the request is denied, the Board shall inform the certificate-holder in writing and thereafter issue its decision based on the record in accordance with Section 485.80 of this Part, and the decision shall contain the reasons for the denial of the request.

   2) If the request is granted, the Board shall inform the parties in writing and shall order such review hearing as is necessary for a full and fair disposition of the appeal. If a review hearing is scheduled, the Board shall hear oral argument from both the certificate-holder (or his or her representative) and the complaining party (or his or her representative).

c) Notice of Hearing
   The Board shall give written notice to the parties of the date, time, and place set for the review hearing at least 14 days prior to the time fixed for the hearing.
d) Time Allotted for Oral Argument
Oral argument at the review hearing shall be limited to 20 minutes in length for each side, inclusive of rebuttal time.

e) Conduct of Review Hearing
The Board or hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel to ensure an orderly hearing and may consider and rule on procedural requests.

Section 485.60 Continuances and Extensions of Time

Parties shall make their oral arguments at the time and date set by the Board and timely file their briefs and responses. Continuances of an oral argument or extensions of time for filing briefs and responses shall be granted only by order of the Board for good cause shown (e.g., family emergency or scheduling conflict).

Section 485.70 Withdrawal of Appeal

The certificate-holder may voluntarily withdraw his or her appeal by submission of a signed, written statement to the Board at any time before the Board's decision is issued. The Board shall notify all parties when a notice of withdrawal is submitted.

Section 485.80 Decision of Board on Review

a) Standard of Review
In making its final decision with respect to an appeal of a suspension order, the Board shall not reverse the findings of the regional superintendent or State Superintendent unless they are against the manifest weight of the evidence.

b) Final Decision
Within 75 days after receipt of the brief or any response, or after the review hearing, whichever occurs last, the Board shall make a final decision that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and shall serve by certified mail a copy of the final decision on each party.
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Americans With Disabilities Act Grievance Procedure

2) **Code Citation:** 4 Ill. Adm. Code 825

3) **Section Numbers:**
   - 825.10  New Section
   - 825.20  New Section
   - 825.30  New Section
   - 825.40  New Section
   - 825.50  New Section
   - 825.60  New Section
   - 825.70  New Section
   - 825.80  New Section

4) **Statutory Authority:** Implementing the Americans With Disabilities Act of 1990 [42 USC 12101 et seq.] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) **Effective Date of Rules:** June 26, 2007

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

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 31 Ill. Reg. 4321; March 16, 2007

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposal and final version:**

   Authority Note – Change "Civil Administration Code" to "Civil Administrative Code".

   Section 825.20, Definitions, "ADA Coordinator" – In the last sentence, after "(voice)" add a comma and "800/255-3323 (TDD)".
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Section 825.30, Grievances, Item (a) - Change "within 180 calendar days of the alleged discrimination" to "within 180 calendar days after the alleged discrimination".

Section 825.40, Manner of Filing, Item (c) – Change "within ten business days" to "within 10 business days".

Section 825.60, Final Review, Item (a) – Change "within ten business days" to "within 15 business days".

Section 825.60, Final Review, Item (f) – Change "her or her decision" to "his or her decision".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The purpose of this Part is to provide grievance procedures to resolve grievances asserted by qualified individuals with disabilities as required by Section 35.107 [28 CFR 35] pursuant to Title II of the Americans With Disabilities Act of 1990 [42 USC 12101 et seq.].

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

   Mr. John M. Hosteny
   Interim Chief Legal Counsel
   Illinois State Police
   801 South 7th Street, Suite 1000-S
   Post Office Box 19461
   Springfield, Illinois 62794-9461

   217/782-7658

The full text of the Adopted Rules begins on the next page:
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 825
AMERICANS WITH DISABILITIES ACT
GRIEVANCE PROCEDURE

Section
825.10 Purpose
825.20 Definitions
825.30 Grievances
825.40 Manner of Filing
825.50 ADA Coordinator Review
825.60 Final Review
825.70 Accessibility
825.80 Case-by-Case Resolution


Section 825.10 Purpose

a) This Part establishes the grievance procedure required by 28 CFR 35.107, adopted pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) requiring the adoption of a procedure to resolve grievances asserted by qualified individuals with disabilities. Interested parties may contact the ADA Coordinator to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it.

b) In general, the ADA requires that each program, service, and activity offered by the Department of State Police, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

c) It is the intention of the Department to foster open communications with all individuals requesting readily-accessible programs, services, and activities. The
DEPARTMENT OF STATE POLICE

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Department encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances.

Section 825.20 Definitions

"ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Director of the Department to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of grievances filed by complainants. The ADA Coordinator may be contacted at Department of State Police, ADA Coordinator, 3700 East Lake Shore Drive, Springfield, Illinois 62712, 217/782-1282 (voice), 800/255-3323 (TDD). (See 28 CFR 35.107.)

"Complainant" means a qualified individual with a disability who files a grievance on the grievance form provided by the Department.

"Department" means the Illinois Department of State Police.

"Director" means the Director of the Department of State Police or a duly authorized designee.

"Disability" shall have the same meaning as set forth in the ADA.

"Grievance" means any written complaint under the ADA by an individual with a disability who meets the eligibility requirements for participation in, or receipt of, the benefits of a program, activity, or service offered by the Department and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Department, or who has been subjected to discrimination by the Department on the basis of his or her disability.

"Grievance Form" means the form prescribed by the Department for the purpose of filing a grievance under this Part and includes information such as name, address, telephone number, nature of the grievance, with specificity, including date of incident, time, and place and witnesses, if applicable.
"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 825.30 Grievances

a) The Department will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Part. However, grievances must be submitted within 180 calendar days after the alleged discrimination and in accordance with procedures established in Sections 825.40, 825.50, and 825.60 of this Part.

b) The Department shall, upon being informed of an individual's request for a form or desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

c) It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the ADA Coordinator's and/or the Final Review described in Sections 825.50 and 825.60 of this Part.

d) A complainant's failure to submit a Grievance Form, or to submit or appeal it to the next level of review within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the Department's last response as given in the grievance procedure.

e) A complainant must exhaust the remedies provided under this Part as a prerequisite for filing any action before a court or other administrative body.

Section 825.40 Manner of Filing

a) The filing of a grievance is accomplished by the complainant's submission of a Grievance Form to the ADA Coordinator.
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

b) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the date of the alleged discrimination, submit a grievance to the ADA Coordinator on the Grievance Form prescribed for that purpose.

c) In order to be deemed filed and to receive proper consideration by the Department, the Grievance Form must be completed in full, except as otherwise indicated on the form. The ADA Coordinator will notify the complainant, within 10 business days after the receipt of the form, if the filing is not complete.

d) Upon request, the Department shall assist an individual in completing the Grievance Form.

Section 825.50  ADA Coordinator Review

The ADA Coordinator or his/her representative shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the complainant and Director within 15 business days after receipt of the Grievance Form.

Section 825.60  Final Review

a) If the grievance is not resolved pursuant to Section 825.50 of this Part to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Director for Final Review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the ADA Coordinator's written response, within 15 business days after service of the ADA Coordinator's response. Service is deemed complete five business days after mailing.

b) The Director will extend the period for submitting the review request and supporting documents for up to five additional days upon complainant's request.

c) Within 15 business days after receipt of the complainant's request to the Director for Final Review, the Director shall appoint a three-member panel to evaluate the grievance. The Director shall designate one panel member as chair. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last panel member is appointed.
d) The complainant shall be afforded an opportunity to appear before the panel. The complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the complainant's Grievance Form and the ADA Coordinator's written response, and may conduct interviews and seek advice as it deems appropriate.

e) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (c), the panel shall make written recommendations to the Director regarding the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign his or her recommendation.

f) Within 15 business days after receipt of the panel's recommendations, the Director shall approve, disapprove, or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.

g) The Grievance Form, the ADA Coordinator's response, the complainant's statement of the reasons for dissatisfaction, the panel's recommendations, and the Director's decision shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

Section 825.70 Accessibility

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 825.80 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program, or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service, or activity, or cause undue hardship for the Department. Accordingly, termination of a grievance at any
level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**

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<td>310.APPENDIX A TABLE E</td>
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4) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) **Effective Date of Amendments:** July 1, 2007

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the accompanying proposed amendments are adopted prior to the end of the 150-day period.

7) **Date filed with the Index Department:** June 29, 2007

8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.

9) **Reasons for Emergency:** The first reason for the emergency amendments is to begin FY2008 on July 1, 2007 with clarity on the creditable service date treatment for employee movements and for pay changes especially given the January 1, 2007
restoration of and opportunity for merit compensation increases and bonuses, and the expectation that positions assigned to the Salary Grade System and positions assigned non-union rates will be incorporated into the Merit Compensation System effective January 1, 2008 through future rulemaking. Creditable services dates are integral in determining employee eligibility for merit compensation Performance Reviews. This will allow fairer pay treatment for employees. The second reason is to allow the employees who accrued equivalent earned time during FY2007 the opportunity to actually be compensated by their agency and for agencies to operate throughout the entire FY2008 with a single accrual and compensation method for equivalent earned time that is more responsive to the agencies’ needs. The third reason is to begin FY2008 on July 1, 2007 with correct pay systems indicated for the classification titles and pay rates assigned to the classification titles.

10) A complete Description of the Subjects and Issues Involved: In Section 310.45(b), interim assignment is added to the definitions of employee movements.

In Section 310.50 and within the definition of "creditable service," the change clarifies the increases of one step or more that shall not change the creditable service date. In the same Section and within the definition of "salary grade," the change clarifies that the merit compensation system includes the medical administrator positions too.

In Section 310.80(d)(1)(A) and (B), the relationship between an upward reallocation and the employee's creditable service date is clarified. In subsection (d)(2), the relationship between an upward reevaluation and the employee's creditable service date is clarified. In subsection (e), the relationship between an upward adjustment and the employee's creditable service date is clarified.

In Section 310.90(d) and (e), the relationship between a downward reevaluation or adjustment, respectively, and the employee's creditable date is clarified.

In Section 310.100(e)(1) and (2), the relationship between interim assignment and creditable service date is changed for employees in interim assignments on or after July 1, 2007. In subsection (g), the accrual and compensation of equivalent earned time are changed for FY2008, and the restoration of accrued and unused equivalent earned time from FY2007 makes that time available again for use by the employee. In subsection (j), the subsection is divided in two to allow for better understanding of the relationship between return from leaves and creditable service date.
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In Section 310.410 and since positions in the Assignment Coordinator title are no longer subject to the merit compensation system, the Assignment Coordinator title and its related information are removed from the title table.

In Section 310.450(b)(1) and (2)(A) and (B), eligibility for a performance review is extended to employees who are in or have been in interim assignment. The role of immediate supervisor and the pay used to determine eligibility are clarified. In subsection (d), the amount restrictions specify that interim assignment pay shall not be used to determine an annual merit increase or bonus. In subsection (g), the effective date of the annual merit increase and bonus, and the new creditable service date are clarified.

In Section 310.460(b) and (c), the relationship between an upward reallocation or reevaluation, respectively, and the employee's creditable date is clarified.

In Section 310.470, the relationship between an upward adjustment and the employee's creditable date is clarified.

In Section 310.480(b), (d) and (e), the relationship between a downward reallocation, reevaluation or adjustment, respectively, and the employee's creditable date is clarified.

In Section 310.490(e), the accrual and compensation of equivalent earned time are changed for FY2008, and the restoration of accrued and unused equivalent earned time from FY2007 makes that time available again for use by the employee. In subsection (i), the subsection is divided in two to allow for better understanding of the relationship between return from leaves and creditable service date. In subsection (p), the relationship between interim assignment and creditable service date is changed for employees in interim assignments on or after July 1, 2007.

In Section 310.495(c), the relationship between an upward salary adjustment and the employee's creditable date is clarified.

In Section 310.500 and within the definition of "creditable service," the change clarifies the certain employee movements shall not change the creditable service date.

In Section 310.Appendix A Table E and in the new hire rates table for the Highway Maintainer (Drill Rig), the rates are corrected because of an earlier calculation error.

In Section 310.Appendix A Table F and in the full scale rates table, the label for the Maintenance Worker Pay Plan Code B is corrected because some of these positions were
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consolidated into the Department of Central Management Services that was not in the label, and the rates for the Maintenance Worker Pay Plan Code Q are added because a position was geographically transferred so that bargaining unit representation changed from the RC-020 to RC-019.

11) Are there any proposed amendments to this Part pending? Yes

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<td>310.APPENDIX G</td>
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12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

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

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Springfield IL  62706

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

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

The full text of the Emergency Amendments begins on the next page:
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NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
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310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State Rate
310.295 Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

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

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Sergeants, Laborers’ – ISEA Local #2002)
310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D HR-001 (Teamsters Local #726)
310.TABLE E RC-020 (Teamsters Local #330)
310.TABLE F RC-019 (Teamsters Local #25)
310.TABLE G RC-045 (Automotive Mechanics, IFPE)
310.TABLE H RC-006 (Corrections Employees, AFSCME)
310.TABLE I RC-009 (Institutional Employees, AFSCME)
310.TABLE J RC-014 (Clerical Employees, AFSCME)
310.TABLE K RC-023 (Registered Nurses, INA)
310.TABLE L RC-008 (Boilermakers)
310.TABLE M RC-110 (Conservation Police Lodge)
310.TABLE N RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q RC-033 (Meat Inspectors, IFPE)
310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T HR-010 (Teachers of Deaf, IFT)
310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V CU-500 (Corrections Meet and Confer Employees)
310.TABLE W RC-062 (Technical Employees, AFSCME)
310.TABLE X RC-063 (Professional Employees, AFSCME)
310.TABLE Y RC-063 (Educators, AFSCME)
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310.TABLE Z  RC-063 (Physicians, AFSCME)
310.TABLE AA  NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB  VR-007 (Plant Maintenance Engineers, Operating Engineers)
(Repealed)

310.APPENDIX B  Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C  Medical Administrator Rates
310.APPENDIX D  Merit Compensation System Salary Schedule
310.APPENDIX E  Teaching Salary Schedule (Repealed)
310.APPENDIX F  Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G  Broad-Band Pay Range Classes Salary Schedule

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

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SUBPART A: NARRATIVE

Section 310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications

a) What Classifications to Compare When an Employee Moves – The movement of an employee subject to the Personnel Code to a vacant position (subject to the Personnel Code) is between two positions. The employee moves from the former position to the targeted position. The targeted position may be the former position allocated to a different classification title (80 Ill. Adm. Code 320.80) or may be the former position assigned substantial additional responsibilities in the same broad-band title (Section 310.495(c)). The former and targeted positions have the same or different classification titles. The former position is in the former classification and the targeted title is in the targeted classification. The former and targeted classifications are used in the comparison when an employee moves.

b) Definitions of Employee Movements – When the former and targeted classification titles are the same, the employee movement is an interim assignment (80 Ill. Adm. Code 302.150(j)), a transfer (80 Ill. Adm. Code 302.400), geographical transfer (80 Ill. Adm. Code 302.430) or where in the broad-band classification title the targeted position has substantial additional responsibilities compared to the former position (Section 310.495(c)). When the former and targeted classification titles are different, the employee movement is an interim assignment (80 Ill. Adm. Code 302.150(j)), a transfer (80 Ill. Adm.
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Code 302.400), geographical transfer (80 Ill. Adm. Code 302.430), demotion (80 Ill. Adm. Code 302.470), voluntary reduction (80 Ill. Adm. Code 302.500), promotion (Sections 310.50 and 310.500), based on the position being allocated to another class (80 Ill. Adm. Code 301.20 and 301.41) or based on the positions in a class being reclassified (Sections 310.50 and 310.500).

c) What to Compare in Each Classification – Whether comparing former and targeted classifications, the pay grades or salary ranges assigned to the former and targeted classifications, or the maximum permissible salary or rate assigned to the former and targeted classifications, use the highest of the maximum base salaries in the regular pension formula pay grades or salary ranges assigned to the positions established inside the geographical limits of the State of Illinois for each classification. (Out-of-state rates in Section 310.290 are never used in the comparison.)

d) What to Compare in Each Classification When Conditions in Subsection (c) Do Not Exist – If no regular pay formula pay grade or salary range exists for the classification, then identify the highest of the maximum base salaries in the alternative pension formula pay grades or salary ranges assigned to the positions established inside the geographical limits of the State of Illinois for the classification. If only foreign service rate (Section 310.295) ranges exist for the classification, then identify the highest of the maximum base salaries in the regular pension formula foreign service rate salary ranges for the classification.

e) The Comparison Determines the Type of Employee Movement and Pay – Comparing the highest of the maximum base salaries set forth in subsection (c) or subsection (d) for each classification establishes whether the former classification is higher than, lower than or the same as the targeted classification. This information determines (or assists in determining) which type of employee movement in subsection (b) is occurring. From that determination, the pay treatment is set in following Sections of the Pay Plan.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the
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Schedule of Rates (Subpart B), Negotiated Rates of Pay (Appendix A), and the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step. A new creditable service date will follow an increase of a step or more except for the following actions:

- Revaluation as provided for in Section 310.80(d)(2) for non-bargaining-unit employees. A reevaluation resulting in a salary increase less than a step in the former pay grade.

- Reallocation as provided for in Section 310.80(d)(1) for non-bargaining-unit employees resulting in a salary increase less than a step increase in the former pay grade.

- Adjustments as provided for in Section 310.80(e) for non-bargaining-unit employees that are approved to correct errors or oversights. (A new creditable service date will follow Section 310.80(e) adjustments in the
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best interest of the agency, unless the Director of Central Management Services determines the change in creditable service date to be inequitable.)

Interim assignment as provided for in Section 310.100(e).

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on him/her during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

7 = Salary Grade regular pension formula rate
8 = Salary Grade alternative pension formula rate
9 = Salary Grade maximum-security institution rate
B = Negotiated regular pension formula rate for the State of Illinois
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E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
Q = Negotiated alternative pension formula rate for the State of Illinois
S = Negotiated maximum-security institution rate for the State of Illinois
U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" - The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.
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"Salary Grade" – The system of pay practices applied to specific positions or employees not represented by a bargaining unit, and not in the Merit Compensation System, which includes Broad-Band and Medical Administrator positions.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.80 Increases in Pay

EMERGENCY

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

a) Satisfactory Performance Increase –

1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay
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grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.

2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.

3) No satisfactory performance increase may be given after the effective date of separation.

b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:

1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.

2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.

c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.

d) Other Pay Increases –

1) Promotion and Reallocation –
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A) Normally, upon promotion or reallocation, an employee shall be advanced to the lowest step in the new grade that represents at least a full step increase in the former grade. When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the new range that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the new range that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.

B) Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.

2) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.

3) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.
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4) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.

e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees. The effective dates for the 4% and 3% adjustment increases effective December 2, 2005 and January 1, 2007, respectively, are as stated.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.90 Decreases in Pay

EMERGENCY

Employees other than those whose base salaries are determined by the Schedule of Rates (Subpart B) shall have their salaries reduced only as specified below and shall become effective the first day of the pay period following date of approval:

a) Demotion for Cause to a Lower Class - Upon demotion, the employee's base salary will be reduced to Step 8 of the pay grade for the lower class if the current base salary is in excess thereof, or to the step in the lower pay grade which provides the salary nearest in amount, but less than, the current base salary, except that an employee demoted during a probationary period following promotion will
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have his/her salary reduced to the step in the lower pay grade which represents the salary had the employee not been promoted, and his/her previous creditable service date will be restored.

b) Position Reallocated to a Lower Class - The employee's base salary will be reduced to Step 8 of the lower pay grade, if in excess thereof, or to the step in the lower pay grade nearest in amount to, but in no case more than, the current base salary. However, as provided in Section 8(a) of the Personnel Code, the pay for an employee whose position is reallocated because of loss of duties and responsibilities after the employee's appointment to such position shall not be required to be lowered to an exact step for a period of one year. Where the base salary is identical to an exact step in the lower range, he/she shall be placed on this step with no further reduction required. An employee's creditable service date will not be affected.

c) Voluntary Reduction to a Lower Class - Upon the voluntary reduction of an employee to a vacant position in a class having a lower pay grade than the class from which the reduction was made, the employee's base salary will be reduced to Step 8 of the lower pay grade if in excess thereof, or to the step in the lower pay grade which provides the base salary nearest in amount, but less than, the current base salary, except that an employee who voluntarily requests a reduction to a lower class during a probationary period following promotion will have his/her salary reduced to the step in the pay grade that represents the salary had the employee not been promoted, and his/her previous creditable service date will be restored.

d) Assignment of a Lower Pay Grade to a Class - Upon assignment, an employee's base salary will be that step in the new pay grade nearest to, but not greater in amount than, the step being vacated in the former pay grade. The reevaluation shall not change the creditable service date.

e) Adjustment – An employee may receive a downward adjustment in his/her base salary for the purpose of correcting a previous error or oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services in writing. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable.
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in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date.

f) Reclassification – If the class to which the position is being moved has a lower pay grade, the employee's base salary will be the salary in the new pay grade nearest to, but not greater than, the employee's former salary. As provided in Section 8(a) of the Personnel Code, the pay for an employee whose position is reclassified shall not be lowered for a period of one year. If the base salary is identical to an exact step in the lower range, he/she shall be placed on this step with no further reduction required. An employee's creditable service date will not be affected.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.100 Other Pay Provisions

EMERGENCY

a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.

b) Entrance Base Salary –

1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of
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Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

d) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility - The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor
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contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time - Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Temporary Assignment Pay –

A) When Assigned to a Higher-Level Position Classification – A bargaining unit employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level
position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

e) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a salary grade position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the certified non-bargaining unit employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.

1) When Assigned to the Salary Grade Position - When assigned to the salary grade position, the employee's base salary shall be advanced to the lowest step in the higher pay grade that represents at least a full step increase in the lower pay grade. When the employee's current rate is Step 8 in the lower pay grade, the employee shall be paid at the lowest step rate in the higher pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on
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longevity). Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. Upon interim assignment, the employee's creditable service date shall not change to the effective date of the interim assignment. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

2) When Assigned to the Merit Compensation Position - When assigned to the merit compensation position, the employee's base salary shall receive an adjustment, which is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change to the effective date of the interim assignment. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

f) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

g) Equivalent Earned Time –

1) Eligibility - Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee 40 actual work hours in a work week.

2) Restoration - Employees who are eligible for equivalent earned time shall have the balance of the employee's unused equivalent earned time at the
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**Close of business on June 30, 2007 restored as accrued equivalent earned time effective July 1, 2007.**

32) **Accrual -**

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours in any fiscal year.

B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

43) **Compensation -** Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year, except that equivalent earned time accrued during June of one fiscal year may be carried over for use prior to August of the immediately following fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

h) **Part-Time Work –** Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

i) **Lump Sum Payment –** Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment...
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for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

j) Salary Treatment Upon Return From Leave –


2) An employee returning to his/her former pay grade from any other leave (not mentioned in subsection (j)(1)) of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

k) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides
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the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

l) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade.

m) Extended Service Payment –

1) The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

2) The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

EMERGENCY

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see
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Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

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<td>Private Secretary II</td>
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<td>Security Officer Chief</td>
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Security Officer Lieutenant 39876 MC-02
Security Therapy Aide IV 39904 MC-05
Sign Shop Foreman 41000 MC-06
Staff Development Specialist I 41771 MC-05
Staff Development Technician II 41782 MC-03
State Mine Inspector-At-Large 42240 MC-11
Statistical Research Specialist III 42743 MC-06
Statistical Research Supervisor 42745 MC-07
Storekeeper III 43053 MC-01
Supervising Vehicle Testing Compliance Officer 43680 MC-06
Switchboard Chief Operator 44410 MC-01
Technical Advisor I 45251 MC-05
Technical Advisor II 45252 MC-07
Telecommunications Supervisor 45305 MC-07
Utility Engineer I 47451 MC-05
Utility Engineer II 47452 MC-07
Vehicle Emissions Compliance Supervisor 47583 MC-05
Waterways Construction Supervisor I 49061 MC-05
Waterways Construction Supervisor II 49062 MC-07

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.450 Procedures for Determining Annual Merit Increases and Bonuses

EMERGENCY

a) Definitions -

1) Annual Merit Increase - An annual merit increase is an in-range salary adjustment for demonstrated performance. The annual merit increases were suspended effective July 1, 2003 and are restored effective January 1, 2007.

2) Annual Merit Bonus – An annual merit bonus is a percentage of the employee’s annualized base salary that is paid once for demonstrated performance and separately from the base salary. The annual merit bonuses are established effective January 1, 2007.
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b) Eligibility Conditions - Eligibility for an annual merit increase and bonus shall be determined by the following conditions:

1) 12 Months Creditable Service or from the Last Officially Scheduled Performance Review and Performance Review Discussion – Each employee will be eligible for a performance review; after attaining 12 months creditable service if new to the position, or, if continually in the one position for longer than 12 months, from the last officially scheduled performance review (80 Ill. Adm. Code 302.270(d)); if the combined time in the position and in a completed interim assignment is longer than 12 months from the last officially scheduled performance review; or if in interim assignment and the employee's creditable service date is 12 months or more ago, the employee shall return from a leave to serve in interim assignment for the employee's Performance Review and discussion. The employee's immediate supervisor shall prepare a Merit Compensation and Performance System form prior to the Performance Review Date or if the employee just returned from a leave to serve in interim assignment for the purpose of receiving the Performance Review, the employee's immediate supervisor shall prepare a Merit Compensation and Performance System form on the date the employee returned with input from the employee's immediate supervisor while in interim assignment. The employee's immediate supervisor shall, and discuss the results with the employee.

2) Guidechart Category Amount, Salary Range Maximum in Relation to Base Salary Increase and Current Base Salary –

A) Annual Merit Increase - Should the performance review result in the employee not being eligible for an annual merit increase due to provisions of Section 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued. (Interim Assignment Pay shall never be used to determine eligibility for an annual merit increase.)

B) Annual Merit Bonus - Should the performance review result in the employee not being eligible for an annual merit bonus due to provisions of Section 310.450(d), the employee will not be eligible
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for an annual merit bonus until 12 months of additional creditable service has been accrued. (Interim Assignment Pay shall never be used to determine eligibility for an annual merit bonus.)

c) Immediate Supervisor Determination of Performance Category – Based upon the results of the performance review, the employees’ immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase and bonus.

d) Amount Restrictions - The amount of an annual merit increase and bonus recommendation shall be determined by use of the Merit Increase and Bonus Guidechart of Section 310.540 if the employee's performance review has on the Performance Review Date on or after January 1, 2007 been evaluated at a Category 3 or higher level. An employee whose performance review has on the Performance Review Date been evaluated at Category 4 on or after January 1, 2007 or at any category prior to January 1, 2007 shall not receive an increase in the present base salary or a bonus. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position. (Interim Assignment Pay shall never be used to determine an annual merit increase or bonus.)

e) Immediate Supervisor Indication of Eligibility and Amount – The employee's immediate supervisor shall prepare a Performance Certification and Merit Increase Recommendation form indicating whether or not the employee is eligible for an annual merit increase and bonus and the amounts thereof.

f) Review and Approval - The employee's immediate supervisor shall forward the completed Merit Compensation and Performance System and Performance Certification and Merit Increase Recommendation forms to the agency head or a designated authority for review and approval.

g) Effective Date and New Creditable Service Date – The annual merit increase and bonus shall become effective the first day of the month in which the employee's Performance Review Date occurs or January 1, 2007 if the employee in interim assignment became eligible for the Performance Review on January 1, 2007. The employee's new creditable service date shall be the first day of the month in which the employee's Performance Review Date occurred or would have occurred if the employee had not been in interim assignment on that date.
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(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.460 Other Pay Increases

EMERGENCY

a) Promotion - Normally upon promotion an employee shall be advanced in salary by an amount equivalent to between 8 and 15 percent of the current base salary. In no event is the resulting salary to be lower than the minimum rate of the salary range to which the employee is being promoted or greater than the maximum of the new salary range. Upon promotion the employee shall receive a new creditable service date.

b) Reallocation - Upon reallocation, an employee shall be advanced in salary to a rate of pay that is the equivalent of 5 percent above the current base salary. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the new salary range. A reallocation will not affect the creditable service date of the employee, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new title. The reallocation shall not change the creditable service date.

c) Reevaluation - If a higher salary range is assigned to a class, the employee occupying a position in the class normally shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed due to the reevaluation of the class the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range. The reevaluation shall not change the creditable service date.

d) Separation and Subsequent Appointment - Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary range, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (a)).

e) Reclassification – If the class to which the position is being moved has a higher salary range, the employee occupying the position shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of
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the new salary range. The creditable service date of the employee will not be changed due to the reclassification of the position the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.470 Adjustment

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Such adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change with the creditable service date. A salary adjustment of over 3% (unless the adjustment is effective December 2, 2005, or other adjustments result in $175 per month or less) will create a new creditable service date.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.480 Decreases in Pay

Employees subject to this Part shall have their salaries reduced only as specified below. Any reduction in salary shall become effective on the first day of the month following approval of the reduction.

a) Demotion for Cause to a Lower Class – If the employee's current base salary is within the lower salary range, it shall be retained without change, but shall be reduced to the maximum of the lower salary range if in excess thereof. An employee demoted during a probationary period following promotion will have the base salary reduced to the same salary the employee received before being promoted and the previous creditable service date will be restored.
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b) Position Reallocation to a Lower Class – If the employee's current base salary is within the lower salary range, it shall be retained without change, but shall be reduced to the maximum of the lower salary range if it exceeds thereof. However, as provided in Section 8(a) of the Personnel Code, the pay of an employee whose position is reallocated because of duties and responsibilities after appointment to such position shall not be required to be lowered to a salary within the range for a period of one year. The reallocation shall not change the creditable service date.

c) Voluntary Reduction to a Lower Class – If the employee's current base salary is within the lower salary range, it shall be retained without change, but shall be reduced to the maximum of the lower salary range if in excess thereof. However, an employee who voluntarily requests a reduction during a probationary period following a promotion will have the base salary reduced to the same salary in the lower salary range from which the employee was promoted and the previous creditable service date will be restored.

d) Assignment of a Lower Salary Range to a Class – If the employee's current base salary is within the lower salary range, it shall be retained without change, but shall be reduced to the maximum of the lower salary range if in excess thereof. The reevaluation shall not change the creditable service date.

e) Adjustment – An employee may receive a downward adjustment in base salary for the purpose of correcting a previous error or oversight or when the best interest of the agency or the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services in writing. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date.

f) Reclassification – If the employee's current base salary is within the lower salary range, it shall be retained without change. If the employee's current base salary is higher than the maximum of the lower salary range, the base salary shall be reduced to the maximum of the lower salary range. As provided in Section 8(a) of the Personnel Code, the base salary shall not be lowered to a salary within the range for a period of one year.
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(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)

Section 310.490 Other Pay Provisions

a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.
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c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

d) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay -

A) Eligibility - The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC 7 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a
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specified time period for which the special situation is expected to exist.

B) Compensatory Time - Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

e) Equivalent Earned Time –

1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee's 40 actual work hours in a work week.

2) Restoration - Employees who are eligible for equivalent earned time shall have the balance of the employee's unused equivalent earned time at the close of business on June 30, 2007 restored as accrued equivalent earned time effective July 1, 2007.

32) Accrual –

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week
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indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. 40 actual work hours in a work week. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours in any fiscal year.

B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. This time may not be carried over from one fiscal year to another fiscal year, except that equivalent earned time accrued during June of one fiscal year may be carried over for use prior to August of the immediately-following fiscal year. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.

Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).
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AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i) Salary Treatment upon Return from Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.

2) An employee returning to his/her former salary range from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

j) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

k) Temporary Assignment Pay When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform
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duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

l) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

m) Reinstatement – The salary upon reinstatement should not provide more than a 10% increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

o) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
p) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.

1) When Assigned to the Merit Compensation Position - When assigned to the merit compensation position, the adjustment is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change to the effective date of the interim assignment. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

2) When Assigned to the Salary Grade Position - When assigned to the salary grade position, the adjustment is determined by taking the difference between the salary on the step equivalent to or greater than the employee's current base salary and the salary one step above that step and adding that difference to the employee's current base salary. Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the pay grade to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change to the effective date of the interim assignment. Effective July 1, 2007, employees in interim assignment, which was effective prior to July 1, 2007, shall have the creditable service date as if not on a leave to serve in an interim assignment.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)
Section 310.495 Broad-Band Pay Range Classes

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

a) Salary Range - The salary range for broad-band classes shall be as set out in Appendix G.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.

3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 10% above the candidate's current base salary. An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.

c) Salary Adjustment for Substantial Additional Duties and Responsibilities within the Same Position or for Transfer to Another Position with Substantial Additional Duties and Responsibilities in the Same Title – An upward salary adjustment that is not more than 10% above the employee's current base salary in a broad-band position classification may be made by the employing agency where the employee's position has been given substantial additional duties and
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responsibilities but will remain in the same classification or where the employee transfers to another position with substantial additional duties and responsibilities in the same broad-band class. An upward salary adjustment for substantial additional duties and responsibilities that is more than 10% above the employee's current base salary may be given where the substantial additional duties and responsibilities are documented on an updated position description (CMS-104) and are reflected on the organization chart, and where the employing agency received the required prior approval from the Director of Central Management Services. The salary adjustment shall not change the creditable service date.

d) Movement between Salary Systems - Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of Central Management Services.

e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes - For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."

1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.

2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)
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Section 310.500 Definitions

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The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" - A change in salary occasioned by previously committed error or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Base Salary" - The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" - Two or more classes that are in the same salary range.

"Demotion" - The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.
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"Differential" - The additional compensation added to the base salary of an employee resulting from conditions of employment imposed during the normal schedule of work.

"Entrance Base Salary" - The initial base salary assigned to an employee upon entering State service.

"Intermittent Merit Increase" - An intermittent merit increase is an increase in monthly base salary, other than the annual merit increase awarded to a merit compensation employee based on performance.

"Maximum Rate of Pay" - The highest rate of pay for a given salary range.

"Midpoint Salary" - The rate of pay that is the maximum rate and the minimum rate in the salary range added together divided by two and rounded up or down to the nearest whole dollar.

"Minimum Rate of Pay" - The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Performance Review" - The required review of an employee's on-the-job performance as measured by a specific set of criteria.

"Performance Review Date" - The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate. Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" - The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" - The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" - The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" - The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

"Transfer" - The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" - That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE E  RC-020 (Teamsters Local #330)

**EMERGENCY**

### Full Scale Rates

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NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Operator
Maintenance Worker (DOT, not Emergency Patrol) 25500 RC-020 B 4748.00 27.29 4905.00 28.19
Power Shovel Operator (Maintenance) 33360 RC-020 Q 4977.00 28.60 5134.00 29.51
Power Shovel Operator (Maintenance) (Bridge Crew) 33360 RC-020 Q 5051.66 29.03 5208.66 29.93
Silk Screen Operator 41020 RC-020 B 4916.00 28.25 5073.00 29.16

New Hire Rates

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Highway Maintainer

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Highway Maintainer (Bridge Crew)
### NOTICE OF EMERGENCY AMENDMENTS

#### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**July 1, 2007**

**On employee's "new hire" anniversary July-December 2007**

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#### Highway Maintener (Drill Rig)

**July 1, 2007**

**On employee's "new hire" anniversary July-December 2007**

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(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE F  RC-019 (Teamsters Local #25)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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Highway Maintainer and Highway Maintainer (Tractor Mower)

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ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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Highway Maintainer (Bridge Crew)

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Highway Maintainer (Drill Rig)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days)
NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Medical Payment

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

3) Section Number: Emergency Action:
   140.930 Amendment

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

5) Effective Date: June 30, 2007

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: June 29, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendment implements the incentive payment for well child visits that is required by the Memisovski Consent Decree.

10) Complete Description of the Subjects and Issues Involved: The emergency amendment implements the incentive payment for well child visits that is required by the Memisovski Consent Decree.

11) Are there any other proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objective: These emergency amendment neither creates nor expands any State mandate affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed to:

   Tamara Tanzillo Hoffman
   Chief of Staff
   Illinois Department of Healthcare and Family Services
   201 South Grand Avenue East, 3rd Floor
   Springfield IL 62763-0002
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

217/557-7157

The full text of the Emergency Amendment begins on the next page.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination or Revocation on Persons Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination,
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Suspension or Barring
140.20  Submittal of Claims
140.21  Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22  Magnetic Tape Billings (Repealed)
140.23  Payment of Claims
140.24  Payment Procedures
140.25  Overpayment or Underpayment of Claims
140.26  Payment to Factors Prohibited
140.27  Assignment of Vendor Payments
140.28  Record Requirements for Medical Providers
140.30  Audits
140.31  Emergency Services Audits
140.32  Prohibition on Participation, and Special Permission for Participation
140.33  Publication of List of Sanctioned Entities
140.35  False Reporting and Other Fraudulent Activities
140.40  Prior Approval for Medical Services or Items
140.41  Prior Approval in Cases of Emergency
140.42  Limitation on Prior Approval
140.43  Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55  Recipient Eligibility Verification (REV) System
140.71  Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72  Drug Manual (Recodified)
140.73  Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80  Hospital Provider Fund
140.82  Developmentally Disabled Care Provider Fund
140.84  Long Term Care Provider Fund
140.94  Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95  Hospital Services Trust Fund
140.96  General Requirements (Recodified)
140.97  Special Requirements (Recodified)
140.98  Covered Hospital Services (Recodified)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians’ Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
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140.417 Limitations on Optometric Services
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140.420 Dental Services
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140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
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140.448 Returned Pharmacy Items
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
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140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
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140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
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SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section 140.930 Reimbursement

a) Reimbursement Rates for Maternal and Child Health Providers

1) Participating providers described in Section 140.924(a)(1) will receive enhanced rates for certain medical services specified in Table M of this Part. The enhanced rates are effective for services provided on or after April 1, 1993.

2) Participating FQHC's, as described in Section 140.461(d), that meet the criteria specified in 140.924(a)(2)(A), shall be reimbursed in accordance with Section 140.464(b) for covered services provided to a Maternal and Child Health Program participant, as described in Section 140.922.

3) Participating encounter rate clinics shall be reimbursed in accordance with Section 140.464(b) for covered services provided to a Maternal and Child Health Program participant, as described in Section 140.922.

4) Participating Maternal and Child Health clinics, as described in Sections 140.924 and 140.461(f), will receive enhanced rates for certain medical services specified in Table M of this Part. The enhanced rates are
PARTICIPATING PROVIDERS DESCRIBED IN SECTION 140.924(a)(1) SHALL BE ELIGIBLE TO RECEIVE A WELL CHILD VISIT INCENTIVE PAYMENT:

A) The provider will receive a one time annual payment of $30 for each qualifying child.

B) A qualifying child is a child who had its first, second, third, fourth or fifth birthday during the calendar year and for whom the provider personally, or through an affiliated provider, rendered all recommended well child visits, as described in Section 140.488.

C) Recommended services must be rendered during the 13-month period ending one month after the child's birthday. For children turning one year old, the period begins ten days after birth and ends one month after the child's birthday. Rendering of services will be based on Department claims data.

D) The first incentive payments shall be made by June 30, 2007 for children who met the definition of a qualifying child during calendar year 2005. Subsequent payments will be made at least annually.

E) For the purpose of payments under this Section, "affiliated provider" shall mean:

i) For qualifying children during calendar year 2005 through 2007, a provider with the same payee in accordance with Section 140.24(d).

ii) For qualifying children during calendar year 2008 and later, providers designated pursuant to Section 140.994.

b) PATIENT MANAGEMENT FEE

Providers who have accepted primary care responsibilities for foster children residing in Cook County who are under the guardianship of the Department of Children and Family Services will receive a monthly patient management fee for each client enrolled with them.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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c) Case Management Services
Providers of case management services will receive monthly payments. The payments will be prorated based upon an annual amount per case.

(Source: Amended at 31 Ill. Reg. ______, effective ____________)
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NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part**: Hospital Services

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

3) **Section Number**: 148.295

4) **Emergency Action**: Amendment

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

6) **Effective Date**: July 1, 2007

7) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire**: Not Applicable

8) **Date Filed with the Index Department**: June 27, 2007

9) **A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

10) **Reason for Emergency**: These emergency amendments will allow certain trauma hospitals located in the same city to change trauma level I designations at a point and time during each fiscal year, other than July 1. The current rule allows reimbursement only for Trauma level designation as of July 1, each fiscal year, without exception. These changes will prevent legitimate trauma centers from being denied funding under the Trauma Center Adjustment Payments program if their designation changes on a date other than July 1.

11) **Complete Description of the Subjects and Issues Involved**: These emergency amendments will allow certain trauma hospitals located in the same city to change trauma level I designations at a point and time during each fiscal year, other than July 1. The current rule allows reimbursement only for Trauma level designation as of July 1, each fiscal year, without exception. These changes will prevent legitimate trauma centers from being denied funding under the Trauma Center Adjustment Payments program if their designation changes on a date other than July 1.

12) **Are there any other proposed rulemakings pending on this Part?** Yes

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12) **Statement of Statewide Policy Objective**: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) **Information and questions regarding these emergency amendment shall be directed to**:

   Tamara Tanzillo Hoffman  
   Chief of Staff  
   Illinois Department of Healthcare and Family Services  
   201 South Grand Avenue East, 3rd Floor  
   Springfield IL 62763-0002  
   217/557-7157

The full text of the Emergency Amendment begins on the next page:
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CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

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Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2227, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 6884, effective July 1, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days.
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)(4) of this Section. For the purpose of a TCA, a children's hospital, as defined under 89 Ill. Adm. Code 149.50(c)(3), operating under the same license as a hospital designated as a trauma center, shall be deemed to be a trauma center.

1) Level I Trauma Center Adjustment.

A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the IDPH shall receive the Level I trauma center adjustment. Hospitals qualifying under subsection (a)(2) are not eligible for payment under this subsection.

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 I Trauma Center Adjustment for Illinois hospitals located in the same city, that alternate their Level I trauma center designation.**

A) **Criteria.** Illinois hospitals that are located in the same city and participate in an agreement in effect as of July 1, 2007, whereby their designation as a Level I trauma center by the Illinois Department of Public Health is rotated among qualifying hospitals from year to year or during a year, that are in the following classes:

i) A children’s hospital - All children’s hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3), in a given city, qualifying under subsection (a)(2)(A) shall be considered one entity for the purpose of calculating the adjustment in subsection (a)(2)(B).

ii) A general acute care hospital - All general acute care adult hospitals, in a given city, affiliated with a children’s hospital, as defined in subsection (a)(2)(A)(i), qualifying under subsection (a)(2)(A) shall be considered one entity for the purposes of calculating the adjustment in subsection (a)(2)(B).

B) **Adjustment.** Hospitals meeting the criteria specified in subsection (a)(2)(A) shall receive an adjustment as follows:

i) If the sum of Medicaid trauma center admissions within either class, as described in subsection (a)(2)(A), is equal to or greater than the mean Medicaid trauma admissions for the 2 classes under subsection (a)(2)(A) of this Section, then each member of that class shall receive an adjustment of $5,250.00 per Medicaid trauma admission for that class, in the CHAP base period.

ii) If the sum of Medicaid trauma center admissions within either class, as described in subsection (a)(2)(A), is less than the mean Medicaid trauma admissions of the 2 classes
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under subsection (a)(2)(A) of this Section, then each member of that class shall receive an adjustment of $3,625.00 per Medicaid trauma admission for that class in the CHAP base period.

3) 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.

4) 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)(4) 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)(4) of this Section; and

C) The hospital does not qualify under subsection (a)(2).

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:
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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 unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006:

   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
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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 Ill. 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 subsection (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 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
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and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999 that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999 and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

H) 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) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

I) 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) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1, 1999, had an average length of stay less than four days, provided more than 4,200 Total days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.

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 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.
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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 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 $528.00 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 $320.50 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 $98.00 per day.

xii) Hospitals with a Combined MIUR greater than 75 percent that have more than 20,000 total days, have an average length of stay less than five days and have at least one graduate medical program will have their rate increased by $148.00 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 $421.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by $369.00 per day.
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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 $573.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by $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 $328.00 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 $110.25 per day.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.
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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)(G) of this Section will receive the following rates:

i) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of $11.00 per day.

ii) Hospitals with an MIUR greater than 19.75 percent, but equal to or less than 20.00 percent, will receive a rate of $69.00 per day.

iii) Hospitals with an MIUR greater than 20.00 percent will receive a rate of $110.00 per day.

I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of $268.00 per day.

J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of $238.00 per day.

K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

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 2008, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period January 1, 2007 through June 30, 2007, payment will equal the State fiscal year 2007 amount less the amount the hospital received under DHA for the quarters ending September 30, 2007 and December 31, 2007.

ii) For CHAP rate periods occurring after State fiscal year 2008, total payments will equal the methodologies described in subsection (c)(2) of this Section.

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 CHAP rate period, the hospital is no longer recognized by the Illinois Department
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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. This limitation does not apply to hospitals qualifying under subsection (a)(2).

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) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

2) "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.

3) "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.

4) "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.

5) "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 database, 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.

6) "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 database, with an ICD-9-
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CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.2, 344.4 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, 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.

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

8) "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.

9) "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 839.31, 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 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

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

11) "RCHAP 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.

12) "RCHAP 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.

13) "Total 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.

14) "Total 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.

15) "Total 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: Amended by emergency rulemaking at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days)
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1) **Heading of the Part**: Medicaid Community Mental Health Services Program

2) **Code Citation**: 59 Ill. Adm. Code 132

3) **Section Numbers**: Emergency Action:
   - 132.10 Amendment
   - 132.150 Amendment
   - 132.165 Amendment

4) **Statutory Authority**: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3]

5) **Effective date of amendments**: July 1, 2007

6) **If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire**: Not applicable

7) **Date filed with the Index Department**: June 27, 2007

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**: The basis for this emergency rulemaking is the health and welfare of mental health clients that receive community-based services. It is necessary to make amendments to this rule because the federal Centers for Medicare and Medicaid required that revisions to the State Medicaid plan be effective July 1, 2007. In addition, this rulemaking will allow for the continuation of federal matching funds for community-based mental health services without service interruptions for our clients.

10) **A complete description of the subject and issues**: Pursuant to revisions by the federal Centers for Medicare and Medicaid Services, these amendments will bring this rule into compliance with revisions to the State Medicaid Plan. These changes are effective July 1, 2007.

11) **Are there any other proposed rulemakings pending on this Part?**: No

12) **Statement of statewide policy objectives**: This rulemaking does not create or expand a State mandate.
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13) Information and questions regarding these emergency amendments shall be directed to:

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

217/785-9772

The full text of the Emergency Amendments begins on the next page:
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TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132
MEDICAID COMMUNITY MENTAL HEALTH SERVICES PROGRAM

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132.10 Purpose
132.15 Incorporation by Reference
132.20 Clients' Rights and Confidentiality (Repealed)
132.25 Definitions
132.30 Application, Certification and Recertification Processes
132.35 Recertification and Reviews (Repealed)
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SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section
132.65 Organizational Requirements
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132.115 Provisions (Repealed)
132.120 Service Needs Evaluation (Repealed)
132.125 Treatment Plan Development and Modification (Repealed)
132.130 Psychiatric Treatment (Repealed)
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132.140 Day Treatment

SUBPART C: MENTAL HEALTH SERVICES

Section
132.142 Clients' Rights
132.145 General Provisions
132.148 Evaluation and Planning
132.150 Mental Health Services
132.155 Family Intervention, Stabilization and Reunification Services (Repealed)
132.160 Provisions (Repealed)
132.165 Mental Health Case Management Services
132.170 Rehabilitative Case Management Services (Repealed)

132.APPENDIX A Medicaid Community Mental Health Services Application Components (Repealed)
132.APPENDIX B Utilization Parameters (Repealed)
132.TABLE A Mental Health Clinic Program Client Services (Repealed)
132.TABLE B Rehabilitative Mental Health Services (Repealed)
132.TABLE C Family Intervention, Stabilization and Reunification Services (Repealed)

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

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SUBPART A: GENERAL PROVISIONS

Section 132.10 Purpose

EMERGENCY

a) The requirements set forth in this Part establish criteria for participation by providers in the Medicaid community mental health services program. The Medicaid community mental health services program shall include the provision of specific mental health services pursuant to this Part supported financially in whole or in part by a public payer, as defined in Section 132.25.

b) These requirements are for the purpose of assuring that clients receiving Medicaid community mental health services shall receive services in accordance with this Part and in accordance with 42 CFR 440 and 456 (2003) for Medicaid-eligible clients.

c) The Department of Human Services (DHS) and the Department of Children and Family Services (DCFS) and the Department of Corrections (DOC), pursuant to an executed interagency agreement with the Department of Healthcare and Family Services (HFS), shall use these requirements to certify, recertify, and periodically review providers participating in the Medicaid community mental health services program, including the certification and recertification of the provider's eligibility for enrollment in the Illinois medical assistance program (89 Ill. Adm. Code 140).

d) The Medicaid community mental health services program is for clients who require mental health services as indicated by a diagnosis contained in the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) (Centers for Medicare and Medicaid Services (CMMS) (2003)) or the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV) (1994) or DSM-IV-TR (2000) (American Psychiatric Association). This shall include services designed to benefit clients:

1) Who require an evaluation to determine the need for mental health
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treatment; or

2) Who are assessed to require medically necessary mental health treatment to reduce the mental disability and to restore an individual to the maximum possible functioning level; or promote growth or maintenance of age-appropriate or independent role functioning; or

3) Who are experiencing a substantial change/deterioration in age appropriate or independent role functioning, acute symptomatology, and who require crisis intervention services to achieve stabilization; or

4) Who, because of substantial impairment in role functioning, require multiple coordinated mental health services delivered in a variety of settings.

e) Transition. In order to effectuate a smooth transition from the Part 132 rules as they existed prior to July 1, 2007 revisions and as they existed after that date, the State agencies will, until October 1, 2007, recognize any previous valid documentation presented by a provider that has not been updated to reflect the new requirements effective July 1, 2007. After October 1, 2007, this Part is fully applicable.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days)

SUBPART C: MENTAL HEALTH SERVICES

Section 132.150 Mental Health Services

a) All services defined in this Section shall be provided and terminated in accordance with the following criteria unless exceptions are noted:

1) The services shall be provided:

   A) Following a mental health assessment or Admission Note, as applicable, and consistent with the client's ITP or Admission Note, as applicable;
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B) Through face-to-face, video conference or telephone contact;

C) To clients and their families, at the client's request or agreement; with groups of clients; or with the client's family as it relates to the primary benefit and well being of the client and when related to an assessed need and goal on the client's ITP; and

D) Services may be provided on- or off-site, as indicated under the specific service.

2) Service termination criteria shall include:

A) Determination that the client's acute symptomatology has improved and improvement can be maintained;

B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or transfer to a more intensive mental health treatment is indicated; or

C) Documentation in the client's clinical record that the client terminated participation in the program.

b) Crisis intervention services are activities to stabilize a client in a psychiatric crisis to avoid more restrictive levels of treatment and that have the goal of immediate symptom reduction, stabilization and restoration to a previous level of role functioning. A crisis is defined as a deterioration in the level of role functioning of the client within the past 7 days or an increase in acute symptomatology.

1) Crisis intervention services shall be provided to clients who are experiencing a psychiatric crisis and acute symptomatology. For a child or adolescent, a crisis may include events that threaten safety or functioning of the client or extrusion from the family or the community. Children in psychiatric crisis who are believed to be in need of admission to a psychiatric inpatient facility and for whom public payment may be sought shall be provided with crisis intervention pre-hospitalization screening. The child shall be screened for inpatient psychiatric admission and shall have his or her mental health needs assessed, according to the requirements of the SASS (Screening, Assessment and Support Services) Program (59 Ill. Adm. Code 131).
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2) Crisis intervention services may be provided prior to a mental health assessment and prior to a mental health diagnosis.

3) Crisis intervention services shall include an immediate preliminary assessment that includes written documentation in the clinical record of presenting symptoms and recommendations for remediation of the crisis. Crisis intervention services may also include, if appropriate, brief and immediate mental health services or referral, linkage and consultation with other mental health services.

4) The preliminary assessment shall be incorporated into the mental health assessment and ITP, as applicable.

5) Crisis intervention services shall be delivered by at least an MHP with access to a QMHP who is available for immediate consultation and clinical supervision.

6) During regular hours of operation, the provider shall be able to provide immediate face-to-face or video conference crisis intervention services. Outside regular hours of operation, the provider shall be able to provide, at a minimum, crisis assessment and referral to mental health services, as necessary.

c) Client-centered consultation services are individual client-focused professional communications among provider staff, or staff of other agencies, or with others, including family members, who are involved with providing services to a client.

1) Services may consist of:

A) A meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems, including school personnel or other professionals involved in the treatment process.

B) A meeting or conference for professional communication between provider staff and family members involved in the treatment process.
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2) Services must be provided in conjunction with one or more mental health services identified in this Section and in accordance with the ITP.

3) Client-centered consultation does not include advice given in the course of clinical staff supervisory activities, in service training, treatment planning or utilization review and may not be billed as part of the assessment process.

4) Client-centered consultation services shall be provided by at least an RSA.

cd) Psychotropic medication services

1) Documentation requirements

   A) If prescribed by a physician or an advanced practice nurse, employed by or on contract with the provider, there shall be evidence that psychotropic medication has been prescribed by the physician or advanced practice nurse per the collaborative agreement that includes physician-delegated prescription authority.

   B) If a physician is employed by or on contract with the provider, there shall be evidence that psychotropic medication is reviewed at least every 90 days by a physician or advanced practice nurse.

   C) Notations shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:

      i) All medication being taken by the client;

      ii) Current psychotropic medication: name, dosage, frequency and method of administration;

      iii) Any problems with psychotropic medication administration and activities implemented to address these problems;

      iv) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication; and
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v) Assessment of the client's ability to self-administer medications.

2) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security and in accordance with Department of Public Health's rules at 77 Ill. Adm. Code 300.1640.

3) Services shall be provided face-to-face.

4) Psychotropic medication administration

A) Psychotropic medication administration consists of preparing the client and the medication for administration, administering psychotropic medications, observing the client for possible adverse reactions, and returning the medication to proper storage.

B) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or the Medical Practice Act of 1987 [225 ILCS 60].

5) Psychotropic medication monitoring

A) Psychotropic medication monitoring includes observation and evaluation of target symptom response, adverse effects, including tardive dyskinesia screens, and new target symptoms or medication. This may include discussing laboratory results with the client.

B) Psychotropic medication monitoring shall be provided by staff designated in writing by a physician or advanced practice nurse per the collaborative agreement. The authorized staff shall not provide the service prior to the date of the signature.

6) Psychotropic medication training
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A) Psychotropic medication training includes training the client or the client's family or guardian to administer the client's medication, to monitor proper levels and dosage, and to watch for side effects.

B) Psychotropic medication training shall be provided by staff designated in writing by a physician or an advanced practice nurse per the collaborative agreement.

C) Psychotropic medication training shall be provided to clients in the following areas:

   i) Purpose of taking psychotropic medications;

   ii) Psychotropic medications, effects, side effects and adverse reactions;

   iii) Self-administration of medications;

   iv) Storage and safeguarding of medications;

   v) Communicating with professionals regarding medication issues; or

   vi) Communicating with family/caregivers regarding medication issues.

D) Services may be provided individually or in a group setting.

Therapy/counseling is a treatment modality to promote emotional, cognitive, behavioral or psychological changes as identified in the ITP. Services shall be provided face-to-face, by telephone or videoconference. Therapy/counseling intervention utilizes psychotherapy theory and techniques.

1) Therapy/counseling services may be provided to:

   A) An individual client;

   B) A group of 2 or more clients; or
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C) A family, including parents, spouses and siblings (client need not be present).

2) Therapy/counseling services shall be provided by at least an MHP.

3) Examples of therapy/counseling include:
   
   A) Cognitive behavioral therapy;
   B) Functional family therapy;
   C) Motivational enhancement therapy;
   D) Trauma counseling;
   E) Anger management; and
   F) Sexual offender treatment.

ef) Community Support - Individual (CSI)

1) Community Support - Individual services are mental health rehabilitation services and supports for children, adolescents, families and adults necessary to assist clients in achieving and maintaining rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions that facilitate illness self-management, skill building, identification and use of natural supports, and use of community resources.

2) Service Activities and Interventions shall include:

   A) Coordination and assistance with the identification of individual strengths, resources, preferences and choices;
   
   B) Assistance with the identification of existing natural supports for development of a natural support team;
   
   C) Assistance with the development of crisis management plans;
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D) Assisting with the identification of risk factors related to relapse and development of relapse prevention plans and strategies;

E) Support and promotion of client self-advocacy and participation in decision making, treatment and treatment planning;

F) Assisting the client to build a natural support team for treatment and recovery;

G) Support and consultation to the client or his/her support system that is directed primarily to the well-being and benefit of the client; and

H) Skill building in order to assist the client in the development of functional, interpersonal, family, coping and community living skills that are negatively impacted by the client's mental illness.

3) Program requirements

A) CSI services shall be provided face-to-face, by telephone or by video conference.

B) A minimum of 60% of all Community Support - Individual services must be delivered in natural settings and out of the provider's offices. This requirement will be monitored in the aggregate for a provider for an identified billing period but will not be required for each individual.

C) CSI services shall occur during times and at locations that reasonably accommodate the client's needs for services in community locations and other natural settings, and at hours that do not interfere with the client's work, educational and other community activities.

4) Staffing requirements

CSI services shall be delivered by at least an RSA.

5) Service exclusions

CSI is an integral part of ACT and Community Support Team and shall
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not be considered a separate service for clients who receive ACT or CST.
CSI services may be provided for a maximum of 30 days on an individual
basis as authorized by the public payer and in accordance with a treatment
plan in order to facilitate transition to and from the ACT or CST.

Community Support - Group (CSG)

1) Community Support - Group services consist of mental health
rehabilitation services and supports for children, adolescents, families and
adults necessary to assist a group of clients to achieve and maintain
rehabilitative, resiliency and recovery goals. The service consists of
therapeutic interventions delivered by individuals or multidisciplinary
teams that facilitate illness self-management, skill building, identification
and use of natural supports, and use of community resources.

2) Service Activities and Interventions shall include those activities and
interventions described in subsection (e)(2).

3) Program requirements

A) CSG services shall be provided face-to-face in group settings
ranging in size from 2 to 15 clients;

B) A minimum of 60% of all Community Support Group services
must be delivered in natural settings and out of the provider's
offices. This requirement will be monitored in the aggregate for a
provider for an identified billing period, but will not be required
for each individual client.

C) CSG services shall occur during times and at locations that
reasonably accommodate the client's needs for services in
community locations and other natural settings and at hours that do
not interfere with the client's work, educational and other
community activities.

4) Staffing requirements
CSG services shall be delivered by at least an RSA.

5) Service exclusions
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CSG services is an integral part of ACT and shall not be considered a separate service for clients who receive ACT. CSG services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer in accordance with a treatment plan in order to facilitate transition to and from the ACT.

gh) Community Support - Residential (CSR)

1) Community Support - Residential services consist of mental health rehabilitation services and supports for children, adolescents and adults necessary to assist individuals in achieving and maintaining rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions that facilitate illness self-management, skill building, identification and use of natural supports, and use of community resources for individuals who reside in sites designated by the public payer.

2) Service Activities and Interventions shall include those activities and interventions described in subsection (e)(2).

3) CSR services shall be provided face-to-face, by telephone or by video conference in group or individual settings.

4) Eligibility criteria: Individuals eligible for CSR shall include individuals whose mental health needs require active assistance and support to function independently as developmentally appropriate within home, community, work and/or school settings and who are in public payer designated residential settings.

5) Staffing requirements
CSR services shall be delivered by at least an RSA.

6) Service exclusions
Many CSR activities are an integral part of ACT and CST and shall not be considered a separate service for clients who receive ACT or CST. CSR services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer and in accordance with a treatment plan in order to facilitate transition to and from the ACT or CST or while a client is receiving residential services to stabilize a crisis.
1) Community Support - Team services consist of mental health rehabilitation services and supports available 24 hours per day and 7 days per week for children, adolescents, families and adults to decrease hospitalization and crisis episodes and to increase community functioning in order for the client to achieve and maintain rehabilitative, resiliency and recovery goals. The service consists of therapeutic interventions delivered by a team that facilitates illness self-management, skill building, identification and use of natural supports, and use of community resources.

2) Service Activities and Interventions shall include those activities and interventions described in subsections (de) and (ef)(2).

3) Program requirements

A) CST services shall be provided face-to-face, by telephone or by video conference to an individual or family member;

B) A minimum of 60% of all Community Support Team services must be delivered in natural settings and out of the provider's offices. This requirement will be monitored in the aggregate for a provider for an identified billing period, but will not be required for each individual client;

C) CST services shall occur during times and at locations that reasonably accommodate the client's needs for services in community locations and other natural settings and at hours that do not interfere with the client's work, educational and other community activities;

D) CST shall maintain a client-to-staff ratio of no more than 18 clients per full time equivalent staff;

E) Documentation shall demonstrate that more than one member of the team is actively engaged in the direct service to the individual.

4) Eligibility criteria
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Individuals eligible for CST services are those who require team-based outreach and support for their moderate to severe mental health symptoms and who, with such coordinated clinical and rehabilitative support, may access and benefit from a traditional array of psychiatric services. A less intensive service must have been tried and failed or must have been considered and found inappropriate at this time, and the individual must exhibit 3 or more of the following:

A) Multiple and frequent psychiatric inpatient readmissions, including long-term hospitalization;

B) Excessive use of crisis/emergency services with failed linkages;

C) Chronic homelessness;

D) Repeat arrest and re-incarceration;

E) History of inadequate follow-through with elements of an ITP related to risk factors, including lack of follow-through, taking medications, following a crisis plan, or maintaining housing;

F) High use of detoxification services (e.g., 2 or more episodes per year);

G) Medication resistance due to intolerable side effects or the individual's illness interfering with consistent self-management of medications;

H) Child and/or family behavioral health issues that have not shown improvement in traditional outpatient settings and require coordinated clinical and supportive interventions;

I) Because of behavioral health issues, the child or adolescent has shown risk of out-of-home placement or is currently in out-of-home placement and reunification is imminent;

J) Clinical evidence of suicidal ideation or gesture in the last 3 months;
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K) Ongoing inappropriate public behavior within the last 3 months, including public intoxication, indecency, disturbing the peace, etc.;

L) Self-harm or threats of harm to others within the last 3 months; or

M) Evidence of significant complications such as cognitive impairment, behavioral problems or medical problems.

5) There shall be documentation in the assessment or client record that the individual meets 3 of the above eligibility criteria.

6) Staffing requirements
CST services shall be delivered by:

A) A full-time team leader who is at least a QMHP and serves as the clinical and administrative supervisor of the team and also functions as a practicing clinician on the team;

B) An RSA or MHP who works under the supervision of the QMHP and who works on the team in sufficient full-time equivalents to meet the required client-to-staff ratio;

C) Preferably, one team member who is an individual in recovery; and

D) No fewer than 3 full-time equivalent staff meeting the required team components (shall include the team leader).

7) Service exclusions
CST is an integral part of ACT and CSI and shall not be considered a separate service for clients who receive ACT and CSI. CST services may be provided for a maximum of 30 days on an individual basis as authorized by the public payer and in accordance with a treatment plan in order to facilitate transition to and from the ACT or CSI.

Assertive community treatment (ACT)

1) ACT is an intensive integrated rehabilitative crisis, treatment and rehabilitative support service for adults (18 years of age and older) provided by an interdisciplinary team to individuals with serious and
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persistent mental illness or co-occurring mental health and alcohol/substance abuse disorders. The service is intended to promote symptom stability and appropriate use of psychotropic medications, as well as restore personal care, community living and social skills.

2) Service Activities and Interventions
The ACT team shall assume responsibility for assisting the client to achieve improved community functioning by providing:

A) Comprehensive assessment;
B) Individualized treatment and recovery planning;
C) Service coordination;
D) Crisis assessment and intervention;
E) Symptom assessment and management;
F) Supportive counseling and psychotherapy;
G) Medication prescription, administration, monitoring and documentation;
H) Dual diagnosis substance abuse services;
I) Work and education related services;
J) Activities of daily living, including residential supports;
K) Social/interpersonal relationship and leisure time skill building;
L) Peer support services;
M) Environmental and other support services; and
N) Family psychoeducation.

3) Program requirements
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A) ACT shall be provided face-to-face, by telephone or by video conference.

B) ACT services shall be available 24 hours per day, 7 days per week, with emergency response coverage, including psychiatric coverage. Crisis services shall be available 24 hours per day, 7 days per week.

C) A minimum of 75% of all team contacts shall occur out of the office.

D) A minimum of 3 contacts per week shall be provided to most ACT clients and all clients shall receive a minimum of 4 face-to-face contacts per month.

E) The ACT team shall conduct organizational staff meetings at least 4 times per week at regularly scheduled times, according to a schedule established by the team leader.

4) Eligibility criteria

A) Adults who require assertive outreach and support in order to remain connected with necessary mental health and support services and to maintain stable community living and who have not benefited from traditional services and modes of delivery as evidenced by any of the following:

i) Multiple and frequent psychiatric inpatient readmissions;

ii) Excessive use of crisis/emergency services with failed linkages;

iii) Chronic homelessness;

iv) Repeat arrests and incarcerations;
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v) Client has multiple service needs requiring intensive assertive efforts to ensure coordination among systems, services and providers;

vi) Client exhibits functional deficits in maintaining treatment continuity, self-management of prescription medication, or independent community living skills; or

vii) Client has persistent or severe psychiatric symptoms, serious behavioral difficulties, a mentally ill/substance abuse diagnosis, and/or high relapse rate.

B) DHS shall authorize ACT services for eligible individuals.

5) Staff qualifications

A) Each ACT team shall consist of at least 6 full-time equivalent staff. The psychiatrist and program assistant shall not be counted toward meeting the 6 full-time equivalent requirement. All teams are required to minimally consist of:

i) A full-time team leader who is the clinical and administrative supervisor of the teams and also functions as an ACT clinician. The team leader shall be a licensed clinician;

ii) A psychiatrist who works on a full or part-time basis for a minimum of 10 hours per week for every 60 enrolled clients. With a waiver by the public payer, an Advanced Practice Nurse may substitute for up to half of the psychiatrist's time;

iii) A full-time registered nurse who provides services to all ACT team enrollees and who works with the ACT team to monitor each client's clinical status and response to treatment. The registered nurse functions as a primary practitioner on each ACT team for a caseload of clients. Existing ACT providers may use an LPN with 2 years experience in mental health services as part of an ACT
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team until July 1, 2009. After that date, a registered nurse is required as a member of the ACT team. New ACT providers shall be required to utilize an RN on all ACT teams.

iv) Four rehabilitative services associates who work under the supervision of a licensed clinician and function as primary practitioners for a caseload of clients and who provide rehabilitation and support functions; and

v) A program/administrative assistant who is responsible for organizing, coordinating and monitoring all non-clinical operations of ACT.

B) At least one of the members of the core team shall have special training and certification in substance abuse treatment and/or treating clients with co-occurring mental health and substance abuse disorders.

C) At least one of the members of the team shall be an individual in recovery. This staff person is a fully integrated ACT team member who provides consultation to the ACT team and highly individualized services in the community, and who promotes self-determination and decision making.

D) At least one member of the core team shall have special training in rehabilitation counseling, including vocational, work readiness and educational support.

E) Each team shall be expected to maintain a staff to client ratio of no more than one full time equivalent staff per 10 clients, which shall not include the psychiatrist and program assistant. As the number of clients increase, ACT teams shall add staff to maintain the required ratio.

6) Services may be provided following a determination of eligibility for ACT services and may commence prior to the completion of a mental health assessment and the ITP when immediate assistance is needed to obtain food, shelter or clothing.
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7) Case management is an integral part of ACT and shall not be considered a separate service.

8) ACT shall not be provided in combination with other Part 132 services, except under the following conditions:

A) In accordance with an ITP to facilitate transition to and from ACT services; and

B) While a client is receiving community support residential services to stabilize a crisis.

Psychosocial Rehabilitation

1) Psychosocial rehabilitation services are facility-based rehabilitative skill-building services for adults age 18 and older with serious mental illness or co-occurring psychiatric disabilities and addictions. The focus of treatment interventions includes skill building to facilitate independent living and adaptation, problem solving and coping skills development. The service is intended to assist clients' ability to:

A) Live as independently as possible;

B) Manage their illness and lives with as little professional intervention as possible; and

C) Achieve functional, social, educational and vocational goals.

2) Psychosocial rehabilitation services shall include the following service interventions and activities to assist the client in achieving improved community functioning:

A) Individual or group skill building activities that focus on the development of skills to be used by clients in their living, learning, social and working environments, which includes skill development for:

i) Socialization, adaptation, problem solving and coping;
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ii) Self-management of symptoms or recovery;

iii) Prevocational and work readiness; and

iv) Pre-educational and education readiness;

B) Cognitive behavioral intervention;

C) Interventions to address co-occurring psychiatric disabilities and substance abuse;

D) Promotion of self-directed engagement in leisure, recreational and community social activities; and

E) Client participation in setting individualized goals and assisting his or her own skills and resources related to goal attainment.

3) Program requirements

A) Psychosocial rehabilitation services shall be provided in an organized program through individual and group interventions;

B) Psychosocial rehabilitation services shall be available at least 25 hours per week and on at least 4 days per week;

C) Services may be provided during day, evening and weekend hours;

D) Each psychosocial rehabilitation services provider shall designate a staff member to assist in assessing client needs and progress toward achievement of treatment goals and objectives.

4) Staff qualifications

A) Each psychosocial rehabilitation program shall have a clinical supervisor or program director who is at least a QMHP;

B) PSR services shall be provided by at least an RSA;
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C) The clinical supervisor or program director shall be on-site at least 50 percent of the time;

D) When the clinical supervisor is not physically on-site, the clinical supervisor or designated QMHP shall be accessible to psychosocial rehabilitation staff;

E) Each psychosocial rehabilitation program shall include at least one staff person with documented experience or training to provide services and interventions to clients with co-occurring psychiatric and substance abuse disorders; and

F) The staffing ratio shall not exceed one full-time equivalent staff to 15 clients.

5) Psychosocial rehabilitation shall not be provided in combination with any of the following services:

A) ACT;

B) Intensive Outpatient; or

C) Hospital-Based Psychiatric Clinic Service Type A.

6) Psychosocial rehabilitation may be provided on an individual basis and in accordance with an ITP to facilitate transition to and from ACT services.

k) Mental health intensive outpatient services are scheduled group therapeutic sessions made available for at least 4 hours per day, 5 days per week.

1) Mental health intensive outpatient services are for clients at risk of, or with a history of, psychiatric hospitalization who currently have ITP objectives to reduce or eliminate symptoms that have, in the past, led to the need for hospitalization.

2) Services shall be provided by at least a QMHP.

3) Mental health intensive outpatient services shall be provided with a staff to client ratio that does not exceed 1:8 for adults and 1:4 for children and
adolescents. For purposes of this subsection (k) only, a child or adolescent is defined as any individual who is 17 years of age or younger.

4) Services shall be provided on a face-to-face or video conference basis.

m) Intensive family-based services are interactions with the client, or with a member of the client’s family on behalf of the client, to restore the client to prior levels of functioning, to reduce the risk of more restrictive treatment for the client such as psychiatric hospitalization, to reduce the risk of alternative placement, or to avert a family crisis.

1) Intensive family-based services shall be provided only to a child or adolescent:

A) Who is served by a provider under contractual obligation to provide Screening, Assessment and Support Services (SASS), when such services have been authorized by the State’s mental health crisis telephone line in accordance with the provisions of 59 Ill. Adm. Code 131 (Children’s Mental Health Screening and Support Services Program); or

B) For a child for whom DCFS is legally responsible who is served by a provider under contract with DCFS to provide, and be reimbursed for, this service.

2) Services shall be provided by at least an MHP.

3) Services shall be provided on a face-to-face or video conference basis.

ln) Comprehensive mental health services

1) Comprehensive mental health services are an array of services as described in Subpart C that have been approved by the public payer. One or more of these services is provided on a daily basis in order to restore or maintain the client's emotional or behavioral functioning to a level determined to be necessary for his/her successful functioning in a family, school, or community.

2) Comprehensive mental health services require that at least one of the
allowable services in Subpart C is provided each day. Each service must be provided in accordance with the requirements of this Part for the respective service.

3) Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

Short-term diagnostic and mental health services

1) Short-term diagnostic and mental health services are an array of services, as described in Subpart C, that have been approved by the public payer. One or more of these services is provided on a daily basis in order to assess, restore or maintain the client's emotional or behavioral functioning necessary to be at a level determined to be appropriate for his/her successful functioning in a family, school or community.

2) Short-term diagnostic and mental health services shall last no more than 45 days. One extension of an additional 45 days may be authorized, in writing, by an LPHA.

3) Short-term diagnostic and mental health services require that at least one of the allowable services in Subpart C be provided each day. Each service shall be provided in accordance with the requirements of this Part for the respective service.

4) Short-term diagnostic and mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days)

Section 132.165 Case Management Services

Mental health case management services include assessment, planning, coordination and advocacy services for clients who need multiple services and require assistance in gaining access to and in using mental health, social, vocational, educational, housing, public income entitlements and other community services to assist the client in the community. Case management
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activities may also include identifying and investigating available resources, explaining options to the client and linking them with necessary resources.

1) Mental health case management services shall be provided following a mental health assessment and be authorized consistent with the client's ITP, with the following exceptions:

A) Case management provided during the 30 days immediately preceding completion of the assessment.

B) The client has refused all other appropriate services under this Part.

2) Mental health case management services shall be provided by at least an RSA.

b) Client-centered consultation services are individual client-focused professional communications among provider staff, or staff of other agencies, or with others, including family members, who are involved with providing services to a client.

1) Services may consist of:

A) A meeting or conference for professional communication among provider staff, staff of other agencies, and child care systems, including school personnel or other professionals involved in the treatment process.

B) A meeting or conference for professional communication between provider staff and family members involved in the treatment process.

2) Services must be provided in conjunction with one or more mental health services identified in this Section and in accordance with the ITP.

3) Client-centered consultation does not include advice given in the course of clinical staff supervisory activities, in-service training, treatment planning or utilization review and may not be billed as part of the assessment process.

4) Client-centered consultation services shall be provided by at least an RSA.
Transition linkage and aftercare services shall be provided to assist in an effective transition in living arrangements consistent with the client's welfare and development. This includes discharge from inpatient psychiatric care (in Institutions for Mental Diseases (IMD), general hospitals and nursing facilities), transition to adult services, and assisting the client or the client's family or caretaker with the transition.

1) Transition linkage and aftercare services may consist of:
   A) Planning with staff of a client's current or receiving living arrangements (including foster or legal parents as necessary);
   B) Locating placement resources;
   C) Arranging/conducting pre- or post-placement visits;
   D) Developing an aftercare services plan; or
   E) Planning a client's discharge and linkage from an inpatient psychiatric facility, including an IMD or nursing facility, for continuing mental health services and community/family support.

2) Transition linkage and aftercare services shall be provided by at least an MHP.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days)
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part:** Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) **Code Citation:** 20 Ill. Adm. Code 1286

3) **Section Number:**
   1286.320
   **Proposed Action:** Amendment


5) **Effective Date:** July 9, 2007

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** Not Applicable

7) **Date Filed with the Index Department:** June 29, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** These emergency amendments are being filed in order to conform the rules for collection of blood samples with current medical/scientific standards. Failure to adopt these rules on an emergency basis could result in legal challenges to current practices.

10) **Complete description of the subject and issues involved:** The current collection procedure used to obtain a blood sample from a subject to determine the alcohol concentration or presence of other drugs or intoxicating compounds is conducted by licensed medical personnel within established medical protocols. For the subject's well-
being, the protocol requires disinfecting the skin prior to drawing blood. The Department has been provided test results that indicate the disinfectant wipes provided with the blood collection kits supplied by its vendor contain trace amounts of alcohol. Upon inquiry, the Department has been informed that all manufacturers' disinfectant wipes contain trace amounts of alcohol. Review of independent scientific literature indicates use of disinfectants containing alcohol at this minute quantity prior to a blood draw has no effect on the subsequent analytical results of the specimen. These results were verified by the Department's own scientific analysis. The current administrative rule prohibits use of a disinfectant containing any amount of alcohol. The current rule, when applied to the disinfectants currently provided, has no scientific basis and should be amended.

11) Are there any other proposed rulemakings pending on this Part: No

12) Statement of Statewide Policy Objectives: These emergency rules 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.

13) Information and questions regarding this emergency rulemaking shall be directed to:

   Mr. John M. Hosteny  
   Interim Chief Legal Counsel  
   Illinois State Police  
   801 South 7th Street, Suite 1000-S  
   Post Office Box 19461  
   Springfield, Illinois  62794-9461  
   217/782-7658

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section
1286.10 Definitions
1286.20 Grievances
1286.30 Additional Testing
1286.40 Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50 Passive Sensors
1286.60 Department Notification
1286.70 Maintenance of Records for Approved Evidentiary Instruments
1286.75 Subpoena Procedure for Evidentiary Instruments
1286.80 Approved Evidentiary Instrument and Logbook Availability
1286.90 Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section
1286.100 Licensing BAOs
1286.110 Renewal of BAO License
1286.120 Revocation and Denial of BAO License
1286.130 Authorization of BATs
1286.140 Revocation and Denial of BAT Authorization
1286.150 Accrediting BAI
1286.160 Revocation and Denial of BAI Accreditation
1286.170 Certification of Laboratories and Laboratory Technicians
1286.180 Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

Section
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

1286.200  Equipment Approval and Accuracy
1286.210  Evidentiary Instrument Approval
1286.220  Checking Approved Evidentiary Instruments for Accuracy
1286.230  Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240  PBT Approval
1286.250  Checking Approved PBTs for Accuracy
1286.260  Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section
1286.300  General Sampling Protocol
1286.310  Approved Evidentiary Instrument Operation
1286.320  Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

EMERGENCY
1286.330  Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340  Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350  Operation of PBTs (Repealed)


SUBPART D: SAMPLING PROCEDURES
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

Section 1286.320  Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

EMERGENCY

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.

b) For samples collected in Illinois, the blood sample shall be collected by a licensed physician, registered nurse, trained phlebotomist, or certified paramedic. When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. (Section 11-501.2(a) of the Illinois Vehicle Code)

c) The blood sample should be drawn using proper medical technique. A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.

d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)

e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.

f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).

g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENT

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days)
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF RECODIFICATION

1) **Heading of the Part**: Universities Retirement

2) **Code Citation**: 80 Ill. Adm. Code 1600

3) **Date of Administrative Code Division Review**:

4) **Headings and Section Numbers of the Part Being Recodified**:

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Headings</th>
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<tbody>
<tr>
<td>1600.10</td>
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<td>1600.20</td>
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<td>1600.25</td>
<td>Effective Beneficiary Designations</td>
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<tr>
<td>1600.30</td>
<td>Crediting Interest on Employee Contributions and Other Reserves</td>
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<tr>
<td>1600.40</td>
<td>Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay</td>
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<tr>
<td>1600.50</td>
<td>Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant</td>
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<tr>
<td>1600.55</td>
<td>Election to Make Contributions Covering Periods of Military Leave</td>
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<tr>
<td>1600.60</td>
<td>Sick Leave Accrual Schedule</td>
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<td>1600.70</td>
<td>Procedures to be followed in Medical Evaluation of Disability Claims</td>
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<tr>
<td>1600.80</td>
<td>Rules of Practice - Nature and Requirements of Formal Hearings</td>
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<tr>
<td>1600.90</td>
<td>Excess Benefit Arrangement</td>
</tr>
<tr>
<td>1600.100</td>
<td>Freedom of Information Act</td>
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<tr>
<td>1600.110</td>
<td>Open Meetings Act</td>
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<tr>
<td>1600.120</td>
<td>Twenty Percent Limitation on Final Rate of Earnings Increases</td>
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<tr>
<td>1600.121</td>
<td>Determination of Final Rate of Earnings Period</td>
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<td>1600.122</td>
<td>Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%</td>
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<tr>
<td>1600.123</td>
<td>Part-time/Concurrent Service Adjustments</td>
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<td>1600.125</td>
<td>Compensation Subject to Withholding</td>
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<td>1600.130</td>
<td>Procurement</td>
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<td>1600.137</td>
<td>Overpayment Recovery</td>
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<tr>
<td>1600.139</td>
<td>Voluntary Deductions from Annuity Payments</td>
</tr>
<tr>
<td>1600.140</td>
<td>Making Preliminary Estimated Payments</td>
</tr>
</tbody>
</table>
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF RECODIFICATION

1600.150 Definitions
1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152 Curing Minor Deficiencies
1600.153 Filing a QILDRO with the System
1600.154 Modified QILDROs
1600.155 Benefits Affected by a QILDRO
1600.156 Effect of a Valid QILDRO
1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158 Alternate Payee’s Address
1600.159 Electing Form of Payment
1600.160 Automatic Annual Increases
1600.161 Expiration of a QILDRO
1600.162 Reciprocal Systems QILDRO Policy Statement
1600.163 Providing Benefit Information for Divorce Purposes
1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers: Headings:
1600.100 Definitions
1600.110 Freedom of Information Act
1600.120 Open Meetings Act
1600.130 Procurement
1600.205 Compensation Subject to Withholding
1600.210 Crediting Interest on Employee Contributions and Other Reserves
1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.230 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.240 Election to Make Contributions Covering Periods of Military Leave
1600.250 Sick Leave Accrual Schedule
1600.260 Part-time/Concurrent Service Adjustment
1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%
1600.300 Effective Beneficiary Designations
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF RECODIFICATION

1600.310  Dependency of Beneficiaries
1600.320  Procedures to be Followed in Medical Evaluation of Disability Claims
1600.400  Determination of Final Rate of Earnings Period
1600.410  Twenty Percent Limitation on Final Rate of Earnings Increases
1600.420  Making Preliminary Estimated Payments
1600.430  Excess Benefit Arrangement
1600.440  Voluntary Deductions from Annuity Payments
1600.450  Overpayment Recovery
1600.500  Rules of Practice - Nature and Requirements of Formal Hearings
1600.600  Definitions
1600.605  Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.610  Curing Minor Deficiencies
1600.615  Filing a QILDRO with the System
1600.620  Modified QILDROs
1600.625  Benefits Affected by a QILDRO
1600.630  Effect of a Valid QILDRO
1600.635  QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.640  Alternate Payee's Address
1600.645  Electing Form of Payment
1600.650  Automatic Annual Increases
1600.655  Expiration of a QILDRO
1600.660  Reciprocal Systems QILDRO Policy Statement
1600.665  Providing Benefit Information for Divorce Purposes

6) Conversion Table of Present and Recodified Parts:

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<tr>
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<th>Recodified Part:</th>
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<tbody>
<tr>
<td>1600.10</td>
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</tr>
<tr>
<td>1600.20</td>
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<td>1600.210</td>
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<td>1600.230</td>
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<tr>
<td>1600.55</td>
<td>1600.240</td>
</tr>
</tbody>
</table>
STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF RECODIFICATION

| 1600.60  | 1600.250 |
| 1600.70  | 1600.320 |
| 1600.80  | 1600.500 |
| 1600.90  | 1600.430 |
| 1600.100 | 1600.110 |
| 1600.110 | 1600.120 |
| 1600.120 | 1600.410 |
| 1600.121 | 1600.400 |
| 1600.122 | 1600.270 |
| 1600.123 | 1600.260 |
| 1600.125 | 1600.205 |
| 1600.130 | 1600.130 |
| 1600.137 | 1600.450 |
| 1600.139 | 1600.440 |
| 1600.140 | 1600.420 |
| 1600.150 | 1600.600 |
| 1600.151 | 1600.605 |
| 1600.152 | 1600.610 |
| 1600.153 | 1600.615 |
| 1600.154 | 1600.620 |
| 1600.155 | 1600.625 |
| 1600.156 | 1600.630 |
| 1600.157 | 1600.635 |
| 1600.158 | 1600.640 |
| 1600.159 | 1600.645 |
| 1600.160 | 1600.650 |
| 1600.161 | 1600.655 |
| 1600.162 | 1600.660 |
| 1600.163 | 1600.665 |

APPENDIX A Not retained
The following second notices were received by the Joint Committee on Administrative Rules during the period of June 26, 2007 through July 2, 2007 and have been scheduled for review by the Committee at its July 10, 2007 or its August 14, 2007 meetings. 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.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/8/07</td>
<td>Department of Healthcare and Family Services, Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)</td>
<td>3/2/07</td>
<td>7/10/07</td>
</tr>
<tr>
<td>8/9/07</td>
<td>Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120)</td>
<td>4/6/07</td>
<td>7/10/07</td>
</tr>
<tr>
<td>8/9/07</td>
<td>State Board of Education, Secular Textbook Loan (23 Ill. Adm. Code 350)</td>
<td>4/6/07</td>
<td>7/10/07</td>
</tr>
<tr>
<td>8/9/07</td>
<td>State Board of Education, Children's Mental Health Initiative Grants (23 Ill. Adm. Code 555)</td>
<td>4/6/07</td>
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</tr>
<tr>
<td>8/11/07</td>
<td>Department of Human Services, Child Care (89 Ill. Adm. Code 50)</td>
<td>4/6/07</td>
<td>7/10/07</td>
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## Second Notices Received

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<th>Date</th>
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<th>Register Date</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/12/07</td>
<td>Department of Human Services</td>
<td>Program Description (89 Ill. Adm. Code 676)</td>
<td>3/30/07</td>
<td>31 Ill. Reg.</td>
<td>4961</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2007

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the Illinois Register and Environmental Register a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combined sewer overflow exception determinations made by the Board during the fiscal year 2007 (July 1, 2006, through June 30, 2007).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2007 (July 1, 2006 through June 30, 2007)

<table>
<thead>
<tr>
<th>Docket/Docket Title</th>
<th>Final Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard</td>
<td>The Board granted the request of the Big River Zinc Corporation (BRZ) for an adjusted standard from the Board's solid waste regulations. The adjusted standard established that the electric arc furnace dust (EAFD) that this St. Clair County facility uses as a feedstock for its new zinc recycling process is not a solid waste, but is commodity-like as defined in 35 Ill. Adm. Code 720.101(c).</td>
</tr>
<tr>
<td>Under 35 Ill. Adm. Code 720.131(c) (AS 06-04), November 16, 2006</td>
<td></td>
</tr>
<tr>
<td>In the Matter of: Petition of BP Products North America, Inc. for RCRA Waste</td>
<td>The Board denied BP Products North America, Inc.'s (BP) request for an adjusted standard from the Board's hazardous waste regulations. The Board found that the Madison County facility had failed to adequately address the proof requirements in 35 Ill. Ad. Code 720.122, that the petition failed to meet the required level of justification for a multi-year delisting of constituents of concern, and that BP had not followed the United States Environmental Protection Agency's guidance in completely identifying the constituents of concern.</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2007


The Board dismissed the petition for an adjusted standard from the Board's underground injection control regulations filed by the Cabot Corporation (Cabot). Cabot sought a reissuance of a previously granted adjusted standard that allowed Cabot to dispose of leachate, purge water, and other restricted wastes into three wells. The Board dismissed the petition because BP failed to timely publish the newspaper notice required by Section 28.1(d)(1) of the Act. Cabot refiled its petition on May 29, 2007. That petition is still pending as AS 07-06.

Final Actions Taken by the Pollution Control Board in Combined Sewer Overflow Exception Proceedings During Fiscal Year 2007 (July 1, 2006 through June 30, 2007)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2007, as none were filed with the Board or pending during fiscal year 2007.

Request copies, noting the appropriate docket number, to:

Name: John Therriault, Assistant Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois  60601
Telephone: 312/814-3629

Address questions concerning this notice, noting the appropriate docket number, to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois  62794-9274
Telephone: 217/782-2471
POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER
OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING
FISCAL YEAR 2007

email: conleye@ipcb.state.il.us
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF AGENCY RESPONSE TO AN OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Health Care Data Collection and Submission Code

2) Code Citation: 77 Ill. Adm. Code 1010

3) Section Numbers:
   1010.10 New
   1010.20 New
   1010.30 New
   1010.40 New
   1010.50 New
   1010.60 New
   1010.70 New
   1010.APPENDIX A New
   1010.APPENDIX B New
   1010.APPENDIX C New
   1010.APPENDIX D New
   1010.APPENDIX E New
   1010.APPENDIX F New
   1010.APPENDIX G New
   1010.APPENDIX H New
   1010.APPENDIX I New
   1010.APPENDIX J New

4) Date Notice of Proposed Rules Published in the Register: March 9, 2007; 31 Ill. Reg. 3977

5) Date JCAR Statement of Objection Published in the Register:

6) Summary of Action Taken by the Agency:

The Joint Committee's Objection to the proposed rule:

With respect to the Department of Public Health's rulemaking titled "Health Care Data Collection and Submission Code" (77 Ill. Adm. Code 1010; 31 Ill. Reg. 3977), JCAR Objects to the Department's failure to meet the 1/1/06 deadline established by Public Act 94-27 for adopting rules on inpatient and outpatient data collection and reporting.

Agency Response to JCAR Objection:
The Health Finance Reform Act (HFRA) of 1984 (Public Act 83-1243) established the data collection process that the Department absorbed after the elimination of the Illinois Health Care Cost Containment Council (IHCCCC) in July of 2002 on the authority of Public Act 92-597. PA 92-597 amended the HFRA to abolish the IHCCCC, at the same time enabling the Department to continue the data collection processes carried out by the IHCCCC. However, PA 92-597 was silent on reporting, release and sales of this data and provided no funding for the Department for use in taking on this resource-intensive process. Four staff of the original twenty-two employees of the IHCCCC were retained to work on the data collection project. Over the ensuing years, the Department functioned in a caretaker mode, continuing the data collection process and maintaining the discharge database while making relatively little use of the collected data. During this time, three of the four staff retained under contract for this work found permanent positions with other state agencies, leaving a unit of one person to do the work, with some assistance in the area of policy and planning from Health Policy staff.

Public Acts 94-27 and 94-501 amended the Health Finance Reform Act and the Department's Powers and Duties Act, respectively, to clarify the Department's discharge data collection and reporting requirements as well as allow data sales. This Act provided the detail and public reporting language lacking in PA 92-597. These Acts established the prescribed timelines, but again provided no resources for the work. This rule is a continuation of this process. The rule as presented for adoption incorporates revised timeliness based on coordination with the Illinois Hospital Association and other stakeholders.

In summary, while the timeframes for data collection and milestones for public reporting contained in Illinois Public Act 94-27 have been revised, the Department is working in collaboration with the stakeholders to establish the processes to meet the mandated data collection and reporting requirements of the Act.

The Department will take no further action in response to the Objection.
a) Part(s) (Heading and Code Citations): Community Care Program; 89 Ill. Adm. Code 240

1) Rulemaking:
   
   A) Description: Add new rules and amend or repeal existing rules as necessary to change the existing procurement process for services under the Community Care Program to an "all willing and qualified" basis in accordance with waiver funding requirements by the federal Centers for Medicare and Medicaid Services and amend existing rules to reflect federal policy changes for home and community-based services.

   B) Statutory Authority: 20 ILCS 105/4.02 and 4.01(11), respectively.

   C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

   D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the next six months of this year.

   E) Effect on small businesses, small municipalities or not for profit corporations: Any entity providing services under a provider agreement with the Community Care Program will be affected by these rulemakings.

   F) Agency contact person for information:
      
      George M. Sisk, General Counsel
      Illinois Department on Aging
      421 East Capitol Avenue, #100
      Springfield, Illinois  62701-1789
      217/785-3346

   G) Related rulemakings and other pertinent information: None
DEPARTMENT OF AGRICULTURE

JULY 2007 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program, 8 Ill. Adm. Code 259

1) Rulemaking:

   A) Description: The proposed rule updates statutory language and adds remediation for nitrate and ammonium. Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from fertilizer releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the fertilizer release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the fertilizer release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

   B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

   D) Date Agency anticipates First Notice: July 2007

   E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no adverse effect on municipalities, small businesses, or not for profit corporations. Small businesses, such as some types of agrichemical facilities, will benefit from the remediation potion allowed by the proposed rules.

   F) Agency contact person for information:

       Warren D. Goetsch, P.E.
       Illinois Department of Agriculture
       P. O. Box 19281
DEPARTMENT OF AGRICULTURE

JULY 2007 REGULATORY AGENDA

Springfield, IL 62794-9281
217/785-2427
217/524-4882 (fax)

G) Related rulemakings and other pertinent information: The rules for the Land Application Authorization Program, 8 Ill. Adm. Code 258, are related to this rulemaking.

b) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois’ agricultural land base from needless state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: November 2007

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-2661
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Definitions, 8 Ill. Adm. Code 20
1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2007.


C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in October 2007.

D) Date Agency anticipates First Notice: August 2007

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Dr. Colleen O'Keefe
Illinois Department of Agriculture
P.O. Box 19281
State Fairgrounds
Springfield, IL 62794-9281
217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None
d) Part(s) (Heading and Code Citation): Animal Welfare, 8 Ill. Adm. Code 25

1) Rulemaking:

A) **Description:** Cites to the Code of Federal Regulations will be updated to 2007.

Language will be added regarding how quarantines will be released.

Section 25.70 and 25.80 may be revised or combined.

B) **Statutory Authority:** Animal Welfare Act [225 ILCS 605]

C) **Scheduled meeting/hearing dates:** The Advisory Board of Livestock Commissions will meet in October 2007.

D) **Date Agency anticipates First Notice:** August 2007

E) **Effect on small businesses, small municipalities or not for profit corporations:** The proposed rule will further define how quarantines are released by the Department, positively affecting small businesses impacted by quarantines as the rule will provide better notice on how to remediate the quarantine restrictions.

F) **Agency contact person for information:**

Dr. Colleen O'Keefe
Illinois Department of Agriculture
P.O. Box 19281
State Fairgrounds
Springfield, IL 62794-9281
217/782-4944
FAX: 217/524-7702

G) **Related rulemakings and other pertinent information:** None

e) Part(s) (Heading and Code Citation): Horsemeat, 8 Ill. Adm. Code 70
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1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2007. Other sections will be revised to comply with P.A. 95-002.

B) Statutory Authority: Illinois Horse Meat Act [225 ILCS 635] as amended by PA 95-0002

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in October 2007.

D) Date Agency anticipated First Notice: August 2007

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

   Dr. Colleen O'Keefe
   Illinois Department of Agriculture
   P.O. Box 19281
   State Fairgrounds
   Springfield, IL 62794-9281
   217/782-4944
   FAX: 217/524-7702

G) Related rulemakings and other pertinent information: PA 95-0002.

f) Part(s) (Heading and Code Citation): Swine Brucellosis, 8 Ill. Adm. Code 100

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2007.

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C) **Scheduled meeting/hearing dates:** The Advisory Board of Livestock Commissions will meet in October 2007.

D) **Date Agency anticipates First Notice:** August 2007

E) **Effect on small businesses, small municipalities or not for profit corporations:** None anticipated.

F) **Agency contact person for information:**

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
State Fairgrounds  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) **Related rulemakings and other pertinent information:** None

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**Part(s) (Heading and Code Citation):** Pseudorabies Control, 8 Ill. Adm. Code 116

1) **Rulemaking:**

   A) **Description:** Cites to the Code of Federal Regulations will be updated to 2007.

   The site to the State-Federal-Industry Program Standards will be updated to November 1, 2003.

   B) **Statutory Authority:** Illinois Pseudorabies Control Act [510 ILCS 90/1]

   C) **Scheduled meeting/hearing dates:** The Advisory Board of Livestock Commissions will meet in October 2007.

   D) **Date Agency anticipates First Notice:** August 2007

   E) **Effect on small businesses, small municipalities or not for profit corporations:** None anticipated.
DEPARTMENT OF AGRICULTURE

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F) Agency contact person for information:

Dr. Colleen O'Keefe
Illinois Department of Agriculture
P.O. Box 19281
State Fairgrounds
Springfield, IL 62794-9281
217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Grain Code, 8 Ill. Adm. Code 281

1) Rulemaking:

A) Description: The administrative rules are being updated pursuant to the statutory changes made to the Grain Code. Statutory amendments include the use of electronic warehouse receipts and other electronic documents to be used in the industry.

B) Statutory Authority: Grain Code [240 ILCS 40]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register.

D) Date Agency anticipates First Notice: September 2007

E) Effect on small businesses, small municipalities or not for profit corporations: The rule change will allow electronic warehouse receipts, allowing business to be transacted electronically with transactions being completed expeditiously and having a positive impact for small business.

F) Agency contact person for information:

Stuart Jackson
Illinois Department of Agriculture
DEPARTMENT OF AGRICULTURE

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P.O. Box 19281
State Fairgrounds
Springfield, IL 62794-9281
217/785-8302
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: Define and provide enforcement for Maintenance Requirement contained in the General Code of the National Institute of Standards and Technology's Handbook 44.

Repeal implementation date for Grain Moisture Meter specifications and tolerances. Rule provided an extension to the implementation date contained in Handbook 44. (Effective date in rule is January 1, 2000.)

Repeal exemption of the ticket printer requirement for vehicle-tank meters. This requirement was adopted by the National Conference on Weights and Measures in 1992. The ticket printer requirement is contained in the Vehicle-Tank Meter User Requirement Section of NIST Handbook 44. This handbook is adopted as regulation in Illinois. However, the requirement for the ticket printers on vehicle-tank meters was rejected by regulation. The national requirement was retroactive as of January 1, 1999, to provide device owners a reasonable period of time to install printers. The requirement for a printed ticket enables customers to receive accurate delivery information to evaluate transactions and invoices. The repeal of this exemption will include an effective date to allow device owners time to be in compliance with the printer requirement. The exemption should be repealed to protect consumers and to be consistent with national regulations.

Repeal requirement that the advertised price for liquid petroleum products be equal to the price setting shown on the pump. This requirement prohibits the discounting of petroleum products unless the pump is capable of computing the discounted price. There are many marketing strategies which allow discounts for petroleum products such as with purchase of car
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wash, with use of a company credit card, or by participation in a discount club. Eliminating this requirement will enable companies to offer these discounts without violating advertising regulations.

Repeal requirement that the type of service (full-service, self-service, etc.) be displayed in the advertisement of petroleum products. The majority of businesses do not include the type of service in the advertisement since many stations no longer offer full service.

B) **Statutory Authority:** Weights and Measures Act [225 ILCS 470]

C) **Scheduled meeting/hearing dates:** Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) **Date Agency anticipates First Notice:** September 2007

E) **Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking will have no effect on municipalities or not-for-profit corporations. This rule will only affect small businesses that do not properly maintain their weighing and measuring devices or that do not have ticket printers on their vehicle-tank meters.

F) **Agency contact person for information:**

Jonelle Brent
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-8301
FAX: 217/524-7801

G) **Related rulemakings and other pertinent information:** None

j) **Part(s) (Heading and Code Citation):** Motor Fuel and Petroleum Standards Act, 8 Ill. Adm. Code 850

1) **Rulemaking:**

A) **Description:** Amend regulation for Label on Motor Fuel Dispensing Device to clarify placement of label. The current language does not specify that all grades which contain at least 1% by volume of ethanol, of
methanol or a combination thereof be labeled with the maximum percentage contained in the motor fuel. The requirement is only that a label be placed on the front or sides of the dispenser and within the top 30% of the height of the dispenser. For dispensers where more than one grade of gasoline is offered for sale, this requirement does not indicate if only one grade or all grades contain ethanol, methanol or combination thereof.

B) **Statutory Authority**: Motor Fuel and Petroleum Standards Act [815 ILCS 370]

C) **Scheduled meeting/hearing dates**: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) **Date Agency anticipates First Notice**: September 2007

E) **Effect on small businesses, small municipalities or not for profit corporations**: This rulemaking will have no effect on municipalities or not-for-profit corporations. The effect on small businesses would be minimal to properly label all grades of gasoline that contain at least 1% by volume of ethanol.

F) **Agency contact person for information**:

   Jonelle Brent  
   Illinois Department of Agriculture  
   P.O. Box 19281  
   Springfield, IL 62794-9281  
   217/785-8301  
   FAX: 217/524-7801

G) **Related rulemakings and other pertinent information**: None

k) **Part(s) (Heading and Code Citation)**: Organizational Chart, Description, Rulemaking Procedure, and Programs, 2 Ill. Adm. Code 700

1) **Rulemaking**:

A) **Description**: The Department will update rules to reflect changes made in organizational chart.

B) **Statutory Authority**: Section 5-15 of the Illinois Administrative Procedure
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Act [5 ILCS 100/5-15]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Margaret L. van Dijk
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Freedom of Information Act, 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

Margaret L. van Dijk
Illinois Department of Agriculture
P. O. Box 19281
DEPARTMENT OF AGRICULTURE

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Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Programs, Illinois, 8 Ill. Adm. Code 290

1) Rulemaking:

A) Description: The Department will amend Section 290.210(a) to change "registered Illinois conceived and foaled horses that were conceived before May 30, 1995" to "registered Illinois conceived and foaled horses prior to May 30, 1995."


C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2007

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Charlyn Fargo
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/782-4231
FAX: 217/785-4059

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the
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establishment of fees for these tests (i.e. TZ, seed count, etc.).

Section 230.70 may be amended to allow the Department to increase seed permit fees.

Section 230.80 may be amended to allow the Department to increase fees for established services offered (i.e. purity, germination and noxious weed seed testing).

These amendments allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2007

E) Effect on small businesses, small municipalities or not for profit corporations: Entities utilizing the Department's seed lab will have to pay a fee or increase in fee.

F) Agency contact person for information:

Jim Larkin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-8212
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Illinois AgriFIRST Program Act, 8 Ill. Adm. Code 950

1) Rulemaking:

A) Description: Sections 950.50, 950.130 and 950.220 will be repealed in an effort to improve the program and eliminate delays.

Other non-substantive changes will be made to the rules to better reflect the Illinois Grant Funds Recovery Act [30 ILCS 705].
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B) Statutory Authority: Illinois AgriFIRST Program Act of 2001 [505 ILCS 19]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2007

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed changes will be beneficial to grant applicants because it will enable the Department to speed up the application review process and award grant funds more quickly.

F) Agency contact person for information:

Kim Janssen
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/785-5848
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None
ATTORNEY GENERAL

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1) Rulemaking: Proposed rules

A) Description: The proposed rules will address the implementation of and participation in a statewide automated victim notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.

B) Statutory Authority: Rights of Crime Victims and Witness Act (725 ILCS 120/8.5)

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The rules should not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): This will be a new part to be headed "Crime Victims Compensation" and assigned to 74 Ill. Adm. Code 500.

1) Rulemaking: Proposed Rules
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A) **Description:** The Attorney General intends to propose rules to implement the Crime Victims Compensation Act (740 ILCS 45). The rules will cover such matters as applications, extensions, claim investigation and approval, appeals, representation, subrogation, and enforcement.

B) **Statutory Authority:** Section 4.1 of the Crime Victims Compensation Act (740 ILCS 45/4.1)

C) **Scheduled meeting/hearing date:** None

D) **Date agency anticipates First Notice:** January, 2008

E) **Effect on small businesses, small municipalities or not for profit corporation:** Allows not for profit legal agencies to fully understand the Attorney General's investigative process when such agencies represent claimants under the Act.

F) **Agency contact person for information:**

Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427

G) **Related rulemakings and other pertinent information:** None

c) **Part (Heading and Code Citation):** This will be a new part to be headed "Economic Protection of Military Personnel" and assigned to 95 Ill. Adm. Code 300.

1) **Rulemaking:** Proposed Rules

A) **Description:** Effective May 26, 2006, Public Act 94-802, amended several statutes to authorize the Attorney General to impose fines against providers of things such as utilities, life insurance, motor vehicle leases, and cellular telephone service, who cut off services to service members who are deployed on active duty. The Attorney General may do so only
ATTORNEY GENERAL

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after notice and opportunity for hearing, and the contemplated rules would prescribe the procedures for the conduct of those hearings.

B) Statutory Authority: Section 10-30 of the Illinois Administrative Procedure Act (5 ILCS 100/10-30)

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: August, 2007

E) Effect on small businesses, small municipalities or not for profit corporation: The effect of the rules is to establish a fair and impartial set of procedures to allow small municipalities or businesses that may be accused of violations of the rights of active duty service members to contest the imposition of fines.

F) Agency contact person for information:

    Margaret Riley, Assistant Bureau Chief
    Veterans Rights Bureau
    Office of the Attorney General
    100 West Randolph Street, 12th floor
    Chicago, Illinois 60601
    312/814-6103

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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a) Part(s) (Heading and Code Citation): Access to Information (2 Ill. Adm. Code 751)

1) Rulemaking:

A) Description: The Department anticipates rulemaking that will change the rate charged for hard copy responses to requests made under this Part. The rate will change from 10 cents to 25 cents per page, beginning with page one.

B) Statutory Authority: Implementing and authorized by The Freedom of Information Act [5 ILCS 140]

C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, municipalities or not-for-profit corporations would be affected if they request information under this Part that necessitates a response that includes hard copy attachments, at which point they will be charged the increased fee, as would any/all requestors.

F) Agency contact person for information:

Letitia Dominici
Senior Deputy General Counsel of Administration & Support
CMS Legal Offices
James R. Thompson Center, Suite 4-500
100 West Randolph Street
Chicago, Illinois  60601
312/814-2268

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 Ill. Adm. Code 5010)

1) Rulemaking:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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A) **Description:** CMS currently inventories all state-owned tangible personal property (e.g., desks and chairs, but not blackberrys or computers) that had an original acquisition cost of $100 or more. These amendments would change the threshold to $500 or more thus saving the State of Illinois money in not having to inventory equipment every year that is not very valuable and is unlikely to be misplaced or stolen.

B) **Statutory Authority:** Implementing and authorized by Sections 1 through 7, 8, and 9 of the State Property Control Act [30 ILCS 605/1-7, 8, and 9]

C) **Scheduled meeting/hearing dates:** Not Applicable

D) **Date agency anticipates First Notice:** Not Yet Scheduled

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

F) **Agency contact person for information:**

   Nick Kanellopoulos  
   Deputy General Counsel of Property Management  
   CMS Legal Offices  
   James R. Thompson Center, Suite 4-500  
   100 West Randolph Street  
   Chicago, Illinois 60601  
   312/814-5259

G) **Related rulemakings and other pertinent information:** None

c) **Part(s) (Heading and Code Citation):** Travel (80 Ill. Adm. Code 2800)

1) **Rulemaking:**

   A) **Description:** Amendments to this Part will be proposed in anticipation that State accounting processes will be able to accept electronic signatures in the future.
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B) Statutory Authority: Implementing and authorized by the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000)

C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Not Yet Scheduled

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

F) Agency contact person for information:

Letitia Dominici
Senior Deputy General Counsel of Administration & Support
CMS Legal Offices
James R. Thompson Center, Suite 4-500
100 West Randolph Street
Chicago, Illinois  60601
312/814-2268

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Merit and Fitness (80 Ill. Adm. Code 302)

1) Rulemaking:

A) Description: The Department anticipates rulemaking relating to various functions and policies of the shared service centers, more specifically in regards to the logistics and processing of personnel transactions.


C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Not Yet Scheduled
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E) **Effect on small businesses, small municipalities or not-for-profit corporations:** None

F) **Agency contact person for information:**

   Jeff Shuck  
   Deputy General Counsel of Personnel  
   CMS Legal Offices  
   720 Stratton Office Building  
   401 Spring Street  
   Springfield, Illinois 62706  
   217/782-5778

G) **Related rulemakings and other pertinent information:** Items (e) and (f) of this Regulatory Agenda

e) **Part(s) (Heading and Code Citation):** Conditions of Employment (80 Ill. Adm. Code 303)

1) **Rulemaking:**

   A) **Description:** The Department anticipates rulemaking relating to various functions and policies of the shared service centers, more specifically in regards to timekeeping, benefits, leaves, and related matters.

   B) **Statutory Authority:** Implementing and authorized by the Personnel Code [20 ILCS 415] and Executive Order 6 (2006)

   C) **Scheduled meeting/hearing dates:** Not Applicable

   D) **Date agency anticipates First Notice:** Not Yet Scheduled

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

   F) **Agency contact person for information:**

      Jeff Shuck  
      Deputy General Counsel of Personnel
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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CMS Legal Offices
720 Stratton Office Building
401 Spring Street
Springfield, Illinois  62706
217/782-5778

G) Related rulemakings and other pertinent information:  Items (d) and (f) of this Regulatory Agenda

f) Part(s) (Heading and Code Citation):  General Provisions (80 Ill. Adm. Code 304)

1) Rulemaking:

A) Description:  The Department anticipates rulemaking relating to various functions and policies of the shared service centers, more specifically in regards to responsibility for certain personnel-related records.


C) Scheduled meeting/hearing dates:  Not Applicable

D) Date agency anticipates First Notice:  Not Yet Scheduled

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

F) Agency contact person for information:

Jeff Shuck
Deputy General Counsel of Personnel
CMS Legal Offices
720 Stratton Office Building
401 Spring Street
Springfield, Illinois  62706
217/782-5778

G) Related rulemakings and other pertinent information:  Items (d) and (e) of this Regulatory Agenda
g) **Part(s) (Heading and Code Citation):** Extensions of Jurisdiction (80 Ill. Adm. Code 305)

1) **Rulemaking:**

   A) **Description:** The Department anticipates rulemaking to extend some or all Personnel Code jurisdictions to currently non-code employees who have been consolidated into CMS.

   B) **Statutory Authority:** Implementing and authorized by the Personnel Code [20 ILCS 415]

   C) **Scheduled meeting/hearing dates:** Not Applicable

   D) **Date agency anticipates First Notice:** Not Yet Scheduled

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

   F) **Agency contact person for information:**

      Jeff Shuck  
      Deputy General Counsel of Personnel  
      CMS Legal Offices  
      720 Stratton Office Building  
      401 Spring Street  
      Springfield, Illinois 62706  
      217/782-5778

   G) **Related rulemakings and other pertinent information:** None
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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a) Part: Pay Plan, 80 Ill. Admin. Code 310

1) Rulemaking:

A) Description:

Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.280, designated rate changes in salaries, the addition of new positions, and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A, negotiated rate table changes based on bargaining unit agreements that are signed before December 31, 2007.

In Sections 310.100 and 310.490, changes depending on the policy and pay practice determinations with respect to the Military Family Leave Act.

In at least Sections 310.220 and 310.410, changes expected to be effective January 1, 2008 to assign positions, which are currently assigned non-union rates (Section 310.220(b)), to the merit compensation system and ranges.

In at least Sections 310.Appendix G and 310.410, changes to assign broadband positions to other merit compensation system classifications and ranges.

In at least Sections 310.40, 310.47, 310.50, 310.80, 310.100, 310.110, 310.130, and 310.410, changes expected to be effective January 1, 2008 to assign positions, which are currently assigned to the salary grade system and salary grade pay rates, to the merit compensation system and ranges.

In various sections, changes to classifications either being established, revised or removed with the approval of the Civil Service Commission.
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In various sections, changes to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

B) Statutory Authority:

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

C) Scheduled meeting/hearing dates:

Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date agency anticipates First Notice:

Amendments to Section 310.280, Designated Rate, will be filed as the Governor approves changes throughout the year.

Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Peremptory amendments based on new, revised or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Amendments to move non-union rate and salary grade positions into the merit compensation system are expected to be filed in late September 2007.

Amendments to assign broad-band positions to other merit compensation system classifications, to add Military Family Leave information and clarity by removing duplication will be filed as the Governor approves changes.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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E) **Effect on small businesses, small municipalities or not for profit corporations:**

These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) **Agency contact person for information:**

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

217/782-7964

G) **Related rulemakings and other pertinent information:**

Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.
a) Part(s) (Heading and Code Citation): Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528)

1) Rulemaking:
   
   A) **Description:** The Department is proposing changes to its rules to clarify the efforts applicants need to implement with respect to diversity hiring.
   
   B) **Statutory Authority:** Implemented and authorized by the Film Production Services Tax Credit Act
   
   C) **Scheduled meeting/hearing dates:** None scheduled
   
   D) **Date agency anticipates First Notice:** Within six months
   
   E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments will affect all small businesses to the extent that if they apply or qualify for a film tax credit they will utilize these rules.
   
   F) **Agency contact person for information:**

   Jolene Clarke
   Rules Administrator
   620 East Adams Street
   Springfield, IL  62701
   
   217/557-1820
   
   G) **Related rulemakings and other pertinent information:** None

b) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill. Adm. Code 110)

1) Rulemaking:

   A) **Description:** The Department is proposing changes to the funding and selection criteria of its various funding components based on
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its annual plan approved by the US Department of Housing and Urban Development. Additionally, the Department is proposing clarification changes to the Revolving Funds section.

B) Statutory Authority: Implementing Sections 605-940 and 605-945, and authorized by Section 605-95, of the Civil Administrative Code of Illinois [20 ILCS 605/605-940, 605-945 and 605-95]. Authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.)

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments clarify and update funding allocations among the various components and have no material affect on the entities.

F) Agency contact person for information:

Jolene Clarke
Rules Administrator
620 East Adams Street
Springfield, IL  62701

217/557-1820

G) Related rulemakings and other pertinent information: None
a) **Part(s) (Heading and Code Citation):** "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service" 83 Ill. Adm. Code 280

1) **Rulemaking:**

A) **Description:** There have been four open dockets in which there have been proposed or in which the Commission has been considering amendments to Part 280 (Dockets 05-0237, 06-0112, 06-0202, and 06-0379). The Commission is of the opinion that administrative economy dictates that one coordinated proceeding be initiated to revise Part 280 instead of the potential piecemeal amendment of Part 280 occurring in four open dockets. It is the Commission's intention that it produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.

B) **Statutory Authority:** Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101]

C) **Schedule meeting/hearing date:** Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0703.

D) **Date agency anticipates First Notice:** Undetermined

E) **Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking will affect any subject public utilities and any customers that are also small businesses.

F) **Agency contact person for information:**

Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission
b) Part(s) (Heading and Code Citation): None at this time

1) Rulemaking:

A) Description: The Commission has initiated a rulemaking regarding eligible telecommunications carriers ("ETC") receiving federal Universal Service Support pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 (47 U.S.C. 214(e)(2)). Federal Communications Commission ("FCC") has recommended that state commissions institute requirements for ETC applicants, including a requirement that the ETC applicant demonstrate that it will satisfy consumer protection and service quality standards. Further, the FCC affirmed the state commissions’ authority to impose consumer protection requirements upon wireless carriers to ensure that universal service fund supported services are offered in a manner that protects consumers. This rulemaking proceeding will address consumer protection and service quality standards for wireless local exchange carriers operating as ETCs.


C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0468.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject eligible telecommunications carriers that are also small businesses.

F) Agency contact person for information:
G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): None at this time.

1) Rulemaking:

A) Description: On August 8, 2005, the Energy Policy Act of 2005 ("EPAct") (Pub. L. 109-58) was signed into law. Certain provisions of EPAct amend the Public Utility Regulatory Policies Act of 1978 ("PURPA") to mandate certain considerations by state regulatory agencies. Section 1251 of EPAct amends Section 111(d) of PURPA (16 U.S.C. 2621(d)) by adding the following language:

(12) Fuel sources. - Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

Section 1251(b)(1) of EPAct requires that "[N]ot later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) … shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d)." Each State regulatory authority must complete the consideration, and must make the determination, not later than three years after the date of the enactment of the new legislative provision (August 8, 2008).
ILLINOIS COMMERCSE COMMISSION

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B) Statutory Authority: Implementing 16 U.S.C. 2621(d)

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 07-0291.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect any small public utilities.

F) Agency contact person for information:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
217/782-7434

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): None at this time

1) Rulemaking:

A) Description: On August 8, 2005, the Energy Policy Act of 2005 ("EPAct") (Pub. L. 109-58) was signed into law. Certain provisions of EPAct amend the Public Utility Regulatory Policies Act of 1978 ("PURPA") to mandate certain considerations by state regulatory agencies. Section 1251 of EPAct amends Section 111(d) of PURPA (16 U.S.C. 2621(d)) by adding the following language:

(13) Fossil fuel generation efficiency. - Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.
ILLINOIS COMMERCE COMMISSION

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Section 1251(b)(1) of EPAct requires that "[N]ot later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) … shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d)." Each State regulatory authority must complete the consideration, and must make the determination, not later than three years after the date of the enactment of the new legislative provision (August 8, 2008).

The above requirements may not apply if the state has undertaken certain prior state actions prior to enactment. For example, if the state has implemented for such utility the standard concerned (or a comparable standard), the state regulatory authority for such state has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility, or the state legislature has voted on the implementation of such standard (or comparable standard) for such utility. Energy Policy Act of 2005, Conference Report at 1176.

B) Statutory Authority: Implementing 16 U.S.C. 2621(d)

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 07-0292.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect any small public utilities.

F) Agency contact person for information:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): None at this time

1) Rulemaking:

A) Description: On August 8, 2005, the Energy Policy Act of 2005 ("EPAct") (Pub. L. 109-58) was signed into law. Certain provisions of EPAct amend the Public Utility Regulatory Policies Act of 1978 ("PURPA") to mandate certain considerations by state regulatory agencies. Section 1251 of EPAct amends Section 111(d) of PURPA (16 U.S.C. 2621(d)) by adding the following language:

(11) Net metering. - Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

Section 1251(b)(1) of EPAct requires that "[N]ot later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) … shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d)." Each State regulatory authority must complete the consideration, and must make the determination, not later than three years after the date of the enactment of the new legislative provision (August 8, 2008).

B) Statutory Authority: Implementing 16 U.S.C. 2621(d)
C) **Schedule meeting/hearing date**: Persons interested in participating in the proceeding should file a petition to intervene in Docket 07-0293.

D) **Date agency anticipates First Notice**: Undetermined

E) **Effect on small businesses, small municipalities or not for profit corporations**: This rulemaking will not affect any small public utilities.

F) **Agency contact person for information**: 

   Elizabeth Rolando  
   Chief Clerk  
   Illinois Commerce Commission  
   527 East Capitol Avenue  
   Springfield, IL 62701  
   217/782-7434

G) **Related rulemakings and other pertinent information**: None
I. DIVISION OF BANKS AND REAL ESTATE

a) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)

1) Rulemaking:

A) Description: Division of Banking is considering several revisions to the rules, including, among others, increasing minimum surety bond requirements, clarifying full service office requirements of licensees including licensee responsibility for maintaining leases, modifying loan originator provisions including renewal of registration, and removing obsolete language for examiner reimbursement of out-of-state travel expenses.

B) Statutory Authority: [205 ILCS 635/4-1(g), 7-1]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: September 2007

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Alan Anderson
122 S. Michigan Ave.
Chicago, IL
312/793-1419  Fax: 312/793-7097

G) Related rulemakings and other pertinent information: None

II. DIVISION OF INSURANCE

a) Part(s) (Heading and Code Citation): Electronic Signatures and Electronic Filings; 50 Ill. Adm. Code New
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1) Rulemaking:

A) Description: With the progression of technology and the passage of legislation which encourages the use of electronic filing systems, it is necessary for the Division to begin looking at and devising ways to stay in step with industry and to streamline and economize its regulatory procedures. This new Part will set guidelines, perimeters and requirements for documents that are filed with the Division electronically.


C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September

E) Effect on small businesses, small municipalities or not for profit corporations: This new Part will not affect small businesses.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL  62786
217/785-8560  Fax: 217/524-9033

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Military Sales Practices; 50 Ill. Adm. Code New

1) Rulemaking:

A) Description: The purpose of this new Part will be to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.
Illinois' promulgation of this regulation will be based on the recently adopted NAIC Model # 568.

B) **Statutory Authority:** Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/421 et seq.]

C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** July

E) **Effect on small businesses, small municipalities or not for profit corporations:** The business practices of insurance producers may be impacted by this new regulation.

F) **Agency contact person for information:**

   Department of Financial and Professional Regulation
   Attention: Denise Hamilton
   320 West Washington, 4th Floor
   Springfield, IL  62786
   217/785-8560  Fax: 217/524-9033

G) **Related rulemakings and other pertinent information:** None

c) **Part(s) (Heading and Code Citation):** Workers' Compensation Pools; 50 Ill. Adm. Code 575

   1) **Rulemaking:**

      A) **Description:** The purpose of this new Part will be to improve the Director's surveillance of the financial condition of qualified group workers' compensation pools by requiring an annual financial statement to be filed and requiring an annual audit by accountants of the financial statements. Also, this Part will require a Statement of Actuarial Opinion to be filed regarding the adequacy of the pool's loss and loss adjustment expense reserves. Finally, this new Part will establish standards to ensure that members of a group workers' compensation pool have homogeneous risk characteristics.
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August

E) Effect on small businesses, small municipalities or not for profit corporations: This new Part concerns the operations of the pools and companies providing services to the pools. The impact on a pool or service company will be minimal because the additional costs, if any, will be passed onto and spread over a number of pools or pool members.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL  62786
217/785-8560  Fax: 217/524-9033

G) Related rulemakings and other pertinent information: Please see new Part 576 below.

d) Part(s) (Heading and Code Citation): Group Workers' Compensation Pools Insolvency Fund; 50 Ill. Adm. Code 576

1) Rulemaking:

A) Description: This new Part concerns the Group Workers' Compensation Pools Insolvency Fund (Insolvency Fund). In 2001 the Director issued an assessment pursuant to the statute, the pools filed a number of legal proceedings claiming that the Director, among other things, had not promulgated a rule concerning the assessment provisions. In one case, Elsbury v. Stan and Associates, the Appellate Court ruled in part that because a claimant was not notified that he should submit a claim in the liquidation proceeding, the Treasury was required to fund his claim through the statutory bond. This new Part will formally establish
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assessment provisions, collection and fund pay-outs standards as well as other regulatory guidelines for the insolvency fund.


C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August

E) Effect on small businesses, small municipalities or not for profit corporations: Generally speaking the members of the pools that insure their workers' compensation liabilities are small businesses, i.e., restaurants, bowling alleys and trucking companies. This new Part will provide clarification as to how and when the small business may have to pay additional assessments.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL  62786
217/785-8560  Fax:  217/524-9033

G) Related rulemakings and other pertinent information: Please see new Part 575 above.

e) Part(s) (Heading and Code Citation): Custodial Agreements; 50 Ill. Adm. Code 807

1) Rulemaking:

A) Description: The purpose of this new Part will be to set standards and requirements for custodians of securities in accordance with Article IX of the Illinois Insurance Code.

B) Statutory Authority: Implementing Article VIII and authorized by Section 133 of the Illinois Insurance Code [215 ILCS 5/Art.VIII and 133]
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL 62786
217/785-8560 Fax: 217/524-9033

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Improper Claims Practice; 50 Ill. Adm. Code 919

1) Rulemaking:

A) Description: Part 919 hasn't been comprehensively revised since 1989. In addition to a number of housekeeping changes that will accurately reflect the consolidation of our agency under IDFPR, substantively the Division will be addressing a number of regulatory issues including, but not limited to, process and procedure refinements and electronic documents requirements. The Division will also include amendments to Section 919.80 in order to those provisions consistent with the Karlin v. American Freedom Insurance Company case (First District Appellate Court Decide December 22, 2006 unpublished Supreme Court Rule 23).

While not binding, the Court's decision is instructive. The court stated:

We will not engratn new requirements onto the Department's notice provisions. Because American provided Karlin notice in accord with Section 919.80(d)(6), we find that it effectively preserved its right to rely on the limitation of damages provision in the insurance policy. However, we encourage the Department to
consider revising its regulations to require insurers to inform their insured that the insurer bears responsibility for the quality of the repair work performed at the repair shops the insurer names in its notice to the insured. [Emphasis added]


C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** September

E) **Effect on small businesses, small municipalities or not for profit corporations:** The anticipated revisions to Section 919.80 will affect auto repair shops that do not currently guarantee their work.

F) **Agency contact person for information:**

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL 62786
217/785-8560 Fax: 217/524-9033

G) **Related rulemakings and other pertinent information:** None

g) **Part(s) (Heading and Code Citation):** Medical Malpractice Data Base; 50 Ill. Adm. Code 928

1) **Rulemaking:**

A) **Description:** These amendments will be clean-up in nature, intended to correct inconsistencies and errors in the filing instructions and to better define "other entity."
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B) **Statutory Authority**: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401]

C) **Scheduled meeting/hearing dates**: None

D) **Date agency anticipates First Notice**: August

E) **Effect on small businesses, small municipalities or not for profit corporations**: These amendments will not have an effect on small businesses.

F) **Agency contact person for information**: 
   Department of Financial and Professional Regulation  
   Attention: Denise Hamilton  
   320 West Washington, 4th Floor  
   Springfield, IL  62786  
   217/785-8560  Fax: 217/524-9033

G) **Related rulemakings and other pertinent information**: None

h) **Part(s) (Heading and Code Citation)**: Construction and Filing of Life Insurance and Annuity Forms; 50 Ill. Adm. Code 1405

1) **Rulemaking**:

A) **Description**: The Division will be deleting a statutory reference found in Section 1405.70 that no longer applies.

B) **Statutory Authority**: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 755 and 1013)

C) **Scheduled meeting/hearing dates**: None

D) **Date agency anticipates First Notice**: October
E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments will not have an effect on small businesses.

F) **Agency contact person for information:**

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL  62786
217/785-8560  Fax: 217/524-9033

G) **Related rulemakings and other pertinent information:** Please see Part 1410 below.

i) **Part(s) (Heading and Code Citation):** Modified Guaranteed Annuity (MGA) Contracts; 50 Ill. Adm. Code 1410

1) **Rulemaking:**

A) **Description:** The Division will be deleting a statutory reference found in Section 1405.70 that no longer applies.

B) **Statutory Authority:** Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XIV and 401]

C) **Scheduled meeting/hearing dates:** None

D) **Date agency anticipates First Notice:** October

E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments will not have an effect on small businesses.

F) **Agency contact person for information:**

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

Springfield, IL 62786
217/785-8560 Fax: 217/524-9033

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Workers' Compensation Self Insurance; 50 Ill. Adm. Code 2901

1) Rulemaking:

A) Description: The Division is repealing Part 2901 in conjunction with the promulgation of new Part 575 and 576. These new regulations will address regulatory standards that were not included in the rewrite of Article V ¾ in 2001 and now require further delineation.


C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September

E) Effect on small businesses, small municipalities or not for profit corporations: This repealed will not effect small businesses.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL 62786
217/785-8560 Fax: 217/524-9033

G) Related rulemakings and other pertinent information: Please see the description in new Part 575 and 576 above.
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k) Part(s) (Heading and Code Citation): Definition of Salary; 50 Ill. Adm. Code 4402

1) Rulemaking:

A) Description: The Public Pension Division has received numerous requests with regard to what can be considered "salary" for inclusion in the calculation of pension benefits. Amendments to this Part will focus on more accurately defining salary.

B) Statutory Authority: Implementing and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Denise Hamilton
320 West Washington, 4th Floor
Springfield, IL  62786
217/785-8560  Fax: 217/524-9033

G) Related rulemakings and other pertinent information: None

III. DIVISION OF PROFESSIONAL REGULATION

a) Part(s) (Heading and Code Citation): Illinois Athletic Trainer Practice Act (68 Ill. Adm. Code 1160)

1) Rulemaking:

A) Description: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset
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reauthorization of the Act and the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: July 2007

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed athletic trainers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Auction License Act (68 Ill. Adm. Code 1440)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 401]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed auctioneers and auction companies may be affected.
F) **Agency contact person for information:**

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) **Related rulemakings and other pertinent information:** None

c) **Part(s) (Heading and Code Citation):** Barber, Cosmetology, Esthetics and Nail Technology Act (68 Ill. Adm. Code 1160)

1) **Rulemaking:**

A) **Description:** Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) **Statutory Authority:** [225 ILCS 410]

C) **Schedule meeting/hearing date:** No hearings or meetings have been scheduled.

D) **Date agency anticipates First Notice:** Unknown

E) **Effect on small businesses, small municipalities or not for profit corporations:** Licensed cosmetologists, estheticians, nail technicians and barbers may be affected.

F) **Agency contact person for information:**

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) **Related rulemakings and other pertinent information:** None
d) Part(s) (Heading and Code Citation): Professional Boxing Act (68 Ill Adm. Code 1370)

1) Rulemaking:

   A) Description: HB 1947 provides for the regulation of mixed martial arts (MMA) contests; rules will be written to implement those provisions. Technical clean up will also include changes reflecting the consolidation of the Department of Financial and Professional Regulation.

   B) Statutory Authority: [225 ILCS 105]

   C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

   D) Date agency anticipates First Notice: Unknown

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

   F) Agency contact person for information:

       Department of Financial and Professional Regulation
       Attention: Craig Cellini
       320 West Washington, 3rd Floor
       Springfield, IL  62786
       217/785-0813  Fax:  217/557-4451

   G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:

   A) Description: Various sections may be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

   B) Statutory Authority: [225 ILCS 425]
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C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown?

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies and other legal entities that offer services to collect an alleged delinquent debt may be affected.

F) Agency contact person for information:

Division of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Illinois Dental Practice Act (68 Ill Adm. Code 1220).

1) Rulemaking:

A) Description: SB 214 requires the Department to promulgate rules relating to the administration and monitoring of anesthesia and the requisite training of dental personnel.

B) Statutory Authority: [225 ILCS 25]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dentists, dental hygienists and dental assistants may be affected.
F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

A) Description: SB 1424 extensively amends the Act to provide for the licensure of fingerprint vendors and canine trainers and handlers; rules will be written to implement these requirements.

B) Statutory Authority: [225 ILCS 446]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed private detectives, security contractors, alarm contractors and locksmiths, their agencies and their employees and applicants for licensure under this Act may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451
G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)

1) Rulemaking:

A) Description: Technical amendments may be proposed.

B) Statutory Authority: [225 ILCS 41]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed funeral directors and embalmers may be affected.

F) Agency contact person for information:
Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax:  217/557-4451

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Home Inspector License Act (68 Ill. Adm. Code 1410)

1) Rulemaking:

A) Description: Technical clean up will include changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 441]
C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed home inspectors may be affected.

F) Agency contact person for information:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL 62786
   217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Home Medical Equipment and Services Provider License Act (68 Ill. Adm. Code 1253)

1) Rulemaking:

   A) Description: Technical clean up will include changes reflecting the consolidation of the Department of Financial and Professional Regulation.

   B) Statutory Authority: [225 ILCS 5]

   C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

   D) Date agency anticipates First Notice: Unknown

   E) Effect on small businesses, small municipalities or not for profit corporations: Licensed home medical equipment providers may be affected.

   F) Agency contact person for information:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)

1) Rulemaking:

A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) Statutory Authority: [225 ILCS 315]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown?

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed landscape architects may be affected.

F) Agency contact person for information:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL 62786
   217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Marriage and Family Therapy Licensing Act
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

1) Rulemaking:

A) Description: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

B) Statutory Authority: [225 ILCS 55]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed marriage and family therapists may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Massage Licensing Act (68 Ill Adm. Code 1284)

1) Rulemaking:

A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) Statutory Authority: [225 ILCS 57]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed massage therapists may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Nursing and Advanced Practice Nursing Act (68 Ill Adm. Code 1300 and 1305)

1) Rulemaking:

A) Description: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

B) Statutory Authority: [225 ILCS 65]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown?

E) Effect on small businesses, small municipalities or not for profit corporations: Individuals applying for licensure or licensed under this Act may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

Springfield, IL  62786
217/785-0813  Fax:  217/557-4451

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)

1) Rulemaking:

A) Description: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act and the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 70]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax:  217/557-4451

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill. Adm. Code 1325)

1) Rulemaking:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

A) Description: Technical clean up will include changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed orthotists, prosthetists, and pedorthists may be affected.

F) Agency contact person for information:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL 62786
   217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)

   1) Rulemaking:

      A) Description: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

      B) Statutory Authority: [225 ILCS 85]

      C) Schedule meeting/hearing date: No hearings have been scheduled.

      D) Date agency anticipates First Notice: Unknown
E) **Effect on small businesses, small municipalities or not for profit corporations**: Licensed pharmacists, pharmacy technicians, and pharmacies will be affected.

F) **Agency contact person for information:**

   Department of Financial and Professional Regulation  
   Attention: Craig Cellini  
   320 West Washington, 3rd Floor  
   Springfield, IL 62786  
   217/785-0813 Fax: 217/557-4451

G) **Related rulemakings and other pertinent information**: None

r) **Part(s) (Heading and Code Citation)**: Physician Assistant Practice Act of 1987 (68 Ill. Adm. Code 1350)

1) **Rulemaking:**

   A) **Description**: Various sections will be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act and the consolidation of the Department of Financial and Professional Regulation.

   B) **Statutory Authority**: [225 ILCS 95]

   C) **Schedule meeting/hearing date**: No hearings have been scheduled.

   D) **Date agency anticipates First Notice**: Unknown

   E) **Effect on small businesses, small municipalities or not for profit corporations**: Licensed physician assistants may be affected.

   F) **Agency contact person for information:**

   Department of Financial and Professional Regulation  
   Attention: Craig Cellini  
   320 West Washington, 3rd Floor
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

Springfield, IL  62786
217/785-0813  Fax:  217/557-4451

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)

1) Rulemaking:

   A) Description: Various sections may be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

   B) Statutory Authority: [225 ILCS 100]

   C) Schedule meeting/hearing date: No hearings have been scheduled.

   D) Date agency anticipates First Notice: Unknown

   E) Effect on small businesses, small municipalities or not for profit corporations: Licensed podiatrists may be affected.

   F) Agency contact person for information:

       Department of Financial and Professional Regulation
       Attention: Craig Cellini
       320 West Washington, 3rd Floor
       Springfield, IL  62786
       217/785-0813  Fax:  217/557-4451

   G) Related rulemakings and other pertinent information: None

 t) Part(s) (Heading and Code Citation): Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)

 1) Rulemaking:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) Statutory Authority: [225 ILCS 15]

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed clinical psychologists may be affected.

F) Agency contact person for information:
   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL  62786
   217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Public Accounting Act (68 Ill. Adm. Code 1420 and 1430)

1) Rulemaking:

A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) Statutory Authority: [225 ILCS 450]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed and registered certified public accountants may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Real Estate Appraiser Licensing Act (68 Ill. Adm. Code 1455)

1) Rulemaking:

A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

B) Statutory Authority: [225 ILCS 458]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed real estate appraisers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)

1) Rulemaking:

   A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part.

   B) Statutory Authority: [225 ILCS 335]

   C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

   D) Date agency anticipates First Notice: Unknown

   E) Effect on small businesses, small municipalities or not for profit corporations: Licensed roofing contractors and applicants for licensure may be affected.

   F) Agency contact person for information:

       Department of Financial and Professional Regulation
       Attention: Craig Cellini
       320 West Washington, 3rd Floor
       Springfield, IL 62786
       217/785-0813 Fax: 217/557-4451

   G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)

1) Rulemaking:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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A) **Description**: Various sections may be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

B) **Statutory Authority**: [225 ILCS 20]

C) **Schedule meeting/hearing date**: No meetings or hearings have been scheduled.

D) **Date agency anticipates First Notice**: Unknown

E) **Effect on small businesses, small municipalities or not for profit corporations**: Licensed social workers and clinical social workers may be affected.

F) **Agency contact person for information**:

   Department of Financial and Professional Regulation  
   Attention: Craig Cellini  
   320 West Washington, 3rd Floor  
   Springfield, IL  62786  
   217/785-0813  Fax: 217/557-4451

G) **Related rulemakings and other pertinent information**: None

y) **Part(s) (Heading and Code Citation)**: Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)

1) **Rulemaking**:

   A) **Description**: Various sections may be amended to address inconsistencies and technical problems and other changes as a result of the sunset reauthorization of the Act.

   B) **Statutory Authority**: [225 ILCS 110]

   C) **Schedule meeting/hearing date**: No meetings or hearings have been scheduled.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

D) Date agency anticipates First Notice:  Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed speech-language pathologists, assistants, and audiologists may be affected.

F) Agency contact person for information:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield, IL  62786
   217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

z) Part(s) (Heading and Code Citation): Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510)

1) Rulemaking:

   A) Description: Various sections may be amended to address inconsistencies and technical problems between the Act and this Part if the extensive changes under consideration in SB 509 become law.

   B) Statutory Authority: [225 ILCS 120]

   C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

   D) Date agency anticipates First Notice: Unknown

   E) Effect on small businesses, small municipalities or not for profit corporations: Licensed wholesale drug distributors and applicants for licensure may be affected.

   F) Agency contact person for information:

      Department of Financial and Professional Regulation
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2007 REGULATORY AGENDA

Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None
a) **Part Heading and Code Citation**: Union Square Park (17 Ill. Adm. Code 4160)

1) **Rulemaking**:

   A) **Description**: Rules governing use of park facilities

   B) **Statutory Authority**: Historic Preservation Agency Act [20 ILCS 3405]

   C) **Scheduled meeting/hearing dates**: None

   D) **Date agency anticipates First Notice**: Fall, 2007

   E) **Effect on small businesses, small municipalities or not for profit corporations**: None

   F) **Agency contact person for information**:

   William L. Wheeler  
   1 Old State Capitol Plaza  
   Springfield, Illinois 62701

   217/785-9045

   G) **Related rulemakings and other pertinent information**: None
ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2007 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Affordable Housing Program 47 Ill. Adm. Code 360

1) Rulemaking:

A) Description: Amend various sections to conform with updated guidelines.

B) Statutory Authority: Section 4 and 7(e) of the Illinois Affordable Housing Act 310 ILCS 65/4 and Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25]

C) Scheduled meeting/hearing dates: October, 2007

D) Date agency anticipates First Notice: October, 2007

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

F) Agency contact person for information:

Name: Kristi S. Poskus, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
Telephone: 312/836-7416

G) Related rulemakings and other pertinent information: None
OFFICE OF THE STATE FIRE MARSHAL

JULY 2007 REGULATORY AGENDA

a) **Part(s):** 41 Ill. Adm. Code 100; Fire Prevention and Safety

1) **Rulemaking:** Amendment
   
   A) **Description:** Amend the Fire Prevention Rules to adopt the 2006 Edition of the Life Safety Code and amend miscellaneous provisions.
   
   B) **Statutory Authority:** 425 ILCS 25/9
   
   C) **Scheduled meeting/hearing dates:** None
   
   D) **Date agency anticipates First Notice:** August 2007
   
   E) **Effect on small businesses, small municipalities or not for profit corporations:** The effect of the amendments cannot be determined because of the unknown condition of existing buildings.
   
   F) **Agency contact person for information:**

   John J. Fennell Jr.
   General Counsel
   1035 Stevenson Drive
   Springfield, IL. 62706
   217/785-4144 (Phone)
   217/785-1002 (Facsimile)

   G) **Related rulemakings and other pertinent information:** None

b) **Part(s):** 41 Ill. Adm. Code 220; Illinois Elevator Safety Rules

1) **Rulemaking:** Proposed New Rules

   A) **Description:** Propose rules for the installation and maintenance of approved carbon monoxide detectors.
   
   B) **Statutory Authority:** 430 ILCS 135/5
   
   C) **Scheduled meeting/hearing dates:** None
OFFICE OF THE STATE FIRE MARSHAL

JULY 2007 REGULATORY AGENDA

D) Date agency anticipates First Notice: August 2007

E) Effect on small businesses, small municipalities or not for profit corporations: The effect of the amendments cannot be determined because of the unknown condition of existing buildings.

F) Agency contact person for information:

   John J. Fennell Jr.
   General Counsel
   1035 Stevenson Drive
   Springfield, IL. 62706
   217/785-4144 (Phone)
   217/785-1002 (Facsimile)

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Minimum Wage Law; 56 Ill. Adm. Code 210

1) Rulemaking:

   A) Description: Amendments will be made to streamline the Department's administrative process and to update definitions of terms.

   B) Statutory Authority: 820 ILCS 105/10

   C) Schedule meeting/hearing dates: No meetings are scheduled at this time

   D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

   E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

   F) Agency contact person for information:

      Name: Valerie A. Puccini, Assistant General Counsel
      Address: Illinois Department of Labor
                160 N. LaSalle Street, C-1300
                Chicago, IL  60601
      Telephone: (312) 793-7838

   G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Equal Pay in Employment; 56 Ill. Adm. Code 320

1) Rulemaking:

   A) Description: Amendments will be made to increase the time period in which complaints can be filed with the Department, streamline the administrative process and add confidentiality provisions for those individuals filing complaints.

   B) Statutory Authority: 820 ILCS 112/15
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant General Counsel
Address: Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
Telephone: (312) 793-7838

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Health and Safety; 56 Ill. Adm. Code 350

1) Rulemaking:

A) Description: Amendments will be made to comply with statutory changes to the Health and Safety Act and the Safety Inspection and Education Act in anticipation of the Department becoming a State Plan.

B) Statutory Authority: 820 ILCS 225/4.1 and 820 ILCS 225/7

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

F) **Agency contact person for information:**

Name: Cheryl Hawkins, Industrial Hygienist  
Address: Illinois Department of Labor  
One West Old Capitol Plaza  
3rd Floor  
Springfield, IL 62701  
Telephone: (217) 782-9386

G) **Related rulemakings and other pertinent information:** None

d) **Part(s) (Heading and Code Citation):** Day and Temporary Labor Services Act; 56 Ill. Adm. Code 260

1) **Rulemaking:**

A) **Description:** Amendments will be made to eliminate and change some of the registration requirements. In addition, amendments may be necessary for potential statutory changes.

B) **Statutory Authority:** 820 ILCS 260/45

C) **Schedule meeting/hearing dates:** No meetings or hearings are scheduled or anticipated.

D) **Date agency anticipates First Notice:** The Department anticipates filing this amendment in the second six months of 2007.

E) **Effect on small businesses, small municipalities or not for profit corporations:** None anticipated

F) **Agency contact person for information:**

Name: Valerie A. Puccini, Assistant General Counsel  
Address: Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601  
Telephone: (312) 793-7838
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Access to Information; 2 Ill. Adm. Code 1400

1) Rulemaking:

A) Description: Amendments are needed to allow requests for public information to be received by facsimile.

B) Statutory Authority: 5 ILCS 140

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant General Counsel
Address: Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
Telephone: (312) 793-7838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Employee Classification Act

1) Rulemaking:

A) Description: Pending legislation may require rulemaking to implement this new statutory mandate.

B) Statutory Authority: HB 1795
C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:
   Name: Valerie A. Puccini, Assistant General Counsel
   Address: Illinois Department of Labor
             160 N. LaSalle Street, C-1300
             Chicago, IL  60601
   Telephone: (312) 793-7838

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Payment and Collection of Wages or Final Compensation; 56 Ill. Adm. Code 300

1) Rulemaking:

A) Description: Pending statutory changes will require an amendment to increase the period for filing claims with the Department.

B) Statutory Authority: 820 ILCS 115

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant General Counsel
Address: Illinois Department of Labor
         160 N. LaSalle Street, C-1300
         Chicago, IL  60601
Telephone: (312) 793-7838

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Carnival and Amusement Ride Safety; 56 Ill. Adm. Code 6000

1) Rulemaking:

A) Description: Amendments are necessary to establish the qualifications of amusement ride inspectors. Pending statutory changes also may require establishing training standards for operators of amusement rides and amusement attractions.

B) Statutory Authority: 430 ILCS 85

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the second six months of 2007.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant General Counsel
Address: Illinois Department of Labor
         160 N. LaSalle Street, C-1300
         Chicago, IL  60601
Telephone: (312) 793-7838
DEPARTMENT OF LABOR

JULY 2007 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None
a) **Part (Heading and Code Citation):** Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill.Adm.Code 1910.

1) **Rulemaking:**

   (A) **Description:** The Property Tax Appeal Board anticipates amending the following rules:

   Section 1910.5 – to clarify definitions and terms contained in rules.

   Section 1910.30 – amend procedural requirements for petition to appeal to include one original signature and two copies of Board of Review decision.

   Section 1910.50 – amend to clarify objections to withdraw of appeal when substantive evidence has been prepared or filed.

   Section 1910.60 – amend to allow taxing bodies to intervene 60-days from receiving Board of Review notice or from notice to State's Attorney of appeal. Eliminate incomplete requests to intervene and limit extension requests absent good-cause. Amend service requirements of evidence.

   Section 1910.69 – amend reference 1910.67(n) to 1910.98(a) and add 1910.73.

   Section 1910.90 – amend to allow for electronic dissemination of final decisions.

   (B) **Statutory Authority:** 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195.

   (C) **Scheduled meeting/hearing date:** There are no proposed scheduled dates for meetings/hearings at this time.

   (D) **Date agency anticipates First Notice:** July 13, 2007

   (E) **Effect on small business, small municipalities or not-for-profit corporations:** None
PROPERTY TAX APPEAL BOARD

JULY 2007 REGULATORY AGENDA

(F) Agency contact person for information:

Chief Hearing Officer
Steven M. Waggoner
Property Tax Appeal Board
Stratton Office Bldg., Rm. 402
401 S. Spring Street
Springfield, IL 62706
(217) 782-6076

(G) Related rulemaking and other pertinent information: None
a) **Part Heading and Code Citation**: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) **Rulemaking**:

   A) **Description**: The proposed amendments will implement Public Act 93-0041, which amended the Hospital Licensing Act [210 ILCS 85] regarding plan review and fees, waivers, informal dispute resolution, findings and quality improvement.

   B) **Statutory Authority**: Hospital Licensing Act [210 ILCS 85]

   C) **Scheduled meeting/hearing dates**: Hospital Licensing Board, August, 2007

   D) **Date agency anticipates First Notice**: Fall 2007

   E) **Effect on small businesses, small municipalities or not-for-profit corporations**: These amendments may affect hospitals that are small businesses and not-for-profit corporations.

   F) **Agency contact person for information**:

      Susan Meister  
      Division of Legal Services  
      Illinois Department of Public Health  
      535 W. Jefferson St.  
      Springfield, Illinois 62761  
      rules@idph.state.il.us  
      217/782-2043

   G) **Related rulemakings and other pertinent information**: None

2) **Rulemaking**:

   A) **Description**: These rules will implement Public Act 92-356, which amended the Hospital Licensing Act [210 ILCS 85] to require hospitals to develop policies implementing physician-ordered "do-not-resuscitate" orders, and required hospitals and long-term care facilities to honor the
DEPARTMENT OF PUBLIC HEALTH

JULY 2007 REGULATORY AGENDA

Department of Public Health's Uniform DNR Order Form in their "do-not-resuscitate" policies.

B) Statutory Authority: Public Act 92-356

C) Scheduled meeting/hearing dates: Hospital Licensing Board, August, 2007

D) Date agency anticipates First Notice: Fall 2007

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect hospitals that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

   Susan Meister  
   Division of Legal Services  
   Illinois Department of Public Health  
   535 W. Jefferson St.  
   Springfield, Illinois 62761  
   rules@idph.state.il.us  
   217/782-2043

G) Related rulemakings and other pertinent information: None

3) Rulemaking:

   A) Description: The proposed amendments will implement Public Act 94-0915, which amended the Hospital Licensing Act [210 ILCS 85] to require a circulating nurse to be present in the operating room during all invasive operative procedures.

   B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

   C) Scheduled meeting/hearing dates: Hospital Licensing Board, August, 2007

   D) Date agency anticipates First Notice: Fall 2007
DEPARTMENT OF PUBLIC HEALTH

JULY 2007 REGULATORY AGENDA

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments may affect hospitals that are small businesses and not-for-profit corporations.

F) **Agency contact person for information:**

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St.  
Springfield, Illinois 62761  
rules@idph.state.il.us  
217/782-2043

G) **Related rulemakings and other pertinent information:** see (e)

4) **Rulemaking:**

A) **Description:** The proposed amendments, undertaken at the request of the Hospital Licensing Board, develop minimal standards for animal-assisted therapy programs in hospitals.

B) **Statutory Authority:** Hospital Licensing Act [210 ILCS 85]

C) **Scheduled meeting/hearing dates:** Hospital Licensing Board, August 2007

D) **Date agency anticipates First Notice:** Fall 2007

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments may affect hospitals that are small businesses and not-for-profit corporations.

F) **Agency contact person for information:**

Susan Meister  
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DEPARTMENT OF PUBLIC HEALTH

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217/782-2043

G) Related rulemakings and other pertinent information: None

b) Part Heading and Code Citation: Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)

1) Rulemaking:

A) Description: The proposed amendments will implement Public Act 94-0915, which amended the Ambulatory Surgical Treatment Center Act [210 ILCS 5] to require a circulating nurse to be present in the operating room during all invasive operative procedures.

B) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

C) Scheduled meeting/hearing dates: ASTC Licensing Board, September, 2007

D) Date agency anticipates First Notice: Fall 2007

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect ASTCs that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

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217/782-2043

G) Related rulemakings and other pertinent information: See (c) and (f)
2) Rulemaking:

A) **Description**: The proposed amendments will implement Public Act 94-0861, which amended the Ambulatory Surgical Treatment Center Act [210 ILCS 5] to add a new Section regulating nurse administration of limited levels of sedation or analgesia.

B) **Statutory Authority**: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

C) **Scheduled meeting/hearing dates**: ASTC Licensing Board, September, 2007

D) **Date agency anticipates First Notice**: Fall 2007

E) **Effect on small businesses, small municipalities or not-for-profit corporations**: These amendments may affect ASTCs that are small businesses and not-for-profit corporations.

F) **Agency contact person for information**:

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   217/782-2043

G) **Related rulemakings and other pertinent information**: None

c) **Part Heading and Code Citation**: Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)

1) Rulemaking:

A) **Description**: The proposed amendments will increase the license fees for assisted living establishments to $1,000 from $300 (plus $10 per licensed
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unit, up from $5) and the fee for shared housing establishments to $500 from $150.

B) **Statutory Authority:** Assisted Living and Shared Housing Act [210 ILCS 9]

C) **Scheduled meeting/hearing dates:** Assisted Living and Shared Housing Advisory Board, August, 2007.

D) **Date agency anticipates First Notice:** Fall 2007

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments may affect assisted living and shared housing establishments that are small businesses and not-for-profit corporations.

F) **Agency contact person for information:**

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   217/782-2043

G) **Related rulemakings and other pertinent information:** None

d) **Part Heading and Code Citation:** Home Health Agency Code (77 Ill. Adm. Code 245)

1) **Rulemaking:**

   A) **Description:** The amendments will implement Public Act 94-0379, which added extensive amendments to the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55], including changing the name of the Act and adding new licensure categories to the Act.

   B) **Statutory Authority:** Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
C) **Scheduled meeting/hearing dates:** June, 2007

D) **Date agency anticipates First Notice:** Summer 2007

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** These amendments may affect home health, home services, and home nursing agencies that are small businesses and not-for-profit corporations.

F) **Agency contact person for information:**

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   Division of Legal Services  
   Illinois Department of Public Health  
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   217/782-2043

G) **Related rulemakings and other pertinent information:** None

e) **Part Heading and Code Citation:** Animal Population Control Code (New Part)

1) **Rulemaking:**

   A) **Description:** This rulemaking will establish procedures involving enrollment and participation in the Animal Population Control program regarding both veterinarians and citizens. The rulemaking also establishes a collection procedure for monies collected by local animal control entities to be submitted to the Animal Population Control Fund, as well as for the distribution of those funds. The rulemaking also defines the percentage of the fund to be used for educational purposes.

   B) **Statutory Authority:** Implementing and authorized by Section 10 of the Animal Control Act [510 ILCS 5/10] and Section 35 of the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92] [Public Act 094-0639]
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C) **Schedule of meeting/hearing dates**: This rulemaking will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice**: September 2007

E) **Effect on small businesses, small municipalities or not-for-profit corporations**: None known at this time

F) **Agency contact person for information**:

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217/782-2043

G) **Related rulemakings and other pertinent information**: None

f) **Part Heading and Code Citation**: Body Art Code (New Part)

1) **Rulemaking**:

A) **Description**: This rulemaking will establish public health standards for the conduct of body art procedures; regulate the establishment and practice of body arts services; authorize the Illinois Department of Public Health to enforce these rules by inspection, and by permitting for body art establishments; provide for suspension and revocation of permits; provide for misdemeanor and civil infraction penalties for violations of certain requirements and prohibitions of this ordinance; and provide a system of education and resources for artists and apprentices.

B) **Statutory Authority**: Implementing and authorized by Section 30 of the Tattoo and Body Piercing Establishment Registration Act (P.A. 94-1040)

C) **Schedule of meeting/hearing dates**: This rulemaking will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice**: September 2007
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E) Effect on small businesses, small municipalities or not-for-profit corporations: All body art business operators will be required to register with the Illinois Department of Public Health and keep a record of all body art procedures they have performed, as well as a record of all persons who have had body art procedures performed at the establishment.

F) Agency contact person for information:

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217/782-2043

G) Related rulemakings and other pertinent information: None

g) Part Heading and Code Citation: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) Rulemaking:

A) Description: This rulemaking will update the training curriculum for Trauma Nurse Specialists to meet current medical standards allowing for Department oversight (the specifics of the curriculum will no longer be included). In addition, the testing requirements will be amended to authorize the Department to determine how certification tests will be administered. The rulemaking amends the Section on re-testing to be consistent with the Emergency Medical Technician testing rules and reduces the number of continuing education hours. The rulemaking deletes outdated requirements from the Trauma Nurse Specialist Program Plan.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: September 2007
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D) Date agency anticipates First Notice: October 2007

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

h) Part Heading and Code Citation: Emergency Medical Systems and Trauma Center Code (77 Ill. Adm. Code 515)

   1) Rulemaking:

   A) Description: This rulemaking will remove from the Code all references to specific testing fee amounts assessed to candidates sitting for an exam pursuant to the Emergency Medical Services (EMS) Systems Act. In addition, the rulemaking will allow the Department to use a third party to administer Department exams.

   B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

   C) Scheduled meeting/hearing dates: September 2007

   D) Date agency anticipates First Notice: October 2007

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

   F) Agency contact person for information:

       Susan Meister
DEPARTMENT OF PUBLIC HEALTH

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217/782-2043

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: This rulemaking will define and address the use of reserve ambulances.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: September 2007

D) Date agency anticipates First Notice: October 2007

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

F) Agency contact person for information:

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   217/782-2043

G) Related rulemakings and other pertinent information: None


1) Rulemaking:
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A) **Description:** This rulemaking will repeal the Sections concerning compliance with the Health Care Worker Background Check Act and instead reference the Health Care Worker Background Check Code.

B) **Statutory Authority:** Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) **Scheduled meeting/hearing dates:** September 2007

D) **Date agency anticipates First Notice:** October 2007

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

F) **Agency contact person for information:**

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   217/782-2043

G) **Related rulemakings and other pertinent information:** None

j) **Part Heading and Code Citation:** Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) **Rulemaking:**

   A) **Description:** This rulemaking will change the name of the Uniform DNR Order form to the "Uniform DNR Advance Directive".

   B) **Statutory Authority:** Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

   C) **Scheduled meeting/hearing dates:** September 2007

   D) **Date agency anticipates First Notice:** October 2007
E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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217/782-2043

G) Related rulemakings and other pertinent information: None

k) Part Heading and Code Citation: Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)

1) Rulemaking:

A) Description: This rulemaking involves revisions to all Sections of the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) to provide consistency across Sections and to reflect current standard of care practice.

B) Statutory Authority: Developmental Disability Prevention Act [410 ILCS 250]

C) Scheduled meeting/hearing dates: Proposed amendments will be reviewed by the Perinatal Advisory Committee and the State Board of Health.

D) Date agency anticipates First Notice: Fall 2007

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect health care facilities and providers that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

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217/782-2043

G) Related rulemakings and other pertinent information: None

I) Part Heading and Code Citation: Illinois Vital Records Code (77 ILCS 500)

1) Rulemaking:

A) Description: This rulemaking will involve editing and changing information in every Section of Part 500. Instructions regarding the new Electronic Death Registration System will be added. Illustrations that are not required by the Act will be deleted.

B) Statutory Authority: Vital Records Act [410 ILCS 535]

C) Scheduled meeting/hearing dates: These rules will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: 2007.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will result in a streamlined approach for IDPH, funeral directors, local registrars, county clerks, medical examiners and coroners to file death data, obtain permits, correct mistakes and obtain/issue certified copies of death.

F) Agency contact person for information:

Susan Meister
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217/557-5161

G) Related rulemakings and other pertinent information: None
m) Part Heading and Code Citation: Nursing Education Scholarships (77 Ill Adm. Code 597)

1) Rulemaking:
   A) **Description:** This rulemaking will expand the categories of eligible nursing degrees to include masters and doctorate degrees in nursing.
   B) **Statutory Authority:** Nursing Education Scholarship Act [110 ILCS 975]
   C) **Scheduled meeting/hearing dates:** These amendments will be reviewed by the State Board of Health.
   D) **Date agency anticipates First Notice:** 2007
   E) **Effect on small businesses, small municipalities or not-for-profit corporations:** This rulemaking will codify amendments to the Nursing Education Scholarship Act intended to increase the number of nurse educators in the State.
   F) **Agency contact person for information:**
      
      Susan Meister  
      535 W. Jefferson St.  
      Springfield, IL  62761  
      rules@idph.state.il.us  
      217/782-2043
   G) **Related rulemakings and other pertinent information:** None

n) Part Heading and Code Citation: Family Practice Residency Code, 77 Ill. Adm. Code 590

1) Rulemaking:
   A) **Description:** This rulemaking will amend Subpart C: Medical Student Scholarships to clarify limitations on the use of scholarship funds, terms of performance, designation of shortage areas and notification of shortage area designations.
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B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]

C) Scheduled meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: 2007

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

F) Agency contact person for information:

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   217/782-2043

G) Related rulemakings and other pertinent information: None
a) Part: Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA and the allocation and apportionment of base income under Article 3 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, rounding amounts on returns to the nearest dollar and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).

Part 100 will be amended by updating the provisions for credits for taxes paid to other states, innocent spouse relief, exempt income, and filing of withholding exemption certificates by employees and the handling of those certificates by employers to reflect changes in relevant laws and to address new issues.

Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years, during years in which marital status changes, and for computation of penalties for late payment of estimated taxes.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).
Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, and 2007, including the tax shelter registration and disclosure provisions and penalties for noncompliance, the definition of business income, recapture of business expenses, amendments to the film production services credit statute, investment partnership provisions, amendments to the research and development credit provisions, River Edge Redevelopment zone provisions, credits for hiring veterans and ex-felons and bonus depreciation adjustments.

Finally, the Department will continue the updating and correction of Part 100.

B) **Statutory Authority:** 35 ILCS 5/101 and 35 ILCS 5/1401

C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) **Affect on small business, small municipalities or not for profit corporations:** These rulemakings will affect any business that incurs an income tax filing obligation.

F) **Agency contact person for information:**

   Paul Caselton  
   Deputy General Counsel, Income Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: (217) 524-3951

G) **Related rulemakings and other pertinent information:** None

b) **Property Tax Code, 86 Ill. Adm. Code 110**
Rulemaking:

A) Description: The amendment to Section 110.113 incorporates language from a new statute (35 ILCS 200/10-360) addressing the Fraternal Organization Assessment Freeze. Most of the language contained in the new statute mirrors the language contained in the other sections (35 ILCS 200/10-350 and 10-355) of the Code that deal with the requirements of the Fraternal Organization Assessment Freeze. The amendment also accounts for a statutory change in section 10-355 of the Property Tax Code (35 ILCS 200/10-355). This statutory revision involved changing a date from July 1896 to February 1898. This change concerned the date that fraternal organizations must have been chartered in the State of Illinois and is one of the criteria used to establish their eligibility for the assessment freeze. The statutory revision had an effective date of January 3, 2003.

This rulemaking concerns Section 110.140 for Board of Review Procedures and Records. The language in the section dealing with counties of less than 3,000,000 needs to be updated in order to correspond to the latest Illinois Department of Revenue forms and statutory changes.

B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]

C) Scheduled meeting/hearing dates: No schedule has been established.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: The amendment to 86 Ill. Adm. Code 110, Section 110.113 may impact some not-for-profit corporations that are seeking preferential property tax assessments.

F) Agency contact person for information:

Robin W. Gill
JULY 2007 REGULATORY AGENDA

Associate Counsel, Property Tax
Illinois Department of Revenue
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Telephone: (217) 524-4886

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the $10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

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Telephone: (217) 524-4886

G) Related rulemakings and other pertinent information: None.

1) Rulemaking:

A) **Description:** Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

1. Amendment of Section 130.340, governing the rolling stock exemption, in response to changes to that exemption made by Public Act 93-1033.

2. Amendment of Section 130.605 concerning sales of property originating in Illinois to address 2 issues related to the issuance of drive-away permits: (1) Clarify that the destination of vehicles for which a drive-away permit may be issued coincides with those destinations for which the Secretary of State authorizes the issuance of drive-away permits. (2) Clarify that the exemption applies only to non-residents. Require dealers to keep copy of a valid non-resident driver's license or other evidence of being a non-resident.

3. Amendment of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders, and what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.

4. Promulgation of a regulation explaining the taxation of seminar materials.

5. Amendment of Section 130.2145 to explain the tax liability of hotels for room rental charges made in connection with events during which food is provided by the hotels, such as conferences and weddings.
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6. Amendment of Section 130.310 governing taxation of food, drugs and medical appliances to clarify the manner in which the tax rate on food is determined and to clarify the manner in which the exemption for drugs and medical appliances is administered.

7. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle fundraising events other than occasional dinners and bake sales and similar events.

8. Amendment of Section 130.325 regarding the graphic arts equipment exemption to clarify how the exemption applies when a purchase involves multiple payments or multiple deliveries.

9. Amendment of Section 130.2013 regarding the lessors credit to describe the requirements necessary for claiming the credit on sales to customers who are purchasing items that they had previously leased from those lessors.

10. Amendment of Section 130.2165 regarding veterinarians to clarify when the tax is applicable in situations involving over-the-counter transactions versus service transactions.

11. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.

12. Amendment of Section 130.2115 regarding special order items to clarify how repeat orders of special order items are taxed.

13. The Department anticipates creating a new section regarding the exemption for building materials incorporated into qualifying Rivers Edge Redevelopment Zones created by P.A. 94-1021.

B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.
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D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations. Transportation companies and their suppliers will be affected by the rolling stock regulations. Restaurants, grocers and other establishments selling food products will be affected by changes to Section 130.310, as will persons selling drugs and medical appliances. Businesses selling motor vehicles will be affected by the changes proposed to Section 130.605 and 130.2013. Hotels will be affected by the changes proposed to Section 130.2145. Tax exempt organizations will be affected by the changes proposed to Section 130.2005.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis
servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability.

B) **Statutory Authority**: 35 ILCS 115

C) **Scheduled meetings/hearing dates**: No schedule has been established at this time.

D) **Date agency anticipates First Notice**: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) **Effect on small business, small municipalities or not-for-profit corporations**: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) **Agency contact person for information**:

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G) **Related rulemakings and other pertinent information**: None

f) **Part**: Use Tax, 86 Ill. Adm. Code 150

1) **Rulemaking**:

   A) **Description**: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. For example, regulations that set forth the Department's policies regarding the types of activities and relationships that establish nexus for Use Tax collection.

   B) **Statutory Authority**: 35 ILCS 105
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C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** These amendments will affect persons subject to the Use Tax.

F) **Agency contact person for information:**

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   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
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G) **Related rulemakings and other pertinent information:** None

**g) Part:** Service Use Tax, 86 Ill. Adm. Code 160

1) **Rulemaking:**

   A) **Description:** Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.

   B) **Statutory Authority:** 35 ILCS 110

   C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** We anticipate filing rulemakings amending Part 160 during the next six months of this year.
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E) Effect on small business, small municipalities or not for profit corporations:
These amendments will affect persons subject to the Service Use Tax, including persons required to collect Use Tax from Illinois purchasers.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

Jerilynn Gorden
DEPARTMENT OF REVENUE

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G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.


1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

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Springfield, IL 62794
Telephone: (217) 782-2844
H) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.


1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   Telephone: (217) 782-2844

I) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.
k) **Part**: Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) **Rulemaking:**

   A) **Description**: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.

   B) **Statutory Authority**: 230 ILCS 25/1

   C) **Scheduled meeting/hearing dates**: No schedule has been established at this time.

   D) **Date agency anticipates First Notice**: We anticipate filing rulemakings during the next six months of this year.

   E) **Effect on small business, small municipalities or not for profit corporations**: Entities eligible for bingo licenses will be affected by this rulemaking.

   F) **Agency contact person for information**:

      Paul Caselton  
      Deputy General Counsel, Income Tax  
      Illinois Department of Revenue  
      101 W. Jefferson, 5-500  
      Springfield, IL 62794  
      Telephone: (217) 524-3951

   J) **Related rulemakings and other pertinent information**: There are no related rulemakings.

l) **Part**: Pull Tabs and Jar Games, 86 Ill. Adm. Code 432

1) **Rulemaking:**

   A) **Description**: Regulations will be amended to clarify record keeping requirements and the documentation required for a license application.
DEPARTMENT OF REVENUE

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B) **Statutory Authority**: 230 ILCS 20/1

C) **Scheduled meeting/hearing dates**: No schedule has been established at this time.

D) **Date agency anticipates First Notice**: We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations**: Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.

F) **Agency contact person for information**:

    Paul Caselton  
    Deputy General Counsel, Income Tax  
    Illinois Department of Revenue  
    101 W. Jefferson, 5-500  
    Springfield, IL 62794  
    Telephone: (217) 524-3951

G) **Related rulemakings and other pertinent information**: There are no related rulemakings.

m) **Part**: Charitable Games, 86 Ill. Adm. Code 435

1) **Rulemaking**:

   A) **Description**: Regulations will be amended to clarify record keeping requirements and the documentation required for a license application.

   B) **Statutory Authority**: 230 ILCS 30/1

   C) **Scheduled meeting/hearing dates**: No schedule has been established at this time.

   D) **Date agency anticipates First Notice**: We anticipate filing rulemakings during the next six months of this year.
E) Effect on small business, small municipalities or not for profit corporations:
Entities eligible for a charitable games license will be affected by this rulemaking.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.


1) Rulemaking:

A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

1. Regulations that explain the manner in which DSL services are taxed.

2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).

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4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.

B) **Statutory Authority:** 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793.

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings to Par 495 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Retailers of telecommunications and their telecommunications customers will be affected by these regulations.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: (217) 782-2844

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.

o) **Part:** Motor Fuel Tax, 86 Ill. Adm. Code 500

1) **Rulemaking:**

A) **Description:** Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.

B) **Statutory Authority:** 35 ILCS 505/14
C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings to Part 500 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be affected by these regulations.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: (217) 782-2844

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.

p) **Part:** New Part, Amnesty, 86 Ill. Adm. Code 522

1) **Rulemaking:**

   A) **Description:** Emergency regulations adopted after the Illinois Tax Delinquency Act was enacted in 2003 (Public Act 93-0026) have expired and must be replaced by permanent regulations.

   B) **Statutory Authority:** 35 ILCS 745

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** Within the next 6 months.
DEPARTMENT OF REVENUE

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E) Effect on small business, small municipalities and not for profit corporations: Any small business or not for profit corporation that had an Illinois tax liability that qualified for amnesty under the Illinois Tax Delinquency Act will receive guidance on the consequences of participating or failing to participate in the amnesty program.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: None.


1) Rulemaking:

A) Description: Section 693.101 will be amended to reference the increase in the maximum tax rate authorized from ½% to 1% pursuant to Public Act 94-679, effective January 1, 2006.

B) Statutory Authority: 65 ILCS 5/8-11-1.1; 65 ILCS 5/8-11-1.3.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Non-home rule municipalities are authorized to impose the tax at a maximum rate of 1% (formerly ½ %). All businesses that are engaged in making sales of tangible personal property at retail in such non-home rule municipalities will be subject to tax at a maximum rate of 1% (formerly ½%).
F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: (217) 782-2844

G) **Related rulemakings and other pertinent information:** Similar rulemakings will be proposed for 86 Ill. Adm. Code Part 694.

r) **Part:** Non-Home Rule Municipal Service Occupation Tax, 86 Ill. Adm. Code 694

1) **Rulemaking:**

   A) **Description:** Section 694.101 will be amended to reference the increase in the maximum tax rate authorized from \( \frac{1}{2} \% \) to 1\% pursuant to Public Act 94-679, effective January 1, 2006.

   B) **Statutory Authority:** 65 ILCS 5/8-11-1.1; 65 ILCS 5/8-11-1.4.

   C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** We anticipate filing rulemakings during the next six months of this year.

   E) **Effect on small business, small municipalities or not for profit corporations:** Non-home rule municipalities are authorized to impose the tax at a maximum rate of 1\% (formerly \( \frac{1}{2} \% \)). All businesses that are engaged in making sales of service when tangible personal property is transferred incident to those sales of service in such non-home rule municipalities will be subject to tax at a maximum rate of 1\% (formerly \( \frac{1}{2} \% \)).

   F) **Agency contact person for information:**

   Jerilynn Gorden
ILLINOIS REGISTER

DEPARTMENT OF REVENUE

JULY 2007 REGULATORY AGENDA

Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: Similar rulemakings will be proposed for 86 Ill. Adm. Code Part 693.

s) Part: Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

B) Statutory Authority: 20 ICLS 2505/2505-795.

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filings during the next six months of this year.

E) Effect on small business, small municipalities and not for profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 524-3951

G) Related rulemakings and other pertinent information: None.

1) Rulemaking:

   A) **Description:** The Department will promulgate regulations providing the procedures for corporations, partnerships and tax exempt organizations to file their Illinois income tax returns electronically.

   B) **Statutory Authority:** 35 ILCS 5/502

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** We anticipate filings during the next six months of this year.

   E) **Effect on small business, small municipalities and not for profit corporations:** This rulemaking will provide guidance for corporations who will file their Illinois income tax returns electronically.

   F) **Agency contact person for information:**

      Rickey A. Walton  
      Special Assistant Attorney General  
      Illinois Department of Revenue  
      100 W. Randolph St., 7-900  
      Chicago, IL 60601  
      Telephone: (312) 814-3185

   G) **Related rulemakings and other pertinent information:** None.

u) Part: New Part Governing Internet Filing of Sales and Use Tax Returns

1) Rulemaking:

   A) **Description:** Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.
DEPARTMENT OF REVENUE

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C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales and Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    Telephone: (217) 782-2844

G) Related rulemakings and other pertinent information: None.


1) Rulemaking:

   A) Description: Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A 93-1053.

   B) Statutory Authority: 65 ILCS 5/11-74.3-6.

   C) Scheduled meetings/hearing dates: No schedule has been established at this time.

   D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
E) **Effect on small business, small municipalities or not for profit corporations:** Municipalities are authorized to impose these taxes within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   Telephone: (217) 782-2844

G) **Related rulemakings and other pertinent information:** None.
a) Part (Heading and Code Citation): Lobbyist Registration and Reports (2 Ill. Adm. Code 560)

1) Rulemaking:

A) **Description**: Amendments will be made to clarify language within the rule and to implement changes necessitated by Public Acts 93-0032, 93-0615 and 93-0617.

B) **Statutory Authority**: 25 ILCS 170

C) **Scheduled meeting/hearing dates**: None

D) **Date agency anticipates First Notice**: The Department anticipates filing this amendment in the second six months of 2007

E) **Effect on small businesses, small municipalities or not for profit corporations**: Only small businesses or not for profit entities that are required to register under the Lobbyist Registration Act are affected. Small municipalities are exempted from the Act.

F) **Agency contact person for information**:

David Weisbaum
Index Department
111 E. Monroe St.
Springfield, IL 62756

217/782-0645

G) **Related rulemakings and other pertinent information**: None
a) **Part(s) (Heading and Code Citation):** Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1

1) **Rulemaking:**

   A) **Description:** Part 1 will be amended to add more concrete specifications for districts' required programs of media services.

   B) **Statutory Authority:** 105 ILCS 5/ 2-3.6

   C) **Scheduled meeting/hearing date:** To be announced

   D) **Date agency anticipates First Notice:** November 30, 2007

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

   F) **Agency contact person for information:**

      Sally Vogl  
      Agency Rules Coordinator  
      Illinois State Board of Education  
      100 North First Street  
      Springfield, Illinois 62777  
      217/782-5270

   G) **Related rulemakings and other pertinent information:** None

b) **Part(s) (Heading and Code Citation):** Certification; 23 Ill. Adm. Code 25

1) **Rulemaking:**

   A) **Description:** New provisions will be added to Part 25 to establish the requirements for the "master principal" designation created by P.A. 94-1039. Various other updates will also be accomplished at the same time.

   B) **Statutory Authority:** 105 ILCS 5/ 2-3.6, 14C-8, and Art. 21

   C) **Scheduled meeting/hearing date:** To be announced.
D) Date agency anticipates First Notice: October 5, 2007

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

F) Agency contact person for information:

   Sally Vogl
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street
   Springfield, Illinois 62777
   217/782-5270

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Summer Bridges Program; 23 Ill. Adm. Code 232

1) Rulemaking:

   A) Description: An amendment will be made to these rules to limit the number of absences permitted with respect to teachers who elect to work in this brief summer program.

   B) Statutory Authority: 105 ILCS 5/2-3.6

   C) Scheduled meeting/hearing date: To be announced

   D) Date agency anticipates First Notice: October 5, 2007

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

   F) Agency contact person for information:

      Sally Vogl
      Agency Rules Coordinator
      Illinois State Board of Education
STATE BOARD OF EDUCATION

JULY 2007 REGULATORY AGENDA

100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Grants for Arts Education and Foreign Language Education; 23 Ill. Adm. Code 265

1) Rulemaking:

A) Description: A number of revisions will be made in these rules to reflect ISBE's and the Illinois Arts Council's experience in implementing this program.

B) Statutory Authority: 105 ILCS 5/ 2-3.6

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 5, 2007

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Charter schools (which are organized as not-for-profit corporations) are eligible for these grant funds on the same basis as school districts, and the amendments will affect all eligible applicants in the same ways.

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Secular Textbook Loan; 23 Ill. Adm. Code 350
1) Rulemaking:
   A) Description: Disposal procedures will be updated to account for the use of technology in administering the program.
   B) Statutory Authority: 105 ILCS 18-17
   C) Scheduled meeting/hearing date: To be announced
   D) Date agency anticipates First Notice: November 30, 2007
   E) Effect on small businesses, small municipalities, or not-for-profit corporations: None (The amendments are expected to affect recipients rather than textbook vendors.)
   F) Agency contact person for information:
      Sally Vogl
      Agency Rules Coordinator
      Illinois State Board of Education
      100 North First Street
      Springfield, Illinois 62777
      217/782-5270
   G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Student Records; 23 Ill. Adm. Code 375

1) Rulemaking:
   A) Description: The definition of "student temporary record" will be updated to include a reference to the home language survey form required under the rules for Transitional Bilingual Education (see 23 Ill. Adm. Code 228.15).
   B) Statutory Authority: 105 ILCS 10 and 105 ILCS 5/2-3.13a
   C) Scheduled meeting/hearing date: To be announced.
D) Date agency anticipates First Notice: November 2, 2007

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Charter schools (which are organized as not-for-profit corporations) are subject to the requirements of Part 375 but not to those of Part 228, so it is likely that some will have home language surveys to place into students' records and others may not.

F) Agency contact person for information:

   Sally Vogl  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street  
   Springfield, Illinois 62777  
   217/782-5270

G) Related rulemakings and other pertinent information: None

G) Part(s) (Heading and Code Citation): Special Education Facilities Under Section 14-7.02 of the School Code; 23 Ill. Adm. Code 401.

1) Rulemaking:

A) Description: Provisions will be added to this Part to clarify that reimbursement is not available retroactively.

B) Statutory Authority: 105 ILCS 5/14-7.02 and 14-8.01

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 5, 2007

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Some of the facilities that are subject to this Part are small businesses or not-for-profit corporations. All entities operating facilities are subject to the same requirements.
STATE BOARD OF EDUCATION

JULY 2007 REGULATORY AGENDA

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Providers of Supplemental Educational Services; 23 Ill. Adm. Code 675.

1) Rulemaking:

A) Description: A number of revisions will be made in Part 675 based on the last several years’ experience in administering the approval of these providers. Several aspects of the ethics requirements and cost reporting requirements in particular will be further addressed.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 5, 2007

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

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270
STATE BOARD OF EDUCATION

JULY 2007 REGULATORY AGENDA

G) **Related rulemakings and other pertinent information:** None
JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

STATE BOARD OF EDUCATION

1) Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3) Register citation of proposed rulemaking and other pertinent action: This rulemaking was proposed at 30 Ill. Reg. 4421 and the Joint Committee on Administrative Rules issued an Objection and Filing Prohibition that was published in the 1/26/07 Illinois Register.

4) Explanation: The original Statement of Objection and Filing Prohibition from the January 26, 2007 Illinois Register was incorrectly repeated in the 6/29/07 Illinois Register (31 Ill. Reg. 9330), rather than the Joint Committee's 6/13/07 withdrawal of the Filing Prohibition for all Sections except Sections 226.130, 226.730 and 226.731 (the Filing Prohibition against these 3 Sections was later withdrawn as well, at the Committee's 6/19/07 meeting and published at 31 Ill. Reg. 9531). The 6/29/07 notice should have appeared as follows:
**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**NOTICE OF PUBLICATION ERROR**

**STATE BOARD OF EDUCATION**

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**ILLINOIS GENERAL ASSEMBLY**

**WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING**

**STATE BOARD OF EDUCATION**

**Heading of the Part:** Special Education

**Code Citation:** 23 Ill. Adm. Code 226

<table>
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<tr>
<th>Section Numbers</th>
<th>Date Originally Published in Illinois Register:</th>
<th>Date Filing Prohibition Published in Illinois Register:</th>
<th>Date Filing Prohibition Became Effective:</th>
<th>Date Filing Prohibition Withdrawn:</th>
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The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on 6/13/07, did not accept the proposed modifications of the State Board of Education and has withdrawn the prohibition against the filing of all portions of the above-cited rule except for Sections 226.130,
JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

STATE BOARD OF EDUCATION

226.730 and 226.731. The Joint Committee originally issued this Filing Prohibition at its 1/9/07 meeting.

Please take notice that the agency is no longer prohibited from filing with the Secretary of State the portions of this rulemaking for which the filing prohibition has been lifted, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, and from enforcing or invoking the rule.
PROCLAMATIONS

2007-159
Asian Pacific American Heritage Month

WHEREAS, each May is officially recognized as Asian Pacific American Heritage Month in the United States; and

WHEREAS, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the president to proclaim the first 10 days of May as Asian/Pacific Heritage Week. The following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both were passed; and

WHEREAS, on Oct. 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and

WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and

WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and

WHEREAS, many immigrants of Asian heritage came to the United States in the nineteenth century to work in the transportation industry; and

WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad which vastly expanded economic growth and development across the country; and

WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events and educational activities for students; and

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including: government, business, science, technology and the arts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor April 26, 2007
Filed by the Secretary of State June 26, 2007.
PROCLAMATIONS

2007-160
Asthma Awareness Day

WHEREAS, the Illinois Department of Public Health, the Illinois Asthma Partnership, and Asthma Coalitions throughout the state are collaborating on World Asthma Day, May 1, 2007, and during the month of May as Asthma and Allergy Awareness Month to raise awareness and reduce the health impacts of asthma; and

WHEREAS, asthma is a chronic disease in which the airways of the lungs constrict, causing wheezing, breathlessness, chest tightness, and coughing and is associated with significant morbidity and mortality; and

WHEREAS, more than 600,000 Illinoisans currently have asthma; and

WHEREAS, asthma is the leading cause of childhood hospitalizations, long-term illness, and school absenteeism, accounting for more than 14 million missed school days each year in the United States; and

WHEREAS, in 2004, 3,780 people died from asthma in the United States; 177 from Illinois; and

WHEREAS, in 2004, there were nearly 20,000 inpatient hospitalizations for asthma, accounting for more than $238 million in total charges; and

WHEREAS, exposure to allergens and irritants, such as dust mites, mold, cockroaches, pet dander, and secondhand smoke can bring on an asthma episode; and

WHEREAS, preventive health interventions and health education can effectively help control asthma and reduce its occurrence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2007 as ASTHMA AWARENESS DAY in Illinois, and encourage all citizens to educate themselves about the health risks of asthma.

Issued by the Governor April 26, 2007
Filed by the Secretary of State June 26, 2007.

2007-161
VNA of Fox Valley Day
PROCLAMATIONS

WHEREAS, the Visiting Nurse Association of Fox Valley (VNA), is a humanitarian, not-for-profit organization dedicated to providing compassionate, dependable and comprehensive primary care and community health services; and

WHEREAS, VNA of Fox Valley recognizes that each individual is unique and is to be treated with dignity and extends quality care to individuals regardless of their ability to pay for service in accordance with established VNA charitable care policies; and

WHEREAS, VNA of Fox Valley was founded in 1918 and in addition to serving the poor and uninsured from their community health center, the majority of those served are through the home health and hospice programs for the frail elderly and critically ill; and

WHEREAS, VNA is Growing to Serve our community by creating a new community health center at 400 North Highland Avenue in Aurora that will allow the organization to expand services and save more lives; and

WHEREAS, on June 2, 2007, VNA is presenting a Grand Opening Celebration at 400 North Highland Avenue in Aurora to celebrate the opening of their new health center and raise funds for this important project:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2, 2007 as VNA OF FOX VALLEY DAY in Illinois, and encourage all citizens to recognize the many contributions VNA has made in our state.

Issued by the Governor April 26, 2007
Filed by the Secretary of State June 26, 2007.

2007-162
National Nursing Home Week

WHEREAS, Treasure our Elders is this year's theme for National Nursing Home Week; and

WHEREAS, during this week, we recognize all of the people that play significant roles in the successful quality care performed at nursing facilities; and

WHEREAS, the elderly and developmentally challenged residents of long-term care facilities have led exceptional and extraordinary lives which have helped enhance the quality of life in this great State; and
WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged, and developmentally challenged citizens; and

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, National Nursing Home Week is an opportunity to bring into the limelight the celebration of this focus on quality with residents, staff, families, volunteers, and members of our communities; and

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of National Nursing Home Week beginning May 13, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 19, 2007 as NATIONAL NURSING HOME WEEK in Illinois, and encourage all citizens to recognize all the individuals who have continually committed themselves to quality care and service in our state's long-term care facilities.

Issued by the Governor April 26, 2007
Filed by the Secretary of State June 26, 2007.

2007-163
Helen Keller Deaf-Blind Awareness Week

WHEREAS, Helen Keller was one of the most accomplished, respected, and renowned deaf-blind Americans; and

WHEREAS, in today's society, people who have dual-sensory loss, such as hearing or vision, should be able to have options to choose from when making important life-changing decisions; and

WHEREAS, it is in the interest of the State of Illinois to encourage the full participation of American citizens with multi-sensory disabilities in our economy by fostering the employment of, and promoting housing and recreational options for, people who are deaf-blind, thus maximizing their opportunities for a productive life in the community of their choice; and

WHEREAS, it is highly appropriate and necessary to publicize the abilities and potential of our fellow citizens who are deaf-blind, or severely vision and hearing impaired, and to
recognize Helen Keller as a guiding example of courage, hope, determination, and achievement for other individuals who are deaf-blind:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24 – 30, 2007 as HELEN KELLER DEAF-BLIND AWARENESS WEEK in Illinois, and encourage all citizens to recognize the abilities and talent that people with vision and hearing disabilities can bring to our communities across this great State.

Issued by the Governor April 26, 2007
Filed by the Secretary of State June 26, 2007.

2007-164
Childhood Drowning Prevention Month

WHEREAS, drowning is the leading cause of accidental death for children ages 1-4, as well as the second leading cause of death for children under the age of 14; and

WHEREAS, childhood drowning can occur in pools, bathtubs, hot tubs, decorative garden ponds and even buckets that contain as little as 2 inches of water; and

WHEREAS, the State's annual "Get Water Wise…SUPERVISE!" campaign came about as a recommendation from the Illinois Child Death Review Team, after it determined that all childhood drowning deaths were preventable if proper adult supervision was provided; and

WHEREAS, the "Get Water Wise…SUPERVISE!" campaign is a collaborative effort of the Illinois Department of Children and Family Services (DCFS), Prevent Child Abuse Illinois (PCA Illinois), the American Red Cross, the American Academy of Pediatrics, the Illinois Department of Human Services (DHS), and the Illinois Department of Public Health (DPH) to remind the public to help prevent child drowning tragedies by providing adult supervision when children are in or near water; and

WHEREAS, it is important to recognize that constant adult supervision is needed when children are in or near water:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as CHILDHOOD DROWNING PREVENTION MONTH in Illinois.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.
2007-165
National RN Recognition Day and National Nurses Week

WHEREAS, the more than 2.9 million nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, there are over 148,000 registered nurses in the state of Illinois; and

WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and

WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2007 as NATIONAL RN RECOGNITION DAY and May 6-12, 2007 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work and invaluable services they provide for citizens.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-166
Linc Telacu Scholars Day
WHEREAS, the TELACU Scholarship Program was created in 1983 to help raise the promise, performance and potential of Latino students dedicated to continuing their education; and

WHEREAS, in 1991, the TELACU Education Foundation was established to expand the TELACU Scholarship Program in an effort to provide a comprehensive program of counseling, mentoring and advancement opportunities; and

WHEREAS, in 2000, TELACU expanded its educational efforts on a national level with the creation of Latino Initiative for the New Century (LINC); and

WHEREAS, LINC TELACU Scholarships have impacted many lives, supporting more than 600 students each year through a unique collaboration of business and colleges and universities; and

WHEREAS, the LINC TELACU Education Foundation has an established record of success, with one hundred percent of all high school and college senior award recipients completing graduation; and

WHEREAS, this year's LINC TELACU Scholarship Award Recipients are to be commended for their outstanding record of achievement, dedication to their community, and hard work in meeting higher academic goals; and

WHEREAS, on September 28, 2007, the LINC TELACU Education Foundation will honor its talented scholarship recipients and celebrate its accomplishments and lasting contributions to society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim on September 28, 2007, as LINC TELACU SCHOLARS DAY in Illinois, and urge all citizens to recognize LINC TELACU for their great efforts in the academic advancement of Latino students.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-167
Home Education Week

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and
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PROCLAMATIONS

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29 – May 5, 2007 as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-168
Older Americans Month

WHEREAS, the State of Illinois is home to more than 1,900,000 citizens aged 60 years or older; and

WHEREAS, the older Americans of the State of Illinois are a vital part of our nation's demographic makeup; and

WHEREAS, older citizens are members of our community entitled to dignified, independent lives free from fears, myths, and misconceptions about aging; and

WHEREAS, each community in the United States must strive to recognize the contributions of our older citizens, understand and address their evolving needs, and support their caregivers; and
WHEREAS, our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love and care for them; and

WHEREAS, this year marks the 42nd anniversary of the passage of the Older Americans Act by the United States Congress, which ensures government aid and programs for older persons:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as OLDER AMERICANS MONTH in Illinois, and encourage all citizens to recognize the significant impact older Americans have made on the State of Illinois.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-169
Certified Professional Midwife Awareness Week

WHEREAS, Certified Professional Midwives provide the "Midwives Model of Care," which is based on the fact that pregnancy and birth are normal life processes; and

WHEREAS, Certified Professional Midwives are the only nationally credentialed birth attendants with required out-of-hospital experience; and

WHEREAS, as experts in women's health, certified professional midwives help women attain normal, healthy pregnancies and natural birth experiences, which in turn helps to ensure that infants have a happy, healthy start to their lives; and

WHEREAS, 800-1,000 women in Illinois elect to have a homebirth, many of whom would like to hire a Certified Professional Midwife; and

WHEREAS, May 5, 2007 is celebrated around the world as the International Day of the Midwife:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2007 as CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK in Illinois.

Issued by the Governor May 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-170
PROCLAMATIONS

Kids in Danger's Best Friends Day

WHEREAS, there are millions of children's products on the market today, and it is extremely important to ensure the safety of those products before they are used by our children; and

WHEREAS, each year, an estimated 61,000 children under the age of five are treated in hospital emergency rooms for injuries from children's products, and more than 60 children die annually in incidents associated with nursery products; and

WHEREAS, Kids In Danger is a non-profit organization founded in Chicago, Illinois in 1998 with a mission to protect children by improving children's product safety; and

WHEREAS, health care providers are our front line against childhood injuries, and research into injury patterns can help prevent future injuries; and

WHEREAS, Dr. Robert Tanz's and Dr. Elizabeth Powell's research and advocacy at Children's Memorial Hospital and Northwestern University's Feinberg School of Medicine has called attention to the problem of product and activity-related childhood injuries, especially among the youngest children; and

WHEREAS, Dr. Tanz and Dr. Powell have encouraged other health care professionals to focus on the importance of preventing injury as a key component of public health; and

WHEREAS, the State of Illinois recognizes the great work performed by KID each day and by their Best Friends, including Dr. Robert R. Tanz and Dr. Elizabeth C. Powell, and it is fitting that we take the time to recognize their dedicated efforts to keep children safe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2, 2007 as KIDS IN DANGER'S BEST FRIENDS DAY in Illinois, and encourage all citizens to become cognizant of the safety of children's products to ensure that our youth are not unnecessarily harmed.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-171

National Clean Beaches Week

WHEREAS, beaches are used for many recreational activities; and
PROCLAMATIONS

WHEREAS, 180 million Americans make nearly 2 billion annual trips to the ocean, gulf, and inland beaches and contribute significant resources to the local, state, and national economy; and

WHEREAS, 75% of all recreational activity occurs within a half mile corridor around the shorelines of our beaches, rivers, and lakes; and

WHEREAS, coastal tourism and healthy seafood contribute to strong economies, sustaining communities, and supporting jobs along the coastal U.S.; and

WHEREAS, many communities and departments in the State of Illinois have undertaken significant measures to keep beaches clean and healthy; and

WHEREAS, the Clean Beaches Council, as part of Great Outdoors Month, has designated June 29 – July 5, 2007 as National Clean Beaches Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 29 – July 5, 2007 as NATIONAL CLEAN BEACHES WEEK in Illinois, and encourage all citizens to visit, enjoy, and protect one of our greatest natural resources.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-172
National Water Safety Month

WHEREAS, water safety education plays a vital role in preventing drownings and recreational water-related injuries; and

WHEREAS, by taking proactive steps learned through water-safety education, people can ensure healthy practices when enjoying water recreation. These healthy practices, for example, can prevent water-borne illnesses; and

WHEREAS, trained and certified aquatics professionals who develop water-safety rules allow for water recreation activities to be both fun and safe at the same time; and

WHEREAS, the safest aquatic recreational activities are in treated-water facilities; and

WHEREAS, effective water-safety programs are one of the best ways to prevent water-related injuries and drownings:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as NATIONAL WATER SAFETY MONTH in Illinois, and encourage all citizens to support and promote the importance of practicing safety in water recreation.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-173
National Aquatic Month

WHEREAS, people of almost all ages and conditions can enjoy swimming; and

WHEREAS, the physical exercise of swimming provides lasting health benefits, including improved cardiovascular fitness, stronger muscles, and greater flexibility; and

WHEREAS, swimming is an especially beneficial means of exercise for pregnant women, the overweight, and those rehabilitating from physical injuries; and

WHEREAS, swimming and aquatic-related facilities provide a valuable source of recreation for the whole family and are ideal places for relieving stress; and

WHEREAS, the state of Illinois' many lakes and rivers, along with countless local swimming facilities, provide the opportunity for all of our residents to receive the great benefits of swimming:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as NATIONAL AQUATIC MONTH in Illinois, and encourage all citizens to recognize the role that swimming plays in improving the physical and mental health of people in this state and throughout the country.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-174
Better Speech and Hearing Month

WHEREAS, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing licensed speech-language pathologists and audiologists; and
WHEREAS, speech-language pathologists identify communication or swallowing problems that pre-exist, and determine the best treatment solutions; and

WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing disorders; and

WHEREAS, founded in 1960, ISHA has three goals: to make the public aware of services available to persons with speech, language and hearing disorders; to advocate for quality hearing services throughout the state; and to support the scientific study of human communication and its disorders; and

WHEREAS, forty-six million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with speech, voice or language disorders; and

WHEREAS, forty-five percent of individuals reported to have a chronic speech-language disorder are under the age of 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as BETTER SPEECH AND HEARING MONTH in Illinois and encourage all citizens to be aware of the help that is available to those individuals with a language or hearing problem.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-175
Alpha-1 Awareness Month

WHEREAS, one of the most common serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as Alpha-1, affects 100,000 children and adults in the United States; and

WHEREAS, Alpha-1 is characterized by low levels of Alpha 1-antitrypsin, a protein found in the blood; and

WHEREAS, this deficiency is usually manifested in three forms: lung disease (which is the most common), liver disease, or a skin condition called panniculitis; and

WHEREAS, less than 10 percent of those predicted to have Alpha-1 have been diagnosed. It often takes an average of three doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and
WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and

WHEREAS, it is extremely important for someone who has been diagnosed with Alpha-1 to immediately stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ALPHA-1 AWARENESS MONTH in Illinois and encourage all citizens to become educated on the seriousness of this disease, and the negative impact it has on our communities.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-176
National Women's Health Week

WHEREAS, National Women's Health Week celebrates the extraordinary progress in women's health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and

WHEREAS, it may be believed that all women's health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women in general, but cancer ranks first among Asian/Pacific Islander women; and

WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and

WHEREAS, there are five health habits that can contribute to the betterment of women's health, including maintaining regular check ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and

WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and

WHEREAS, under my administration, the Illinois Healthy Women program has been created to provide health care to women who otherwise would go without. In addition,
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Illinois has dramatically increased the number of mammograms and cervical cancer screenings since I took office; and

WHEREAS, in 2005, Illinois became the first state to require pharmacists to dispense female contraceptives when I issued an emergency rule requiring pharmacists whose pharmacies sell contraceptives to dispense birth control to women with valid prescriptions; and

WHEREAS, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 19, 2007 as NATIONAL WOMEN'S HEALTH WEEK in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor May 2, 2007
Filed by the Secretary of State June 26, 2007.

2007-177
Illinois Rescue and Restore Outreach Day

WHEREAS, human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. Victims are young children, teenagers, men, and women; and

WHEREAS, approximately 600,000 to 800,000 victims annually are trafficked across international borders worldwide, and between 14,500 and 17,500 of those victims are trafficked into the U.S. According to the U.S. Department of State, these estimates include women, men, and children; victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe; and

WHEREAS, prior to the enactment of the Trafficking Victims Protection Act of 2000 (TVPA) in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The TVPA is intended to prevent human trafficking overseas, to increase prosecution of human traffickers in the United States, and to protect victims and provide Federal and state assistance to certain victims so that they can rebuild their lives in the United States; and

WHEREAS, many victims trafficked into the United States do not speak and understand English and are therefore isolated and unable to communicate with service providers, law enforcement, and others who might be able to help them; and
WHEREAS, if you think you have come in contact with a victim of human trafficking, call the Trafficking Information and Referral Hotline at (888) 373-7888. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. More information on human trafficking can be found at www.acf.hhs.gov/trafficking:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2007 as ILLINOIS RESCUE AND RESTORE OUTREACH DAY, and encourage all citizens to learn more about human trafficking, as well as thank all those who have helped the victims of this true injustice.

Issued by the Governor May 3, 2007
Filed by the Secretary of State June 26, 2007.

2007-178
North American Occupational Safety and Health Week

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and
WHEREAS, the more than 30,000 members of the non-profit organization, the American Society of Safety Engineers, work to protect people, property, and the environment each and everyday; and

WHEREAS, during the week of May 6 – 12, 2007, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2007 as NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor May 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-179
Building Safety Week

WHEREAS, building safety affects many aspects of American life. Because of building safety code enforcement, citizens enjoy the comfort of buildings that are safe and structurally sound; and

WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and

WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and

WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and

WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public awareness of the hard work put
PROCLAMATIONS

forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year's theme, "Building Smarter…for Disasters and Everyday Life," encourages all Americans to raise their awareness of building and fire safety, and to take appropriate steps to ensure that the places where they live, work, play, and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, while observing Building Safety Week, we ask all Illinoisans to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2007 as BUILDING SAFETY WEEK in Illinois, and encourage all citizens to recognize the importance of improving building safety in this state.

Issued by the Governor May 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-180
Public Service Recognition Week

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation functioning; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States; and

WHEREAS, public servants include teachers, mail carriers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, laborers, computer technicians and social workers, and many other occupations. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, for more than 20 years, the Public Employees Roundtable at the Council for Excellence in Government (a national, nonpartisan/nonprofit organization) has sought to highlight the accomplishments of the dedicated people who work tirelessly on behalf of all Americans; and
WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7 – 13, 2007 as PUBLIC SERVICE RECOGNITION WEEK in Illinois, and encourage all citizens to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and municipal – to our great State.

Issued by the Governor May 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-181
Association Week

WHEREAS, the Association Forum of Chicagoland represents CEOs and executives from associations located in Chicago, and its surrounding communities; and

WHEREAS, these associations include the American Bar Association, the American Medical Association, the American Hospital Association, the National Association of Realtors and many others; and

WHEREAS, the associations that the Association Forum serves generate more than eleven billion dollars annually for Chicago's economy and employ 47,000 professionals in various capacities; and

WHEREAS, Chicagoland based associations hold more than 30,000 trade shows, conventions, seminars, and other meetings every year that support 19,000 jobs in the hospitality, transportation, retail, entertainment, and food service industries in the region; and

WHEREAS, Chicago is home to the second most association headquarters in America, and ranks first for healthcare-related organizations; and

WHEREAS, the Association Forum will celebrate Association Week from June 18 – 22, 2007; and

WHEREAS, the contributions of associations and their employees will be recognized this week through such events as the Association All-Star Day, and the Forum Honors Gala:
ILLINOIS REGISTER

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THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18 – 22, 2007 as ASSOCIATION WEEK in Illinois, and encourage all citizens to recognize and celebrate the innumerable contributions that Illinois headquartered associations make to the health, education, and overall well-being of the people of this great State.

Issued by the Governor May 8, 2007
Filed by the Secretary of State June 26, 2007.

2007-182
Provider Appreciation Day

WHEREAS, early childhood is the most critical developmental period for all children; and

WHEREAS, 2.8 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and

WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups hope to improve the quality and availability of such services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11, 2007 as PROVIDER APPRECIATION DAY in Illinois and urge all citizens to join me in recognizing Illinois' child care providers for their commitment and dedication to our children.

Issued by the Governor May 8, 2007
Filed by the Secretary of State June 26, 2007.

2007-183
Youth Democracy Day

WHEREAS, Chicago Area Project was established in 1934 as a model for juvenile delinquency prevention and youth and community services; and
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WHEREAS, the effectiveness of the Chicago Area Project model has been recognized by the State of Illinois and replicated in many communities throughout the state; and

WHEREAS, community services and after-school programs operated by community-based organizations provide opportunities and experiences for our youth that have a positive impact on their development; and

WHEREAS, Chicago Area Project and the Illinois Council of Area Projects are sponsoring Youth Democracy Day on May 10, 2007; and

WHEREAS, Youth Democracy Day celebrates the skills, talents, and potential of our youth and encourages their knowledge of, and involvement in, the democratic process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2007 as YOUTH DEMOCRACY DAY in Illinois, and encourage the youth of our state to learn about and participate in the democratic process.

Issued by the Governor May 9, 2007
Filed by the Secretary of State June 26, 2007.

2007-184
Illinois LULAC Youth Day

WHEREAS, on November 17, 2006, LULAC Council #5236, serving Elgin, Carpentersville and Dundee sponsored 25 young people to charter the LULAC Youth Council #1400, the only LULAC Youth Council in Illinois; and

WHEREAS, the LULAC Mission is to advance the economic condition, educational attainment, political influence, health and welfare of the Hispanic population of Elgin, Illinois and the United States through its grassroots service and advocacy efforts; and

WHEREAS, LULAC Youth Council #1400 will develop great leadership skills from their participation in the Youth Council and serve as role models for other youth at the local and state level that will move the LULAC mission forward; and

WHEREAS, the Illinois State LULAC Convention will be held in Elgin, Illinois on May 18 – 20, 2007; and

WHEREAS, the Illinois State LULAC convention theme is "LULAC Leaders, Past, Present and Future"; and
WHEREAS, the Youth Council #1400 will proudly showcase the future leadership of LULAC at the local and state level at the Illinois State Convention on Saturday, May 19, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19, 2007 as ILLINOIS LULAC YOUTH DAY in Illinois, and encourage all citizens to join in celebrating the leadership of LULAC Youth Council #1400, Elgin.

Issued by the Governor May 9, 2007
Filed by the Secretary of State June 26, 2007.

2007-185
A.B.A.T.E. Motorcycle Awareness Month

WHEREAS, safety is the highest priority for the highways and streets of our Cities and State; and

WHEREAS, the great State of Illinois is proud to be a national leader in motorcycle safety, education and awareness; and

WHEREAS, motorcycles are a common and economical means of transportation that reduces fuel consumption and road wear, and contributes in a significant way to the relief of traffic and parking congestion; and

WHEREAS, it is especially meaningful that the citizens of our Cities and State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and

WHEREAS, the members of A.B.A.T.E. of Illinois, Inc., (A Brotherhood Aimed Toward Education), continually promote motorcycle safety, education and awareness in high school drivers' education programs and to the general public in our Cities and State, presenting motorcycle awareness programs to over 100,000 participants in Illinois over the past three years; and

WHEREAS, all motorcyclists should join A.B.A.T.E. of Illinois, Inc. in actively promoting safe operation of motorcycles as well as promoting motorcycle safety, education, awareness and respect of the citizens of our Cities and State; and
WHEREAS, the motorcyclists of Illinois have contributed extensive volunteerism and money to national community charitable organizations for the enhancement and support of these organizations; and

WHEREAS, during the month May, all roadway users should unite in the safe sharing of roadways throughout the great State of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as **A.B.A.T.E. MOTORCYCLE AWARENESS MONTH** in Illinois, and encourage all citizens to recognize the continued role Illinois serves as a leader in motorcycle safety, education and awareness.

Issued by the Governor May 9, 2007
Filed by the Secretary of State June 26, 2007.

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**2007-186**

**National Transportation Week**

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, in Illinois, not only has our Department of Transportation been expanding the road system and supporting public transportation, but has been successful in reducing highway fatalities, improving opportunities for small, women, and
PROCLAMATIONS

minority owned businesses and upgrading process management throughout the organization. IDOT was the first state Department of Transportation to receive ISO 9001:2000 certification, an international standard that provides a universal baseline for quality process management; and

WHEREAS, this year, the annual National Transportation Week Conference and Expo will culminate the week’s events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12 – 19, 2007 as NATIONAL TRANSPORTATION WEEK in Illinois, and commend the outstanding accomplishments of the men and women who keep our transportation systems going, whether they be the distributors that transport goods, or the laborers of our highways.

Issued by the Governor May 11, 2007
Filed by the Secretary of State June 26, 2007.

2007-187
LIVESTRONG Day

WHEREAS, according to the American Cancer Society, cancer is the 2nd leading cause of death in Illinois; and

WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and

WHEREAS, according to the American Cancer Society there were an estimated 60,220 new cancer cases in Illinois in 2006; and

WHEREAS, more than 565,000 Americans are expected to die from cancer this year, African-American men and women have the highest mortality rates for all cancer sites combined, and cancer is the number one killer of those under age 85; and

WHEREAS, the State of Illinois has concern and compassion for all people affected by cancer; and
WHEREAS, by uniting people affected by cancer to raise awareness through education, prevention, screening and early detection efforts, we gain strength in the fight against cancer in Illinois; and

WHEREAS, we are committed to ensuring that all cancer patients are treated with compassion and respect, and are provided with the tools and resources necessary to battle the physical, emotional and practical challenges of a cancer diagnosis; and

WHEREAS, Illinois is home to world renowned cancer research universities, cancer treatment facilities and government research institutions; and

WHEREAS, LIVESTRONG Day exemplifies the spirit of people affected by cancer-survivors, caregivers, friends, family, physicians, nurses, social workers and researchers throughout Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as LIVESTRONG DAY in Illinois.

Issued by the Governor May 11, 2007
Filed by the Secretary of State June 26, 2007.

2007-188
Salvation Army Week

WHEREAS, over 125 years ago, the Salvation Army marched into the United States battling poverty, hunger, disease, abuse, loneliness, and other evils of society; and

WHEREAS, to this day, the Salvation Army continues its crusade to restore hope to countless men, women, and children who have nowhere else to turn; and

WHEREAS, the Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of Illinois men, women, and children across the country; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex, or age; and

WHEREAS, the Salvation Army in Illinois provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis. Moreover, the countless hours given to the community have touched the lives of many in immeasurable ways; and
WHEREAS, the State of Illinois proudly recognizes the Salvation Army and everyone who is involved in their invaluable work that so greatly benefits our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 20, 2007 as **SALVATION ARMY WEEK** in Illinois, and encourage all citizens to celebrate and honor the dedicated men and women who work or volunteer for this noble organization.

Issued by the Governor May 14, 2007
Filed by the Secretary of State June 26, 2007.

**2007-189**
**Innovation America Week**

WHEREAS, the National Governors Association's chair's initiative Innovation America is about an American response to a global challenge; and

WHEREAS, governors are leading the way in encouraging innovation in schools and workplaces through this initiative; and

WHEREAS, governors are focusing on the importance of providing a quality math and science education, helping colleges and universities better prepare the workers of tomorrow and promoting investment in businesses and technologies of the future; and

WHEREAS, innovation is about doing things better, faster and smarter for a higher quality of life; and

WHEREAS, Innovation America is about making all of America more efficient, more effective and better equipped for tomorrow – today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 18, 2007 as **INNOVATION AMERICA WEEK** in Illinois.

Issued by the Governor May 14, 2007
Filed by the Secretary of State June 26, 2007.

**2007-190**
**Developmental Disability and Autism Family Day**
WHEREAS, a "developmental disability" is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation. A developmental disability originates before the age of 18 and is expected to continue indefinitely; and

WHEREAS, approximately 1.8 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, autism is the third most common developmental disability in the United States. Today, one in 150 children are diagnosed with the disorder; and

WHEREAS, while there is no known cure for autism at this time, educators and therapists can help children and adults with autism overcome or adjust to many difficulties. Early and accurate diagnosis and special care and treatment are important for their successful development; and

WHEREAS, there are many organizations in Illinois that work to promote research, awareness and support for those living with developmental disabilities, and their mission is to aid these individuals' specific needs throughout their entire lives; and

WHEREAS, on May 16, 2007, hundreds of persons with developmental disabilities and their families will travel to the Illinois State Capitol to voice their support for initiatives aimed at serving those with developmental disabilities, including autism, and giving them a much deserved voice in our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as DEVELOPMENTAL DISABILITY AND AUTISM FAMILY DAY in Illinois.

Issued by the Governor May 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-191
Illinois Medical Coders Day

WHEREAS, medical coders succeed by identifying and addressing patterns of disease, illness, and injury in populations, as well as by identifying the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, and medications and translating them to a numerical value; and
WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and

WHEREAS, medical coders help preserve the history of communities through the abstracting of information from birth and death records; and

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through extensive education and training; and

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices, and outpatient and hospital settings; and

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and

WHEREAS, my administration is proud to recognize medical coders for all their hard work in this state, and throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as ILLINOIS MEDICAL CODERS DAY in Illinois, and encourage all citizens to recognize and honor the medical coders for their hard work in our communities.

Issued by the Governor May 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-192
Emerald Ash Borer Awareness Week

WHEREAS, more than 130 million ash trees exist in the great state of Illinois enhancing our state's air quality, natural landscapes, recreational destinations, wildlife habitats, manufacturing, commerce, and property and land values; and

WHEREAS, increasing public awareness and understanding of the emerald ash borer (EAB), a destructive exotic beetle, benefits the state of Illinois by limiting the artificial spread of the beetle through the movement of firewood; and
PROCLAMATIONS

WHEREAS, through the joint efforts of the states of Illinois, Indiana, Maryland, Michigan, Minnesota, Ohio, and Wisconsin, as well as private, local and federal partnerships, we strive to protect the billions of ash trees in the United States; and

WHEREAS, employing a cooperative spirit and encouraging environmental stewardship throughout the states ultimately reduces the risk to the nation's ash resources; and

WHEREAS, spring marks the beginning of the travel and tourism season in Illinois; and

WHEREAS, Emerald Ash Borer Awareness Week is an opportunity for the government to join forces with business, industry, environmental groups, community organizations, tourists and citizens to take action against the introduction and spread of EAB:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20 – 26, 2007 as EMERALD ASH BORER AWARENESS WEEK in Illinois, and encourage all citizens to increase their understanding and awareness of EAB and its environmental, ecological, and economic impact on the state of Illinois and the nation.

Issued by the Governor May 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-193
Mother Bickerdyke Day

WHEREAS, the Civil War, which began over 145 years ago, was of great concern to the members of the Central Congregational Church; and

WHEREAS, Mary Ann Bickerdyke, a member of the Church, volunteered to take collected supplies to Cairo, Illinois. Her first concern was the "boys" who were suffering and dying needlessly; and

WHEREAS, earning her name of "Mother" Bickerdyke, she set out to make the soldiers lives easier by providing clean beds, fresh food and good care; and

WHEREAS, having no use for uncaring and ignorant officers, she earned the respect and friendship of Generals like Grant, Logan and Sherman; and

WHEREAS, her care for the soldiers continued after the war as she worked to secure the pensions for soldiers, but did not receive one herself until 1886; and
WHEREAS, Senator Leon Townsend and Representative Wilfred Arnold wrote an appropriations bill, approved by the Illinois Legislature on May 6, 1903 signed by Governor Richard Yates; and

WHEREAS, The Mother Bickerdyke Memorial Association, formed by the Women's Relief Corp, spent $5,000 to erect a permanent and enduring monument to "Mother" Bickerdyke on the lawn of the Knox County Courthouse; and

WHEREAS, the statue, crafted by Alice Ruggles Kitson was dedicated on May 22, 1906:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2007 as MOTHER BICKERDYKE DAY in Illinois, and encourage all citizens to show appreciation for the strength, commitment and compassion of Mary Ann Bickerdyke and her contributions to the well-being of soldiers of the Civil War.

Issued by the Governor May 16, 2007
Filed by the Secretary of State June 26, 2007.

2007-194
Health Care Workers Day

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals serve a vital role in the success of the team as a whole; and

WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and

WHEREAS, the more than 140 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as HEALTH CARE WORKERS DAY in Illinois, and urge all citizens to recognize all the devoted health care workers in this state.

Issued by the Governor May 17, 2007
Filed by the Secretary of State June 26, 2007.

2007-195
Emergency Medical Services Week

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, coal miner, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are 62 EMS resource hospitals, 64 trauma centers, 12,130 first responders, 21,512 basic EMTs, 1,265 intermediate EMTs, and 11,780 paramedic EMTs, selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS – Extraordinary People, Extraordinary Service," underscores the immediate nature of the situations to which EMS personnel must respond; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20 – 26, 2007 as EMERGENCY MEDICAL SERVICES WEEK in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.
PROCLAMATIONS

Issued by the Governor May 17, 2007
Filed by the Secretary of State June 26, 2007.

2007-196
National Safe Boating Week

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, between 1993 - 2005, the State of Illinois registered 4,521,660 recreational boats. During these years 1,783 boating accidents were reported that resulted in 230 fatalities and 1,117 injuries; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19 – 25, 2007 as NATIONAL SAFE BOATING WEEK in Illinois, and encourage all citizens to practice safe boating.

Issued by the Governor May 17, 2007
Filed by the Secretary of State June 26, 2007.

2007-197
We Remember, We Care For Indigent Persons Day

WHEREAS, the world of an indigent person is accompanied by many mental, emotional, psychological and physical stresses that can affect them for the rest of their lives. Depression runs rampant, living conditions are meager at best, and social isolation is common; and

WHEREAS, the plight of the needy, homeless, and less fortunate has become everyone’s problem, not just their own. For many years, this devastating existence has been overlooked; and
WHEREAS, the State of Illinois, along with private organizations, are making attempts to remedy these situations, creating programs that deal with the immediate and long term problems associated with the indigent population. These social service programs have been created as a way to help them help themselves by providing multidimensional assistance; and

WHEREAS, the Departments of Health and Family Services and Human Services lead the way in providing valuable assistance to qualified persons in the State of Illinois. My administration continues to support the social service organizations that improve the quality of life of this special population:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23, 2007 as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois, and encourage all citizens to be mindful of the silent struggles many members of our state have to endure, including poverty, disability, and abandonment.

Issued by the Governor May 18, 2007
Filed by the Secretary of State June 26, 2007.

2007-198
Electrical Safety Month

WHEREAS, hundreds of people die, and thousands are injured each year in electrical accidents; and

WHEREAS, based on reports by the U.S. Consumer Product Safety Commission, an estimated 500 people are killed and more than 5,000 are injured annually due to residential electrical-related fires; and

WHEREAS, property damage, due to electrical-related fires amounts to nearly $1.6 billion each year; and

WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect their lives and their property; and

WHEREAS, Underwriters Laboratories Incorporated (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and
PROCLAMATIONS

WHEREAS, the efforts of the Electrical Safety Foundation International and the UL serve to educate the public about the importance of respecting electricity, and practicing electrical safety in the home, school and workplace; and

WHEREAS, UL is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to recognize the importance of practicing electrical safety habits in the home, school and workplace to decrease electrical hazards.

Issued by the Governor May 18, 2007
Filed by the Secretary of State June 26, 2007.

2007-199
Illinois Valley Central High School "Marching Grey Ghosts" Band Day

WHEREAS, the Illinois Valley Central High School Marching Band from Chillicothe, Illinois, commonly known as "The Marching Grey Ghosts" has been selected to represent the State of Illinois in the 2007 National Memorial Day Parade in Washington, D.C. on May 28, 2007; and

WHEREAS, the Marching Grey Ghosts, under the direction of Dan Dietrich and Matt Chapman, was selected based upon recommendations of state music officials, past achievements and superior performance ratings; and

WHEREAS, this honor recognizes the talents of this group and exemplifies the dedication of the students and their instructors to excellence in music education and performance; and

WHEREAS, it is fitting and proper to bring special recognition to this outstanding group of Illinoisans; and

WHEREAS, the National Memorial Day Parade in Washington, D.C. was established to honor all those who have served our country in uniform from the American Revolution to Operation Iraqi Freedom, and seeks to educate American's about the sacrifices made by those who served to secure the liberties we enjoy today:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 28, 2007 as ILLINOIS VALLEY CENTRAL HIGH SCHOOL "MARCHING GREY GHOSTS" BAND DAY in Illinois.

Issued by the Governor May 18, 2007
Filed by the Secretary of State June 26, 2007.

2007-200
National Maritime Day

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and

WHEREAS, the S. S. Savannah departed, for what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and

WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and

WHEREAS, according to information provided by the U.S. Department of Transportation's Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and

WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2007 as NATIONAL MARITIME DAY in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 18, 2007
Filed by the Secretary of State June 26, 2007.
WHEREAS, Emergency Medical Services for Children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and

WHEREAS, EMSC supports a specialized approach to pediatric care; and

WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers with pediatric emergency skills, who are prepared to respond to sick or injured children and restore them to an optimum level of health; and

WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and

WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and

WHEREAS, EMSC works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address issues surrounding pediatric care; and

WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special health care needs get timely, appropriate care; and

WHEREAS, in Illinois, there are 12,130 first responders, 21,512 basic EMTs, 1,265 intermediate EMTs and 11,780 paramedic EMTs dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, the State of Illinois proudly recognizes these dedicated men and women of EMSC for aiding and saving the lives of Illinois children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23, 2007 as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor May 22, 2007
Filed by the Secretary of State June 26, 2007.
2007-202
Memorial Day 2007

WHEREAS, throughout the history of this great country, millions of brave men and women have answered their call to duty and served in the United States Armed Forces in times of war and peace. Sadly, many of those soldiers have paid the ultimate sacrifice; and

WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty; and

WHEREAS, in May of each year, a commemoration of Memorial Day gives Americans the opportunity to remember the soldiers that have lost their lives in the name of freedom and democracy; and

WHEREAS, through every American conflict, Illinoisans have served in the Armed Forces with great honor and distinction. Those who have died will be forever remembered as true American Heroes, and Illinois is proud to recognize each and every one of those individuals on this Memorial Day 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize MEMORIAL DAY 2007 as a chance for all citizens to honor our fallen heroes, and to reflect on the great sacrifices they have made to protect our freedom and spread democracy across the globe.

Issued by the Governor May 22, 2007
Filed by the Secretary of State June 26, 2007.

2007-203
Oncology Month

WHEREAS, following heart disease, cancer is the second leading cause of death in the United States; and

WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and
Whereas, the American Society of Clinical Oncology (ASCO) is a non-profit organization founded in 1964, with overarching goals of improving cancer care and prevention and ensuring that all patients with cancer receive care of the highest quality; and

Whereas, nearly 25,000 oncology practitioners belong to ASCO, representing all oncology disciplines (medical, radiation, and surgical oncology) and subspecialties. Members include physicians and health-care professionals participating in approved oncology training programs, oncology nurses, and other practitioners with a predominant interest in oncology; and

Whereas, as the world's leading professional organization representing physicians who treat people with cancer, ASCO is committed to advancing the education of oncologists and other oncology professionals, to advocating for policies that provide access to high-quality cancer care, and to supporting the clinical trials system and the need for increased clinical and translational research:

Therefore, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2007 as Oncology Month in Illinois.

Issued by the Governor May 23, 2007
Filed by the Secretary of State June 26, 2007.

2007-204
Missing Children's Day

Whereas, there are 2,163 pending missing children under the age of 18 in the State of Illinois, which represents only a small percentage of the children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and

Whereas, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, those that are lost, injured, or otherwise missing, and the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by non-family members; and

Whereas, locating and safely returning missing children to their homes is a statewide, national, and international objective; and
PROCLAMATIONS

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the "Interstate Agreement on Missing and Exploited Children," and since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and

WHEREAS, in 2002, the Illinois State Police implemented the America's Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger. To date, AMBER Alert has been instrumental in recovering 19 missing children; and

WHEREAS, inappropriate use of the Internet can expose our children to significant dangers, 53 Illinois State Police officers, certified to conduct NetSmartz workshops, have taught over 6,000 students, teachers, and parents how to stay safer on the Internet; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2007 as **MISSING CHILDREN'S DAY** in Illinois, and encourage all citizens to observe this day by turning on porch lights and vehicle headlights to "LIGHT THE WAY HOME" for our missing children throughout the country.

Issued by the Governor May 25, 2007
Filed by the Secretary of State June 26, 2007.

2007-205
Make-A-Wish Day

WHEREAS, the Make-A-Wish Foundation of Illinois is dedicated to granting wishes to children between the ages of 2 ½ and 18 with life threatening medical conditions in order to enrich their lives with hope, strength and joy; and
WHEREAS, over 840 children in Illinois are diagnosed with a life-threatening medical condition each year, causing them to endure lengthy medical treatments and uncertainty about their future; and

WHEREAS, parents and medical professionals confirm that wishes are strong medicine for children battling life-threatening medical conditions, providing a joyous experience that takes wish kids and their families on a magical journey away from doctor visits and medical tests; and

WHEREAS, wishes granted by the Make-A-Wish Foundation uplift the spirits of families facing the uncertainties of a child with a life-threatening medical condition; and

WHEREAS, since 1985 more than 7,000 Illinois children have been granted wishes of all kinds by the Make-A-Wish Foundation of Illinois; and

WHEREAS, wishes are a life-changing, joyful journey for people involved on all levels including family members, volunteers and entire communities:


Issued by the Governor June 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-206
Be a Hero for Babies Day

WHEREAS, in 2006, Farmers Insurance agents and employees exceeded their goal of raising one million dollars in one day during "Be a Hero for Babies Day"; in an historic event for the March of Dimes and a milestone in Farmers Insurance's long history of community involvement, $1.4 million was raised; and

WHEREAS, Farmers Insurance in the state of Illinois, along with the contributions and efforts of a generous public, contributed significantly during last year's "Be a Hero for Babies Day"; and

WHEREAS, Farmers Insurance is the sole national insurance company sponsor for the March of Dimes in the United States; and
WHEREAS, in supporting the mission of healthy babies and healthy mothers, Farmers Insurance and the March of Dimes have worked together for nearly twenty years; and

WHEREAS, Farmers Insurance and the March of Dimes are declaring June 7, 2007, as a national "Be a Hero for Babies Day", with the intent of raising $2 million through the network of Farmers Insurance agencies and district offices throughout the State of Illinois and the United States to get babies back where they belong, healthy and strong; and

WHEREAS, the extraordinary success of "Be a Hero for Babies Day" sends a powerful message that Farmers Insurance is about far more than insurance – that Farmers Insurance is also about leadership and education to the health of our families and youth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 7, 2007 as BE A HERO FOR BABIES DAY in Illinois.

Issued by the Governor June 1, 2007
Filed by the Secretary of State June 26, 2007.

2007-207
National Garden Week

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and

WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and

WHEREAS, among Garden Week activities are: educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and

WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,650 members and 206 clubs throughout Illinois; and

WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasurers and to expand and share our knowledge for the betterment of the environment:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 3 – 9, 2007 as NATIONAL GARDEN WEEK in Illinois, and encourage all citizens to recognize and celebrate the importance of our state's natural wonders.

Issued by the Governor June 4, 2007
Filed by the Secretary of State June 26, 2007.

2007-208
Year of the Pharmacy Preceptor

WHEREAS, this year, the Illinois Pharmacy Coalition will launch its "Year of the Pharmacy Preceptor" initiative; and

WHEREAS, pharmacy preceptors critically impact the profession by enabling students to acquire the necessary knowledge and skills to effectively practice pharmacy; and

WHEREAS, an important role of preceptors is to teach pharmacy students to educate the public on safe medication use, and prevention of medication related problems; and

WHEREAS, the "Year of the Pharmacy Preceptor" initiative is a statewide and regional educational outreach program, designed to encourage and empower pharmacists by providing them with education and encouragement to enhance student pharmacist education; and

WHEREAS, the Illinois Pharmacy Coalition will work with a broad network of professional partners, institutions and organizations, regulatory agencies, students and consumers, to emphasize the importance of a commitment to student pharmacist education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 1, 2007 through June 30, 2008 as YEAR OF THE PHARMACY PRECEPTOR in Illinois.

Issued by the Governor June 4, 2007
Filed by the Secretary of State June 26, 2007.

2007-209
Children's Day

WHEREAS, children are the future of Illinois, it is important that we take action to ensure that they are provided a positive start to life; and
PROCLAMATIONS

WHEREAS, in Illinois, we place the utmost value on the safety and welfare of our children, and we are in support of programs designed to advocate for their best interests; and

WHEREAS, it is important that all citizens work to promote an environment of hope and love for children; and

WHEREAS, my administration has put forth several initiatives aimed at improving the health, education and well-being of our children, and we pledge to continue our commitment to ensuring a bright future for all our young people; and

WHEREAS, June 10, 2007 has been proclaimed Children's Day in Illinois. This is a day to celebrate children, and reaffirm our commitment to their needs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 10, 2007 as CHILDREN'S DAY in Illinois.

Issued by the Governor June 5, 2007
Filed by the Secretary of State June 26, 2007.

2007-210
Men's Health Week

WHEREAS, since 1994, Men's Health Week has been observed during the week preceding Father's Day; and

WHEREAS, the state of Illinois is committed to the prevention of illness, to the promotion of good health among all of its residents and to recognizing our responsibility to all our citizens; and

WHEREAS, despite advances in treatment and medical research, men continue to live an average of six years less than women; and

WHEREAS, significant numbers of male related health problems, such as prostate cancer, testicular cancer, infertility and colon cancer could be detected and treated if the awareness of these problems were increased; and

WHEREAS, Men's Health Week strives to raise public awareness of the importance of engaging in a healthy lifestyle and of early detection and treatment of health problems affecting men and their families to assist in gaining a better
understanding of these illnesses and confront them with preventive health actions; and

WHEREAS, alliances between public health and private sectors, business, and elected officials have been formed to further our efforts in promoting health and preventing disease, injury, and disability to encourage men to take an active role, with regular physician visits for basic treatment and examinations that could significantly reduce the rate of male mortality; and

WHEREAS, the men of the state of Illinois are encouraged to increase awareness of the importance of a healthy lifestyle, regular checkups and physical activity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11 – 17, 2007 as MEN'S HEALTH WEEK in Illinois, and encourage all citizens to join in this observance to promote and improve the health of men and to urge all men in the Land of Lincoln to visit their physician for a preventive health check-up and examination where they renew their commitment to a healthy lifestyle for themselves, and for their families.

Issued by the Governor June 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-211
Automotive Service Professionals Week

WHEREAS, the automotive service professional, an invaluable member of the automotive service industry in Illinois, is a highly trained and skilled individual; and

WHEREAS, there are over 15,300 ASE Certified Automotive Service Professionals working in over 5,500 automotive service and repair facilities in Illinois; and

WHEREAS, the goal of the automotive service and repair industry in Illinois is to provide motorists with the best possible vehicle repair and service; and

WHEREAS, this goal can only be accomplished by developing and using the highly technical and diagnostic skills of automotive service professionals, who are responsible for maintaining, servicing, and repairing the vehicles that the motoring public depends on to travel safely and securely over our nation's roads; and

WHEREAS, automotive service professionals provide prompt, complete, accurate, and quality service to the increasingly complex vehicles consumers depend upon daily, while
diligently adhering to standards of professionalism and continuing technical education and training; and

WHEREAS, automotive service professionals' ongoing efforts to fix it right the first time are worthy of recognition and appreciation for their dedication to the car owners and vehicles in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11 – 17, 2007 as AUTOMOTIVE SERVICE PROFESSIONALS WEEK in Illinois, and encourage all citizens to recognize the valuable and meaningful contributions that automotive service professionals make to keep our cars and trucks running.

Issued by the Governor June 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-212
CFA Day

WHEREAS, four financial analyst societies – Boston, Chicago, New York, and Philadelphia – joined together on June 11, 1947, to form the National Federation of Financial Analyst Societies (NFFAS), with the intent to promote the exchange of ideas and to support the welfare of the societies and their members; and

WHEREAS, since the NFFAS was created 60 years ago, the members of its successor organizations – including the Financial Analysts Federation, the Institute of Chartered Financial Analysts, the Association of Investment Management and Research, and CFA Institute – have worked to improve the education, ethics, standards, and availability of information for capital market participants; and

WHEREAS, the 90,000 members of CFA Institute, including the more than 3,700 residents of Illinois and more than 3,400 members of the CFA Society of Chicago, are investment professionals promoting ethical and professional standards within the investment industry, encouraging professional development through the CFA Program, and facilitating the open exchange of information and opinions; and

WHEREAS, it is imperative that investors, employers, regulators, and the general public be aware of the importance of these contributions to local and global capital markets; and

WHEREAS, on and during the week of June 11, 2007, CFA Institute, the CFA Society of Chicago, and the other 133 member societies of CFA Institute will recognize and
celebrate the founding of the profession and raise awareness of the value of the CFA charter with local activities and events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2007 as **CFA DAY** in Illinois, and encourage all citizens to commend the CFA Society of Chicago for its ongoing commitment to promoting ethical and professional standards within the investment industry.

Issued by the Governor June 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-213
**Toastmasters Week**

WHEREAS, the ability to speak in a clear and effective manner is an important skill that can help to overcome barriers to effective performance in virtually every endeavor and line of work; and

WHEREAS, by assisting in the development of essential communication skills, Toastmasters International performs a valuable service for its members and those who carry the message of opportunity, initiative, and good fellowship; and

WHEREAS, boasting more than eight decades of outstanding achievement, Toastmasters International has grown to over 10,500 clubs and 211,000 members in 90 countries worldwide; and

WHEREAS, this remarkable expansion is a direct result of the enhanced knowledge and experience Toastmasters International provides its members and clients:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 10 – 16, 2007 as **TOASTMASTERS WEEK** in Illinois, and encourage all citizens to recognize the many accomplishments and opportunities in communication and public speaking that have been made possible by this organization.

Issued by the Governor June 7, 2007
Filed by the Secretary of State June 26, 2007.

2007-214
**National Flag Day**
PROCLAMATIONS

WHEREAS, on August 3, 1949, an act of Congress was signed designating June 14th of each year as National Flag Day. This day is significant because it commemorates June 14, 1777 when the Continental Congress adopted the stars and stripes flag as the official flag of the republic; and

WHEREAS, the stars and stripes design is symbolic of qualities the world has come to expect of this great nation – the white stripes signifying purity and innocence, the red stripes signifying valor and bravery, and the blue background signifying perseverance and justice; and

WHEREAS, on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to Pause for the Pledge of Allegiance on National Flag Day, June 14. The annual Pause for the Pledge of Allegiance asks Americans across the nation to pause and recite the Pledge as a way of commemorating Flag Day. The idea originated in 1980 and in 1985 Public Law 99-54 was passed recognizing the Pause for the Pledge as part of National Flag Day activities; and

WHEREAS, National Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of law, and to equal rights for all:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 14, 2007 as NATIONAL FLAG DAY in Illinois, and encourage all citizens to take time to reflect upon the liberty and freedom we enjoy and that our flag has come to represent.

Issued by the Governor June 11, 2007
Filed by the Secretary of State June 26, 2007.

2007-215
Minority Enterprise Development Week

WHEREAS, the Minority Business Development Agency (MBDA) was established in 1969, as part of the U.S. Department of Commerce, to foster the growth of minority business enterprises of all sizes so that they may expand and contribute more wealth to minority communities; and

WHEREAS, the MBDA provides funding for minority business development centers; these centers offer consultation, advice, and other services to minority entrepreneurs in order to help their businesses become more profitable and successful; and
PROCLAMATIONS

WHEREAS, Chicago, Illinois is proud to be home to one of the five regional offices of the MBDA that oversees the distribution of funds and assistance to development centers on a multi-state level; and

WHEREAS, the economic welfare and vitality of the State of Illinois is incumbent upon the prosperity of its minority communities; and

WHEREAS, this year marks the 25th Anniversary of Minority Enterprise Development Week, this event will highlight some of the unique challenges faced by minority businesses as well as promote innovative solutions to minority business development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 19 – 25, 2007 as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois.

Issued by the Governor June 12, 2007
Filed by the Secretary of State June 26, 2007.

2007-216
National Healthcare Risk Management Week

WHEREAS, Chicagoland Healthcare Risk Management Society (CHRMS) collaborates closely with the Metropolitan Chicago Healthcare Council, a membership and service organization consisting of more than 140 hospitals and health care organizations from throughout the metropolitan Chicago region; and

WHEREAS, CHRMS promotes effective and innovative risk management strategies and patient safety through education, recognition, advocacy, publications, networking and interactions with leading health care organizations; and

WHEREAS, CHRMS mission is to advance safe and trusted patient-centered health care delivery by promoting proactive and innovative healthcare risk management of organization-wide risk; and

WHEREAS, the State of Illinois has declared the week of June 18-22 as National Healthcare Risk Management Week, with the theme "Risk Management + Quality = Patient Safety: Collaborating for Safety" in celebration of the ways in which risk managers strive to promote safe and effective patient care practices, the preservation of financial resources and the maintenance of safe working environments:
PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18 – 22, 2007 as NATIONAL HEALTHCARE RISK MANAGEMENT WEEK in Illinois, and encourage all citizens to join me in honoring the risk-management professionals who advocate for all of us.

Issued by the Governor June 14, 2007
Filed by the Secretary of State June 26, 2007.

2007-217
American Eagle Day

WHEREAS, the Bald Eagle was designated as the U.S.A.'s National Emblem on June 20, 1782 by our Country's Founding Fathers at the Second Continental Congress; and

WHEREAS, the Bald Eagle is unique to North America and represents such American values and attributes as Freedom, Courage, Strength, Spirit, Justice, Quality and Excellence; and

WHEREAS, the Bald Eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress, Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce and U.S. Postal Service; and

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, culture; and on United States stamps, currency and coinage; and

WHEREAS, the Bald Eagle was federally classified as an "endangered species" in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled "threatened" status under that Act in 1995; and

WHEREAS, the Department of Interior and U.S. Fish & Wildlife Service plan to delist the Bald Eagle from Endangered Species Act protection in 2007, but will continue to be protected under the Bald & Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and

WHEREAS, the recovery of the U.S.A.'s Bald Eagle populations was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations and citizens:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as **AMERICAN EAGLE DAY** in Illinois, and encourage all citizens to join in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor June 15, 2007
Filed by the Secretary of State June 26, 2007.

### 2007-218

**Accenture Chicago Triathlon Days**

WHEREAS, the Accenture Chicago Triathlon is a weekend competition open to elite professionals and amateur athletes of all skill levels, bringing together people from all across the globe to experience Chicago's incredible lakefront; and

WHEREAS, the Accenture Chicago Triathlon will mark its 25th year in 2007. In that time, it has grown 10 times in size, and has now expanded to feature Chicago's lakefront and Monroe Harbor, throughout the Museum Campus and Grant Park and the beautiful Chicago Skyline; and

WHEREAS, more than 10,000 people will participate in the McDonald's Kids Triathlon, Fleet Feet SuperSprint Triathlon, and the Accenture Chicago Triathlon; and

WHEREAS, triathletes and sponsors will help advance the needs of the national Leukemia & Lymphoma society, the event's official charity (last year raising over $600,000) through Team in Training; and

WHEREAS, the State of Illinois joins Accenture, Fleet Feet Sports, McDonald's, Nissan, Ameriprise Financial, Gatorade, Active.com, Orbea, AthletiCo, Blue Seventy, Bear Naked Granola, Sundog Eyewear, Michelob Ultra, Speedo, Polar Electro, Village Cycle Center, Wigwam, AirAide, Naked Juice, Power Crunch, Windy City Sports, American Airlines, Triathlete Magazine, WLUP, Q101, Shimano, Saris/CycleOps and Hilton as co-sponsors of the weekend. The Accenture Chicago Triathlon benefits the Leukemia and Lymphoma Society. The Accenture Chicago Triathlon is part of the LifeTime Fitness Triathlon Series:

**THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24 – 26, 2007 as **ACCENTURE CHICAGO TRIATHLON DAYS** in Illinois.**

Issued by the Governor June 15, 2007
Filed by the Secretary of State June 26, 2007.
2007-219
Antiphospholipid Antibody Syndrome (APS) Awareness Month

WHEREAS, the APS Foundation of America, Inc. has declared June as National Antiphospholipid Antibody Syndrome (APS) Awareness Month and is educating the public and medical community about this clotting disorder by urging people to "Get in the Flow"; and

WHEREAS, APS is the major cause of young strokes, many miscarriages, both arterial and venous thrombosis, and heart attacks, and it is believed that 40-50% of patients with Lupus also have APS. Women are more likely than men to be affected by APS, with some estimates saying that 75% to 90% of those affected are women, and in obstetrics, it is estimated by some doctors that up to 25% of all women with 2 or more spontaneous miscarriages have APS; and

WHEREAS, the APS Foundation of America, Inc. is working to bring national attention to APS as a common factor in multiple miscarriages, thrombosis, young strokes and heart attacks, which is vital to bringing together a joint effort for research, funding, early detection, and eventually, prevention and cure for APS; and

WHEREAS, the mission of the APS Foundation of America, Inc. is to offer understanding and support to individuals, family, friends, and care givers of APS; to offer information and education on APS; to support research of APS by keeping the latest information available and referring people to such agencies who do research; to raise funds that provide information and education through public donations, grants, fundraisers, sponsorships, and bequests and to bring national focus to APS in the United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2007 as ANTIPHOSPHOLIPID ANTIBODY SYNDROME (APS) AWARENESS MONTH in Illinois.

Issued by the Governor June 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-220
Engineering Licensure Month

WHEREAS, there are engineering licensure boards in all 50 states, in each of the four U.S. territories and the District of Columbia; and
PROCLAMATIONS

WHEREAS, the National Council of Examiners for Engineering and Surveying (NCEES) and its Member Boards are celebrating the 100th Anniversary of Engineering Licensure in the United States in the year of 2007; and

WHEREAS, NCEES provides leadership in professional licensure through excellence in uniform laws, licensing standards, and professional ethics for the protection of the public health, safety, and welfare; and

WHEREAS, the Illinois State Board of Structural Engineers and the Illinois State Board of Professional Engineers mission is to protect the health, safety, and welfare of the citizens of Illinois by altogether ensuring that the practice of engineering is appropriately regulated and undertaken by qualified professionals; and

WHEREAS, engineering licensing boards make up NCEES, which performs a critical function by coordinating efforts for its Member Boards as they work to maintain and strengthen the standards for engineering and surveying professionals; and

WHEREAS, Structural Engineer licensure began in the State of Illinois in July, 1917 and Professional Engineering licensure began in the State of Illinois in July, 1945; and

WHEREAS, today the state of Illinois has more than 2,300 licensed Structural Engineers and more than 18,400 licensed Professional Engineers; and

WHEREAS, as part of this celebration, the Illinois State Board of Structural Engineers and the Illinois State Board of Professional Engineers recognizes the work of NCEES and the licensed Engineers in Illinois and all of the United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2007 as ENGINEERING LICENSURE MONTH in Illinois, and encourage all citizens to recognize the contributions professional engineers make to their communities.

Issued by the Governor June 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-221
Quebec National Day

WHEREAS, the links between Illinois and Quebec are numerous and stretch back centuries to the French-speaking missionaries and voyageurs who left Quebec City and Montreal to explore le pays des Illinois and eventually to settle here; and
WHEREAS, in 1969, Quebec established its delegation in the city of Chicago, due to the business and cultural preeminence of the city; and

WHEREAS, Quebec is active, along with Illinois, in both the Council of Great Lakes Governors and the Great Lakes Commission as an associate member; and

WHEREAS, today, trade between Illinois and Quebec exceeds $2 billion U.S. dollars; and

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

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

WHEREAS, there will be a celebration on June 24, 2007 to celebrate Quebec's National Holiday, La Saint-Jean, this is the feast day of St. John the Baptist:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2007 as QUEBEC NATIONAL DAY in Illinois, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 15, 2007
Filed by the Secretary of State June 26, 2007.

2007-222
Alana Wallace Ms. Wheelchair Illinois Day

WHEREAS, Ms. Wheelchair America is a pageant like none other, as contestants are judged on their advocacy deeds, personal achievements, public relations skills, and self-confidence; and

WHEREAS, on March 10, 2007, Chicago resident Alana Yvonne Wallace was crowned Ms. Wheelchair Illinois 2007, and has pledged to use her title to become a spokesperson for Americans with disabilities; and

WHEREAS, as part of her efforts, Ms. Wallace will travel throughout the State of Illinois to advocate for persons with disabilities, meet with government leaders to discuss disability related issues, and work to promote her main platform of fully accessible housing; and
PROCLAMATIONS

WHEREAS, Ms. Wallace will be holding her first fundraiser on June 24, 2007 to generate monetary support for her platform and for fees related to her competing in the Ms. Wheelchair America Pageant in July; and

WHEREAS, Illinois is proud to congratulate Alana Wallace on her Ms. Wheelchair Illinois 2007 Title, offer our support of her fundraising efforts, and wish her the best of luck at the national competition:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2007 as ALANA WALLACE MS. WHEELCHAIR ILLINOIS DAY and wish Ms. Wallace well for a successful and productive term.

Issued by the Governor June 19, 2007
Filed by the Secretary of State June 26, 2007.

2007-223
World Refugee Day

WHEREAS, the United States has long been a symbol of hope and a source of substantial aid for refugees around the world;

WHEREAS, the United States has resettled 2.4 million refugees between 1980 and 2006;

WHEREAS, nearly 130,000 refugees have reclaimed their lives in Illinois;

WHEREAS, the Illinois Department of Human Services and its predecessor, the Illinois Department of Public Aid, with the support of the Office of Refugee Resettlement, U.S. Department of Health and Human Services, has administered the Refugee Resettlement Program as a public-private partnership that coordinated comprehensive services through a consortium of community-based organizations throughout the state;

WHEREAS, millions of refugees who have experienced persecution and oppression based on religion, race, or political beliefs still long for a better future and a chance to restore lasting peace to their lives;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as WORLD REFUGEE DAY in Illinois, and reaffirm this State’s commitment to assisting refugees and contributing to international relief efforts.

Issued by the Governor June 19, 2007
WHEREAS, pollinating animals, which are vital to our food supply and a key to sustainability in our world, are in decline according to the newly released National Academy of Sciences and National Research Council report, "Status of Pollinators in North America"; and

WHEREAS, one of the key recommendations of the Study was an immediate increase in public awareness of the vital role pollinators play in our lives; and

WHEREAS, Illinois is happy to join with the United States Senate and the United States Department of Agriculture in declaring June 24 – 30, 2007, as National Pollinator Week, to coincide with an international celebration of pollinating animals including bees, birds, butterflies, bats, beetles, and others; and

WHEREAS, pollinators are vital to the ecosystems of Illinois, supporting terrestrial wildlife, providing healthy watershed, and providing significant benefits to the agriculture of our state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24 – 30, 2007 as NATIONAL POLLINATOR WEEK in Illinois, and encourage all citizens to recognize the value and the fragility of the ecosystem services provided by pollinating animals.

Issued by the Governor June 20, 2007
Filed by the Secretary of State June 26, 2007.

2007-225
Americans with Disabilities Act Day

WHEREAS, the Americans with Disabilities Act ("ADA") passed by Congress in 1990, established a "clear and comprehensive prohibition of discrimination on the basis of disability," with disability defined as "a physical or mental impairment that substantially limits one or more of the major life activities" of an individual; and

WHEREAS, the passage of the ADA represents a major step toward protecting civil rights and improving the quality of life for persons with disabilities, persons who were often subject to discrimination and lacked federal protection; and
WHEREAS, the year 2007 marks the 17th anniversary of the ADA's civil rights guarantee for individuals with disabilities; and

WHEREAS, Illinois has a long history of protecting the rights of disabled persons, going back 27 years to the passage of the Illinois Human Rights Act (December 6, 1979), which made discrimination against any person with a "physical or mental handicap" illegal; and

WHEREAS, an estimated 2 million citizens of Illinois, or 13 percent of the state's population, according to the Census Survey conducted in 2005, were classified as having a disability; and

WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to ensure that people with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and

WHEREAS, Illinois is one of 13 states to receive the federal "Money Follows the Person" initiative which will give the elderly and persons with disabilities more control and freedom over Medicaid services they need to live independently in their communities; and

WHEREAS, during the month of July 2007, the Illinois Department of Human Services, in cooperation with numerous other state agencies, councils, and consumers, will celebrate the anniversary of the ADA with special events in Springfield and Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 19, 2007 as AMERICANS WITH DISABILITIES ACT DAY in Illinois, and encourage all citizens to recognize the historical significance of the ADA, and in turn, do their part to ensure that people with disabilities are included in the mainstream of community life.

Issued by the Governor June 21, 2007
Filed by the Secretary of State June 26, 2007.

2007-226
Elder Abuse Awareness Month

WHEREAS, according to the Illinois Department on Aging, between four and five percent of persons in the United States, aged sixty and older are subject to some form of mistreatment or abuse, including physical, emotional, and sexual abuse, as well as financial exploitation and neglect of basic care needs; and
WHEREAS, Illinois has approximately two million citizens over the age of sixty, meaning that as many as 90,000 Illinois seniors could currently be suffering from some form of abuse; and

WHEREAS, it is the mission of the Illinois Department on Aging and its network of service providers to increase public awareness of this plight against our most vulnerable elderly; and to promote increased reporting of elder abuse; and

WHEREAS, it is essential that the citizens of Illinois recognize the signs of abuse, neglect and exploitation and report suspicions of abuse; and

WHEREAS, it is imperative that each community in Illinois refuses to tolerate this offense against our older citizens by creating greater awareness of the prevalence and severity of elder abuse in hopes of eradicating it from society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2007 as **ELDER ABUSE AWARENESS MONTH** in Illinois, and encourage all citizens to recognize this crisis and join in working toward its prevention.

Issued by the Governor June 21, 2007
Filed by the Secretary of State June 26, 2007.

**2007-227**

**Youth Empowerment Day**

WHEREAS, The South Suburban DMC Foundation, in partnership with the Chicago Area Project, was established in 2002 as a model for reducing juvenile confinement and its causes through a community organization and youth development model; and

WHEREAS, the effectiveness of the South Suburban DMC Foundation model has been recognized throughout Illinois and across the nation; and

WHEREAS, the 1st annual SSDMC Foundation Youth Awards is a culmination of a year-long intervention and in-school and after-school educational and inter-personal skill development program celebrating the skills, talents and potential of our at-risk young people, and encouraging their knowledge of, and stimulate their involvement in constructive endeavors; and

WHEREAS, Chicago Area Project and the SSDMC Foundation, Inc. will sponsor the Youth Awards on June 28, 2007:
THEREFORE, I, Rod R. Blagojevich, do hereby proclaim June 28, 2007 as YOUTH EMPOWERMENT DAY in Illinois in recognition of the Chicago Area Project and the SSDMC Foundation, and their commitment to development and well-being of our young people.

Issued by the Governor June 26, 2007
Filed by the Secretary of State June 26, 2007.

2007-228
SPECIAL SESSION ON JULY 5, 2007

WHEREAS, the State of Illinois supports five retirement plans covering State employees, university employees, teachers, judges, and members of the General Assembly; and

WHEREAS, many retired employees rely on these benefit plans to help pay for daily necessities, including housing and healthcare; and

WHEREAS, during his first term, Governor Blagojevich invested $13.3 billion in the State’s pension systems, which is more than any governor in Illinois’ history; and

WHEREAS, the State’s $13.3 billion investment increased funding from 48% up to 60.5% of liability from Fiscal Years 2003 through 2006; and

WHEREAS, despite recent efforts, due to thirty years of underfunding the pension systems, the State of Illinois is faced with a crushing $41 billion pension debt; and

WHEREAS, this gross underfunding will cause the debt to increase each year at a drastic rate, threatening to consume new revenues at the expense of other needs facing the State, including healthcare and education; and

WHEREAS, to adequately fund and secure pensions, reduce long-term interest costs, and more effectively manage pension obligations, the State must pay down its pension debt; and

WHEREAS, the Governor has proposed to lease the State Lottery to a private operator and to issue $16 billion in pension obligation bonds; and

WHEREAS, the $16 billion in pension obligation bonds would allow the State to refinance its existing pension debt, which grows at an interest rate of 8.5% annually, with a lower interest rate; and


WHEREAS, the $16 billion in pension obligation bonds would build upon the State’s $10 billion pension obligation bond issued in 2003, which allowed the State’s pension systems to increase their funding ratio over the last three years; and

WHEREAS, much work remains to address the pension underfunding in Illinois, and it is critical that the General Assembly convene to address this issue and take action to stabilize the State’s pension systems;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 5, 2007, at 12:00 p.m., to consider any legislation, new or pending, which will address the pension crisis.

Issued: June 29, 2007
Filed: June 29, 2007
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 28 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

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