# TABLE OF CONTENTS

**April 18, 2008  Volume 32, Issue 16**

## PROPOSED RULES

<table>
<thead>
<tr>
<th>Agency</th>
<th>Rule</th>
<th>Code</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCE COMMISSION, ILLINOIS</td>
<td>Electric Interconnection of Distributed Generation Facilities</td>
<td>83 Ill. Adm. Code 466</td>
<td>6173</td>
</tr>
<tr>
<td>DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL</td>
<td>General Program</td>
<td>35 Ill. Adm. Code 1500</td>
<td>6268</td>
</tr>
<tr>
<td>FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF</td>
<td>Environmental Health Practitioner Licensing Act</td>
<td>68 Ill. Adm. Code 1247</td>
<td>6301</td>
</tr>
<tr>
<td></td>
<td>Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act</td>
<td>68 Ill. Adm. Code 1485</td>
<td>6323</td>
</tr>
<tr>
<td>HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF</td>
<td>Medical Assistance Programs</td>
<td>89 Ill. Adm. Code 120</td>
<td>6328</td>
</tr>
<tr>
<td></td>
<td>Medical Payment</td>
<td>89 Ill. Adm. Code 140</td>
<td>6344</td>
</tr>
<tr>
<td>HUMAN SERVICES, DEPARTMENT OF</td>
<td>Medicaid Community Mental Health Services Program</td>
<td>59 Ill. Adm. Code 132</td>
<td>6371</td>
</tr>
<tr>
<td></td>
<td>Child Care</td>
<td>89 Ill. Adm. Code 50</td>
<td>6436</td>
</tr>
<tr>
<td>REVENUE, DEPARTMENT OF</td>
<td>Income Tax</td>
<td>86 Ill. Adm. Code 100</td>
<td>6438</td>
</tr>
<tr>
<td></td>
<td>Property Tax Code</td>
<td>86 Ill. Adm. Code 110</td>
<td>6452</td>
</tr>
</tbody>
</table>

## ADOPTED RULES

<table>
<thead>
<tr>
<th>Agency</th>
<th>Rule</th>
<th>Code</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMERGENCY MANAGEMENT AGENCY, ILLINOIS</td>
<td>Licensing of Radioactive Material</td>
<td>32 Ill. Adm. Code 330</td>
<td>6462</td>
</tr>
<tr>
<td>SECRETARY OF STATE</td>
<td>Issuance of Licenses</td>
<td>92 Ill. Adm. Code 1030</td>
<td>6544</td>
</tr>
</tbody>
</table>
EMERGENCY RULES
COMMERCE COMMISSION, ILLINOIS
Electric Interconnection of Distributed Generation Facilities
83 Ill. Adm. Code 466 .................................................................6556
HUMAN SERVICES, DEPARTMENT OF
Child Care
89 Ill. Adm. Code 50 .................................................................6652
SECRETARY OF STATE
Department of Personnel (Repealer)
80 Ill. Adm. Code 420 ...............................................................6659
PEREMPTORY RULES
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Medical Payment
89 Ill. Adm. Code 140 ...............................................................6743
NOTICE OF RECODIFICATION
HUMAN SERVICES, DEPARTMENT OF
Services
89 Ill. Adm. Code 590 ...............................................................6772
NOTICE OF CORRECTION TO NOTICE ONLY
STATE BOARD OF EDUCATION
School Food Service
23 Ill. Adm. Code 305 ...............................................................6780
SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received .........................................................6781
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS IN RESPONSE TO THE
OBJECTION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES
SECRETARY OF STATE
Department of Personnel
80 Ill. Adm. Code 420 ...............................................................6782
EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
Parkinson's Disease Awareness Month
2008-104 .............................................................................6784
Food Allergy Awareness Week
2008-105 .............................................................................6784
Global Youth Service Days
2008-106 .............................................................................6785
Illinois Electric and Telephone Cooperatives Youth Day
2008-107 .............................................................................6786
Order Sons of Italy/Alzheimer's Association "Partners in Progress" Day
2008-108 .............................................................................6787
Autism Awareness Month
2008-109 .............................................................................6788
Developmental Disability and Autism Family Day
<table>
<thead>
<tr>
<th>Event</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foster Parent Appreciation Month</td>
<td>6789</td>
</tr>
<tr>
<td>Apprenticeship Week</td>
<td>6790</td>
</tr>
<tr>
<td>Student Council Week</td>
<td>6791</td>
</tr>
<tr>
<td>Days of Remembrance</td>
<td>6791</td>
</tr>
<tr>
<td>National Environmental Education Week</td>
<td>6792</td>
</tr>
<tr>
<td>American Eagle Day</td>
<td>6793</td>
</tr>
<tr>
<td>Cheap Trick Day</td>
<td>6794</td>
</tr>
<tr>
<td>Earth Hour</td>
<td>6795</td>
</tr>
<tr>
<td>Lincoln Pilgrimage Weekend</td>
<td>6796</td>
</tr>
<tr>
<td>Illinois Environmental Education Week</td>
<td>6797</td>
</tr>
<tr>
<td>AARP Day</td>
<td>6798</td>
</tr>
<tr>
<td>Illinois Arts and Humanities Month</td>
<td>6799</td>
</tr>
<tr>
<td>Infant Immunization Awareness Week</td>
<td>6800</td>
</tr>
<tr>
<td>Bataan Day</td>
<td>6801</td>
</tr>
<tr>
<td>Children's Memorial Flag Day</td>
<td>6802</td>
</tr>
<tr>
<td>Kids Day America/International</td>
<td>6803</td>
</tr>
<tr>
<td>Asian Longhorned Beetle Eradication Day</td>
<td>6804</td>
</tr>
<tr>
<td>Illinois Rescue and Restore Outreach Day</td>
<td>6805</td>
</tr>
<tr>
<td>Shaken Baby Syndrome Awareness Week</td>
<td>6806</td>
</tr>
<tr>
<td>Older Americans Month</td>
<td>6807</td>
</tr>
<tr>
<td>Supportive Living Week</td>
<td>6807</td>
</tr>
<tr>
<td>Alpha-1 Awareness Month</td>
<td>6808</td>
</tr>
</tbody>
</table>
2008-131 ...................................................................................................6809
National Nursing Home Week
2008-132 ..................................................................................................6810
Lyme Disease Awareness Month
2008-133 ..................................................................................................6811
A Day of Remembrance
2008-134 ..................................................................................................6812
Civil Air Patrol Week
2008-135 ..................................................................................................6813
National Safe Boating Week
2008-136 ..................................................................................................6814
Building Safety Week
2008-137 ..................................................................................................6815
Jewish Sports Heritage Month
2008-138 ..................................................................................................6816
National Pollinator Week
2008-139 ..................................................................................................6817
National Garden Week
2008-140 ..................................................................................................6818
Helen Keller Deaf-Blind Awareness Week
2008-141 ..................................................................................................6818
INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Rules Due Date</th>
<th>Date of Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 21, 2007*</td>
<td>January 4, 2008</td>
</tr>
<tr>
<td>2</td>
<td>December 31, 2007</td>
<td>January 11, 2008</td>
</tr>
<tr>
<td>3</td>
<td>January 7, 2008</td>
<td>January 18, 2008</td>
</tr>
<tr>
<td>5</td>
<td>January 22, 2008</td>
<td>February 1, 2008</td>
</tr>
<tr>
<td>6</td>
<td>January 28, 2008</td>
<td>February 8, 2008</td>
</tr>
<tr>
<td>7</td>
<td>February 4, 2008</td>
<td>February 15, 2008</td>
</tr>
<tr>
<td>8</td>
<td>February 11, 2008</td>
<td>February 22, 2008</td>
</tr>
<tr>
<td>9</td>
<td>February 19, 2008</td>
<td>February 29, 2008</td>
</tr>
<tr>
<td>10</td>
<td>February 25, 2008</td>
<td>March 7, 2008</td>
</tr>
<tr>
<td>11</td>
<td>March 3, 2008</td>
<td>March 14, 2008</td>
</tr>
<tr>
<td>12</td>
<td>March 10, 2008</td>
<td>March 21, 2008</td>
</tr>
<tr>
<td>13</td>
<td>March 17, 2008</td>
<td>March 28, 2008</td>
</tr>
<tr>
<td>14</td>
<td>March 24, 2008</td>
<td>April 4, 2008</td>
</tr>
<tr>
<td>15</td>
<td>March 31, 2008</td>
<td>April 11, 2008</td>
</tr>
<tr>
<td>16</td>
<td>April 7, 2008</td>
<td>April 18, 2008</td>
</tr>
<tr>
<td>17</td>
<td>April 14, 2008</td>
<td>April 25, 2008</td>
</tr>
<tr>
<td>18</td>
<td>April 21, 2008</td>
<td>May 2, 2008</td>
</tr>
<tr>
<td>19</td>
<td>April 28, 2008</td>
<td>May 9, 2008</td>
</tr>
<tr>
<td>20</td>
<td>May 5, 2008</td>
<td>May 16, 2008</td>
</tr>
<tr>
<td>21</td>
<td>May 12, 2008</td>
<td>May 23, 2008</td>
</tr>
<tr>
<td>22</td>
<td>May 19, 2008</td>
<td>May 30, 2008</td>
</tr>
</tbody>
</table>
Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the next filing period for your Regulatory Agenda will occur from April 21, 2008 to July 1, 2008.
NOTICE OF PROPOSED RULES

1) **Heading of the Part**: Electric Interconnection of Distributed Generation Facilities

2) **Code Citation**: 83 Ill. Adm. Code 466

3) **Section Numbers**: 
   - 466.10 New Section
   - 466.30 New Section
   - 466.40 New Section
   - 466.50 New Section
   - 466.60 New Section
   - 466.70 New Section
   - 466.80 New Section
   - 466.90 New Section
   - 466.100 New Section
   - 466.110 New Section
   - 466.120 New Section
   - 466.130 New Section
   - 466.140 New Section
   - 466.APPENDIX A New Section
   - 466.APPENDIX B New Section
   - 466.APPENDIX C New Section
   - 466.APPENDIX D New Section
   - 466.APPENDIX E New Section
   - 466.APPENDIX F New Section
   - 466.APPENDIX G New Section

4) **Statutory Authority**: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101].

5) **A Complete Description of the Subjects and Issues Involved**: Persons utilizing net metering under Section 16-107.5 of the Public Utilities Act and 83 Ill. Adm. Code 465 must interconnect with the electric power grid. Part 466 sets out the standards for equipment to be used in interconnection. The proposed rules also set out the various levels of interconnection based on the capacity of the generating equipment, the application requirements for the individual levels of interconnection, and the contract requirements for the levels of interconnection. The review procedures are set out, as are the dispute procedures.
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

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? Yes

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

11) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the Illinois Register in Docket 06-0525, with:

   Chief Clerk
   Illinois Commerce Commission
   527 East Capitol Avenue
   Springfield IL  62701

   217/782-7434

13) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: This rule making will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not for profit corporations.

   B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements

   C) Types of professional skills necessary for compliance: Managerial and engineering skills
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 Commission did not anticipate the need for these rules at that time.

The full text of the Proposed Rules begins on the next page.
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 466
ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

Section
466.10  Scope
466.30  Definitions
466.40  Technical Standards
466.50  Interconnection Requests
466.60  General Requirements
466.70  Lab Certified Equipment
466.80  Determining the Review Level
466.90  Level 1 Expedited Review
466.100 Level 2 Expedited Review
466.110 Level 3 Expedited Review
466.120 Level 4 Review
466.130 Disputes
466.140 Records
466.APPENDIX A  Level 1 Application and Contract
466.APPENDIX B  Certificate of Completion
466.APPENDIX C  Levels 2 to 4 Contract
466.APPENDIX D  Levels 2 to 4 Application
466.APPENDIX E  Interconnection Feasibility Study Agreement
466.APPENDIX F  Interconnection System Impact Study Agreement
466.APPENDIX G  Interconnection Facilities Study Agreement


SOURCE: Emergency rules adopted at 32 Ill. Reg. 6556, effective April 1, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. ______, effective ____________.

Section 466.10  Scope
NOTICE OF PROPOSED RULES

The Illinois Distributed Generation Interconnection Standard applies to generation facilities operated in parallel with an electric public utility distribution company in Illinois and meeting the following criteria:

a) The nameplate capacity of the distributed generation facility is equal to or less than 10 MW; and

b) The distributed generation facility is not subject to the interconnection requirements of either the Federal Energy Regulatory Commission (FERC) or the applicable Regional Transmission Organization (RTO) (either Midwest Independent Transmission System Operator, Inc. (MISO) or PJM Interconnection, LLC (PJM)).

Section 466.30 Definitions

Terms defined in Section 16-102 of the Public Utilities Act (Act) [220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 16-102 of the Act, unless further defined in this Part. The following words and terms, when used in this Part, have the following meanings unless the context indicates otherwise:

"Adverse system impact" means a negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

"Affected system" means an electric system not owned or operated by the electric distribution company reviewing the interconnection request that could suffer an adverse system impact from the proposed interconnection.

"Applicant" means a person (or entity) who has submitted an interconnection request to interconnect a distributed generation facility to an EDC's electric distribution system.

"Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas.

"Business day" means Monday through Friday, excluding State and federal holidays.
"Calendar day" means any day, including Saturdays, Sundays and State and federal holidays.

"Certificate of completion" means a certificate, in a form approved by the Commission, that contains information about the interconnection equipment to be used, its installation and local inspections (see Appendix B).

"Commissioning test" means tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified in Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 Section 5.4, "Commissioning tests".

"Distributed generation facility" means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, a prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or local electric power system.

"Distribution upgrade" means a required addition or modification to the electric distribution system to accommodate the interconnection of the distributed generation facility. Distribution upgrades do not include interconnection facilities.

"Draw-out type circuit breaker" means a switching device capable of making, carrying and breaking currents under normal and abnormal circuit conditions, such as those of a short circuit. A draw-out circuit breaker can be physically removed from its enclosure, creating a visible break in the circuit. The draw-out circuit breaker shall be capable of being locked in the open, draw-out position.

"Electric distribution company" or "EDC" means any electric utility subject to the jurisdiction of the Commission.

"Electric distribution system" means the facilities and equipment owned and operated by the EDC and used to transmit electricity to ultimate usage points such as homes and industries, from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at
which electric distribution systems operate differ among areas, but generally operate at less than 100 kilovolts of electricity. "Electric distribution system" has the same meaning as the term "Area EPS", as defined in Section 3.1.6.1 of IEEE Standard 1547.

"Fault current" is the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Often, a fault current is several times larger in magnitude than the current that normally flows through a circuit.

"IEEE Standard 1547" is the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York NY 10016-5997, Standard 1547 (2003), "Standard for Interconnecting Distributed Resources with Electric Power Systems". This incorporation does not include any later amendments or editions.

"IEEE Standard 1547.1" is the IEEE Standard 1547.1 (2005), "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems". This incorporation does not include any later amendments or editions.

"Interconnection customer" means a person or entity that interconnects a distributed generation facility to an electric distribution system.

"Interconnection equipment" means a group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric power system as that term is defined in Section 3.1.6.2 of IEEE Standard 1547 or with the electric distribution system. Interconnection equipment comprises all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

"Interconnection facilities" means facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility's interconnection equipment and the point of interconnection, including any modifications, additions or upgrades.
necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

"Interconnection request" means an applicant's request, in a form approved by the Commission, for interconnection of a new distributed generation facility or to change the capacity or other operating characteristics of an existing distributed generation facility already interconnected with the electric distribution system.

"Interconnection study" is any study described in Section 466.120.

"Lab certified" means a designation that the interconnection equipment meets the requirements set forth in Section 466.70.

"Line section" is that portion of an electric distribution system connected to an interconnection customer's site, bounded by automatic sectionalizing devices and/or the end of the distribution line.

"Local electric power system" means facilities that deliver electric power to a load that is contained entirely within a single premises or group of premises. Local electric power system has the same meaning as that term has as defined in Section 3.1.6.2 of IEEE Standard 1547.

"Nameplate capacity" is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and usually indicated on a nameplate physically attached to the power production equipment.

"Nationally recognized testing laboratory" or "NRTL" means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. (See 29 CFR 1910.7 (July 31, 2000).) This incorporation does not include any later amendments or editions. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in its NRTL program.

"Parallel operation" or "parallel" means a distributed generation facility is connected electrically to the electric distribution system for longer than 100 milliseconds.
"Point of interconnection" means the point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in Section 3.1.13 of IEEE Standard 1547.

"Primary line" means an electric distribution system line operating at greater than 600 volts.

"Queue position" means, for each distribution circuit or line section, the order of a completed interconnection request relative to all other pending completed interconnection requests on that distribution circuit or line section. It is established by the date that the EDC receives the completed interconnection request.

"Radial distribution circuit" means a circuit configuration in which independent feeders branch out radially from a common source of supply.

"Scoping meeting" means a meeting between representatives of the applicant and EDC conducted for the purpose of discussing interconnection issues and exchanging relevant information.

"Secondary line" means an electric distribution system line, sometimes referred to as a service line, operating at 600 volts or less.

"Shared transformer" means a transformer that supplies secondary voltage to more than one customer.

"Spot network" means a type of electric distribution system that uses two or more inter-tied transformers to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers. Spot network has the same meaning as the term "spot network" defined in Section 4.1.4 of IEEE Standard 1547.

"Standard distributed generation interconnection agreement" means a standard interconnection agreement applicable to interconnection requests for distributed generation facilities. (See Appendices A and C.)

"UL Standard 1741" means the standard titled "Inverters, Converters, and Controllers for Use in Independent Power Systems", November 7, 2005 edition,
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook IL 60062-2096. This incorporation does not include any later amendments or editions.

"Witness test" means a verification, either by an on-site observation or review of documents, that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been performed. For interconnection equipment that has not been lab certified, the witness test shall also include verification of the on-site design tests as required by IEEE Standard 1547 Section 5.1 and verification of production tests required by IEEE Standard 1547 Section 5.2. All tests verified are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

Section 466.40 Technical Standards

The technical standard to be used in evaluating interconnection requests governed by the Illinois Distributed Generation Interconnection Standard is IEEE Standard 1547.

Section 466.50 Interconnection Requests

a) Applicants seeking to interconnect a distributed generation facility shall submit an interconnection request to the EDC that owns the electric distribution system to which interconnection is sought. Applicants shall use interconnection request forms approved by the Commission.

b) EDCs shall specify the fee by level that the applicant shall remit to process the interconnection request. The fee shall be specified in the interconnection request forms.

c) Interconnection requests may be submitted electronically if agreed to by the parties.

Section 466.60 General Requirements

a) When an interconnection request for a distributed generation facility includes multiple energy production devices at a site for which the applicant seeks a single point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate nameplate capacity of the multiple devices.
b) When an interconnection request is for an increase in capacity for an existing distributed generation facility, the interconnection request shall be evaluated on the basis of the new total nameplate capacity of the distributed generation facility.

c) EDCs shall designate a point of contact and provide contact information on its website. The point of contact shall be able to direct applicant questions concerning interconnection request submissions and the interconnection request process to knowledgeable individuals within the EDC.

d) The information that the EDC makes available to potential applicants can include previously existing EDC studies that help applicants understand whether it is feasible to interconnect a distributed generation facility at a particular point on the EDC's electric distribution system. However, the EDC can refuse to provide the information to the extent that providing it violates security requirements or confidentiality agreements, or it is contrary to law or State or federal regulations. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of this information.

e) When an interconnection request is deemed complete, any modification that is not agreed to by the EDC requires submission of a new interconnection request.

f) When an applicant is not currently a customer of the EDC at the proposed site, the applicant shall provide, upon EDC request, proof of site control evidenced by the applicant's name on a property tax bill, deed, lease agreement or other legally binding contract.

g) To minimize the cost to interconnect multiple distributed generation facilities, the EDC or the applicant may propose a single point of interconnection for multiple distributed generation facilities located at an interconnection customer site that is on contiguous property. If the applicant rejects the EDC's proposal for a single point of interconnection, the applicant shall pay any additional cost to provide a separate point of interconnection for each distributed generation facility. If the EDC, without written technical explanation, rejects the customer's proposal for a single point of interconnection, the EDC shall pay any additional cost to provide separate points of interconnection for each distributed generation facility.

h) EDCs can require that distributed generation facilities have the capability to be isolated from the EDC. For distributed generation facilities interconnecting to a primary line, the isolation shall be by means of a lockable, visible-break isolation
NOTICE OF PROPOSED RULES

device accessible by the EDC. For distributed generation facilities interconnecting to a secondary line, the isolation shall be by means of a lockable isolation device whose status is indicated and is accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the distributed generation facility and located electrically between the distributed generation facility and the point of interconnection. A draw-out type circuit breaker accessible to the EDC with a provision for padlocking at the draw-out position satisfies the requirement for an isolation device.

i) The interconnection customer shall allow the EDC to isolate the distributed generation facility. An interconnection customer may elect to provide the EDC access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise accessible to the EDC by installing a lockbox provided by the EDC that allows ready access to the isolation device. The lockbox shall be in a location determined by the EDC to be accessible by the EDC. The interconnection customer shall permit the EDC to affix a placard in a location of its choosing that provides instructions to EDC operating personnel for accessing the isolation device. If the EDC needs to isolate the distribution generation facility, the EDC shall not be held liable for any damages resulting from the actions necessary to isolate the generation facility.

j) Any metering required for a distributed generation interconnection shall be installed, operated and maintained in accordance with applicable EDC tariffs and agreements. Any such metering requirements shall be identified in the standard distributed generation interconnection agreement executed between the interconnection customer and the EDC.

k) EDC monitoring and control of distributed generation facilities are permitted only when the nameplate rating is greater than 2 MW. Monitoring and control requirements shall be consistent with the EDC's published requirements and shall be clearly identified in the interconnection agreement between the interconnection customer and the EDC. Transfer trip shall not be considered EDC monitoring and control when required and installed to protect the electric distribution system or an affected system against adverse system impacts.

l) The EDC can require a witness test after the distributed generation facility is constructed. The applicant shall provide the EDC at least 15 business days notice of the planned commissioning test for the distributed generation facility. The applicant and EDC shall schedule the witness test at a mutually agreeable time. If
the witness test is not acceptable to the EDC, the applicant shall be granted 30 business days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the applicant prior to the end of the 30 business days. An initial request for extension shall not be denied by the EDC; subsequent requests may be denied. If the applicant fails to address and resolve the deficiencies to the EDC’s satisfaction, the interconnection request shall be deemed withdrawn. Even if the EDC or an entity approved by the EDC does not witness a commissioning test, the applicant remains obligated to satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547 Section 5. The applicant shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

Section 466.70 Lab Certified Equipment

a) An interconnection request may be eligible for expedited interconnection review under Section 466.90 if the distributed generation facility uses interconnection equipment that is lab certified. Interconnection equipment shall be deemed to be lab certified upon establishment of the following:

1) The interconnection equipment has been successfully tested in accordance with IEEE Standard 1547.1, and it complies with the appropriate codes and standards referenced in Section 466.70(f) as demonstrated by any NRTL recognized by OSHA to test and certify interconnection equipment; and

2) The interconnection equipment has been labeled and is publicly listed by the NRTL at the time of the interconnection application; and

3) The NRTL testing the interconnection equipment makes all test standards and procedures that it used to perform equipment certification available, and, with applicant approval, the test data itself. The NRTL may make this information readily available by publishing it on its web site and by encouraging it to be included in the manufacturer's literature accompanying the equipment; and

4) The applicant's use of the interconnection equipment falls within the use or uses for which the interconnection equipment was labeled and listed by the NRTL; and
5) The generator, other electric sources, and/or interface components being utilized are compatible with the interconnection equipment and are consistent with the testing and listing specified by the NRTL for this type of interconnection equipment; and

6) To meet the requirements for lab certification, interconnection equipment shall be evaluated by a NRTL in accordance with the following codes and standards:

   A) IEEE 1547 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity);

   B) UL 1741 Inverters, Converters, and Controllers and Interconnection System Requirement with Distributed Energy Resources; and

   C) 2008 National Electrical Code, National Fire Protection Agency (2008), 1 Batterymarch Park, Quincy MA 02169-7471. This incorporation does not include any later amendments or editions.

b) Lab certified interconnection equipment shall not require further design testing or production testing, as specified by IEEE Standard 1547 Sections 5.1 and 5.2, or additional interconnection equipment modification to meet the requirements for expedited review; however, nothing in this subsection (b) shall preclude the need for an interconnection installation evaluation, commissioning tests or periodic testing as specified by IEEE Standard 1547 Sections 5.3, 5.4 and 5.5 or for a witness test conducted by an EDC.

Section 466.80 Determining the Review Level

An EDC shall determine whether an interconnection request should be processed under the Level 1, 2, 3 or 4 procedures by using the following screens:

a) An EDC shall use Level 1 procedures to evaluate all interconnection requests to connect an inverter-based distributed generation facility when:

   1) The applicant filed a Level 1 application; and
NOTICE OF PROPOSED RULES

2) The distributed generation facility has an nameplate capacity of 10 kW or less; and

3) The customer interconnection equipment proposed for the distributed generation facility is lab certified; and

4) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.

b) An EDC shall use:

1) Level 2 procedures for evaluating interconnection requests when:

   A) The applicant filed a Level 2 application; and
   
   B) The nameplate capacity rating is 2 MW or less; and
   
   C) The interconnection equipment proposed for the distributed generation facility is lab certified; and
   
   D) The proposed interconnection is to a radial distribution circuit; and
   
   E) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility; or

2) Level 3 review procedures for evaluating interconnection requests to area networks and radial distribution circuits where power will not be exported based on the following criteria. For interconnection requests to the load side of an area network the following criteria shall be satisfied to qualify for a Level 3 expedited review:

   A) The applicant filed a Level 3 application; and
   
   B) The nameplate capacity of the distributed generation facility is less than or equal to 50kW; and
   
   C) The proposed distributed generation facility uses a lab certified inverter-based equipment package; and
D) The distributed generation facility uses reverse power relays and/or other protection functions that prevent the export of power into the area network; and

E) The aggregate of all generation on the area network does not exceed the lower of 5% of an area network's maximum load or 50kW; and

F) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.

c) For interconnection requests to a radial distribution circuit, the following criteria shall be satisfied to qualify for a Level 3 expedited review:

1) The applicant filed a Level 3 application; and

2) The aggregated total of the nameplate capacity of all of the generators on the circuit, including the proposed distributed generation facility, is 10 MW or less; and

3) The distributed generation facility will use reverse power relays or other protection functions that prevent power flow onto the electric distribution system; and

4) The distributed generation facility is not served by a shared transformer; and

5) No construction of facilities by the EDC on its own system shall be required to accommodate the distributed generation facility.

d) An EDC shall use the Level 4 study review procedures for evaluating interconnection requests when:

1) The applicant filed a Level 4 application; and

2) The nameplate capacity of the small generation facility is 10 MW or less; and
3) Not all interconnection equipment or distributed generation facilities being used for the application are lab certified.

Section 466.90 Level 1 Expedited Review

An EDC shall use the Level 1 interconnection review procedure for an interconnection request that meets the requirements specified in Section 466.80(a). An EDC may not impose additional requirements on Level 1 reviews not specifically authorized under this Section unless the applicant agrees.

a) The EDC shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:

1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 50% of the minimum load normally supplied by the distribution circuit. If minimum load values for the distribution circuit are not available, then the total generation on the distribution circuit, including the proposed distribution generation facility, may not exceed 15% of the maximum load normally supplied by the distribution circuit.

2) For interconnection of a proposed distributed generation facility to the load side of spot network protectors, the proposed distributed generation facility shall utilize an inverter-based equipment package. The interconnection equipment that the applicant proposes to use for the distributed generation facility shall be lab certified. When aggregated with other generation, the interconnection equipment shall not exceed 5% of the spot network's maximum load or 50 kVa, whichever is less.

3) When a proposed distributed generation facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, shall not exceed 20 kVa.

4) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.
NOTICE OF PROPOSED RULES

5) The EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.

b) The Level 1 interconnection shall use the following procedures:

1) The applicant submits an interconnection request using the appropriate form along with the Level 1 application fee (see Appendix A).

2) Within 7 business days after receipt of the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) Within 15 business days after the EDC notifies the applicant that its interconnection request is complete, the EDC shall verify whether or not the distributed generation facility passes all the relevant Level 1 screens.

4) If the EDC determines and demonstrates that a distributed generation facility does not pass all relevant Level 1 screens, the EDC will provide a letter to the applicant explaining the reasons.

5) Otherwise, the EDC shall approve the interconnection request and provide to the applicant a signed version of the "Conditional Agreement to Interconnect Distributed Generation Facility" in Appendix A subject to the following conditions:

A) The distributed generation facility has been approved by local or municipal electric code officials with jurisdiction over the interconnection;

B) A certificate of completion (see Appendix B) has been returned to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities;
The witness test has been successfully completed if required by the EDC or if the witness test has been waived according to Appendix A(2)(c)(ii); and

The applicant has signed a standard distributed generation interconnection agreement (see Appendix A). When an applicant does not sign the agreement within 30 business days after receipt of the agreement from the EDC, the interconnection request is deemed withdrawn unless the applicant requests to have the deadline extended for no more than 15 business days. An initial request for extension shall not be denied by the EDC; but subsequent requests may be denied.

If a distributed generation facility is not approved under a Level 1 review, and the EDC's reasons for denying Level 1 status are not subject to dispute, the applicant may submit a new interconnection request for consideration under Level 2, Level 3 or Level 4 procedures.

Section 466.100  Level 2 Expedited Review

An EDC shall use the Level 2 review procedure for interconnection requests that meet the Level 2 criteria in Section 466.80(b). An EDC may not impose additional requirements for Level 2 reviews not specifically authorized under this Section unless the applicant agrees.

The EDC shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:

1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 50% of the minimum normal load that is supplied to the distribution circuit when the EDC's distribution circuit is configured in a normal manner. If minimum load values for the EDC's distribution circuit are not available, then the total generation on the EDC's distribution circuit, including the proposed distribution generation facility, may not exceed 15% of the maximum load supplied to the distribution circuit.

2) For interconnection of a proposed distributed generation facility to the load side of spot network protectors, the proposed distributed generation
NOTICE OF PROPOSED RULES

facility shall utilize an inverter-based equipment package. The customer interconnection equipment proposed for the distributed generation facility must be lab certified and, when aggregated with other generation, may not exceed 5% of a spot network's maximum load.

3) The proposed distributed generation facility, in aggregation with other generation on the distribution circuit, may not contribute more than 25% to the distribution circuit's maximum fault current at the point on the primary line nearest the point of interconnection.

4) The proposed distributed generation facility, in aggregate with other generation on the distribution circuit, shall not cause any distribution protective devices and equipment, including substation breakers, fuse cutouts, and line reclosers, or other customer equipment on the electric distribution system to be exposed to fault currents exceeding 90% of their short circuit interrupting capability. The interconnection may not occur under Level 2 if equipment on the EDC's distribution circuit is already exposed to fault currents of between 90% and 100% of the EDC's equipment short circuit interrupting capability. However, if fault currents exceed 100% of the EDC's equipment short circuit interrupting capability even without the distributed generation being interconnected, then the EDC shall replace the equipment at its own expense, and interconnection may proceed under Level 2.

5) When a customer-generator facility is to be connected to 3-phase, 3-wire primary EDC distribution lines, a 3-phase or single-phase generator shall be connected phase-to-phase.

6) When a customer-generator facility is to be connected to 3-phase, 4-wire primary EDC distribution lines, a 3-phase or single phase generator shall be connected line-to-neutral and shall grounded.

7) When the proposed distributed generation facility is to be interconnected on single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, may not exceed 20 kW.

8) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition
may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

9) A distributed generation facility, in aggregate with other generation interconnected to the distribution side of a substation transformer feeding the circuit where the distributed generation facility proposes to interconnect, may not exceed 10 MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity.

10) Except as permitted by additional review in Section 466.100(f), the EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.

b) The Level 2 interconnection shall use the following procedures:

1) The applicant submits an interconnection request using the appropriate form, along with the Level 2 application fee (see Appendix D).

2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) After an interconnection request is deemed complete, the EDC shall assign a queue position based upon the date that the interconnection request is determined to be complete. The EDC shall then inform the applicant of its queue position.

4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request the information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the
additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.

5) Within 20 business days after the EDC notifies the applicant it has received a completed interconnection request, the EDC shall:

A) Evaluate the interconnection request using the Level 2 screening criteria.

B) Provide the applicant with the EDC's evaluation, including a written technical explanation. If an EDC does not have a record of receipt of the interconnection request and the applicant can demonstrate that the original interconnection request was delivered, the EDC shall expedite its review to complete the evaluation of the interconnection request within 20 business days after applicant's demonstration.

c) When an EDC determines that the interconnection request passes the Level 2 screening criteria, or the EDC determines that the distributed generation facility can be interconnected safely and will not cause adverse system impacts, even if it fails one or more of the Level 2 screening criteria, it shall provide the applicant a standard distributed generation interconnection agreement (see Appendix C) the day the EDC makes its determination.

d) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign the agreement within 30 business days, the interconnection request shall be deemed withdrawn, unless the applicant requests a 15 business day extension in writing. The initial request for extension may not be denied by the EDC. When construction is required under the provisions of Section 466.100, the interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the standard distributed generation interconnection agreement.

e) The standard distributed generation interconnection agreement is not final until:

1) All requirements in the standard distributed generation interconnection agreement are satisfied;
2) The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection;

3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and

4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

f) Additional review may be appropriate when a distributed generation facility fails to meet one or more of the Level 2 screens. The EDC shall offer to perform additional review to determine whether there are minor modifications to the distributed generation facility or electric distribution system that would enable the interconnection to be made safely and so that it will not cause adverse system impacts. The EDC shall provide the applicant with a nonbinding estimate for the costs of additional review and the costs of minor modifications to the electric distribution system. The EDC shall undertake the additional review only after the applicant pays for the additional review. The EDC shall undertake the modifications only after the applicant pays for the modifications.

g) If the distributed generation facility is not approved under a Level 2 review, the EDC shall provide the applicant written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 2 interconnection request shall be retained, provided the request is made by the applicant within 15 business days after notification that the current interconnection request is denied.

Section 466.110  Level 3 Expedited Review

An EDC shall use the Level 3 expedited review procedure for an interconnection request that meets the criteria in Section 466.80(c) or (d). An EDC may not impose additional requirements for Level 3 reviews not specifically authorized under this Section unless the applicant agrees.

a) A Level 3 interconnection shall use the following procedures:

1) The applicant submits an interconnection request using the appropriate form, along with the Level 3 application fee (see Appendix D).
2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete.

4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request the information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.

5) Interconnection requests meeting the requirements set forth in Section 466.80(c) for non-exporting distributed generation facilities interconnecting to an area network shall be presumed to be appropriate for interconnection. The EDC shall process the interconnection request to area networks using the following procedures:

   A) The EDC shall evaluate the interconnection request under Level 2 interconnection review procedures as set forth in Section 466.100(a), except that the EDC has 25 business days to evaluate the interconnection request against the screens to determine whether interconnecting the distributed generation facility to the EDC's area network has any potential adverse system impacts.

   B) If the Level 2 screens for area networks identify potential adverse system impacts, the EDC may determine, at its sole discretion, that it is inappropriate for the distributed generation facility to interconnect to the area network under Level 3 review, and the
interconnection request is denied. The applicant may submit a new interconnection request for consideration under Level 4 procedures at the queue position assigned to the Level 3 interconnection request if the request is made within 15 business days after notification that the current application is denied.

6) For interconnection requests that meet the requirements of Section 466.80(d) for non-exporting distributed generation facilities interconnecting to a radial distribution circuit, the EDC shall evaluate the interconnection request under the Level 2 expedited review in Section 466.100(a).

b) For a distributed generation facility that satisfies the criteria in Section 466.110(a)(5) or (a)(6), the EDC shall approve the interconnection request and provide a standard interconnection agreement (see Appendix C) for the applicant to sign the day the EDC makes its determination.

c) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall complete, sign and return the agreement to the EDC. If the applicant does not sign the standard distributed generation interconnection agreement within 30 business days, the request shall be deemed withdrawn unless the applicant requests a 15 business day extension in writing. An initial request for extension may not be denied by the EDC. After the standard distributed generation interconnection agreement is signed by the parties, interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the standard distributed generation interconnection agreement.

d) The interconnection agreement will not be final until:

1) All requirements in the interconnection agreement are satisfied; and

2) The distributed generation facility is approved by electric code officials with jurisdiction over the distributed generation facility; and

3) The applicant provides a certificate of completion (see Appendix B) to the EDC; and
4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

e) If the distributed generation facility is not approved under a Level 3 review, the EDC shall provide the applicant written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 3 interconnection request shall be retained, provided the request is made within 15 business days after notification that the current interconnection request is denied.

Section 466.120 Level 4 Review

An EDC shall use the Level 4 study review procedures for an interconnection request that meets the criteria in Section 466.80(e).

a) The applicant shall submit an interconnection request using the appropriate form, along with the Level 4 application fee (see Appendix D).

b) Within 10 business days after receipt of an interconnection request, the EDC shall notify the applicant whether the request is complete. When the interconnection request is not complete, the EDC shall provide the applicant a written list detailing information required to complete the interconnection request. The applicant has 10 business days to provide the required data or the interconnection request is considered withdrawn. The parties may agree to extend the time for receipt of the additional information. The interconnection request is deemed complete when the required information has been provided by the applicant, or the parties have agreed that the applicant may provide additional information at a later time.

c) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete. The queue position of an interconnection request is used to determine the cost responsibility for the facilities necessary to accommodate the interconnection. The EDC shall notify the applicant about its position in the queue.

d) After the interconnection request has been assigned to the queue, the following procedures shall be followed in performing a Level 4 study review:
1) By mutual agreement of the parties, the scoping meeting, interconnection feasibility study, interconnection impact study, or interconnection facilities studies provided for in a Level 4 review and discussed in this Section may be waived or combined.

2) If agreed to by the parties, a scoping meeting on a mutually agreed upon date and time will be held, after the EDC has notified the applicant that the Level 4 interconnection request is deemed complete or the applicant has requested that its interconnection request proceed under Level 4 review after failing the requirements of a Level 2 or Level 3 review. The meeting’s purpose is to review the interconnection request, existing studies relevant to the interconnection request, and the results of the Level 1, Level 2 or Level 3 screening criteria.

3) When the parties agree that an interconnection feasibility study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request, or, if held, the scoping meeting, an interconnection feasibility study agreement (see Appendix E), including an outline of the scope of the study and an estimate of the cost to perform the study.

4) When the parties agree that an interconnection feasibility study is not required, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request, or, if held, the scoping meeting, an interconnection system impact study agreement (see Appendix F), including an outline of the scope of the study and an estimate of the cost to perform the study.

5) If the parties agree that neither an interconnection feasibility study nor a system impact study is required, the EDC shall provide to the applicant, no later than 10 business days after receipt of a complete interconnection request, or, if held, the scoping meeting, an interconnection facilities study agreement (see Appendix G) including an outline of the scope of the study and an estimate of the cost to perform the study.

e) The following guidelines shall govern all required interconnection studies:
ILLINOIS REGISTER

08

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) An interconnection feasibility study shall include any necessary analyses for the purpose of identifying a potential adverse system impact to the EDC's electric distribution system that would result from the interconnection from among the following:

A) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection.

B) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection.

C) Initial review of grounding requirements and system protection.

D) Description and nonbinding estimated cost of facilities required to interconnect the distributed generation facility to the EDC's electric distribution system in a safe and reliable manner.

E) If an applicant requests that the interconnection feasibility study evaluate multiple potential points of interconnection, additional evaluations may be required. Additional evaluations shall be paid for by the applicant.

F) An interconnection system impact study is not required when the interconnection feasibility study concludes there is no adverse system impact, or when the study identifies an adverse system impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

G) Each party can require that the standard form of interconnection feasibility study agreement approved by the Commission be used. If both parties agree, however, an alternative form can be used.

2) An interconnection system impact study evaluates the impact of the proposed interconnection on both the safety and reliability of the EDC's electric distribution system. The study identifies and details the system impacts that result from interconnecting the distributed generation facility without distributed generation facility or electric distribution system modifications. It focuses on potential or actual adverse system impacts identified in the interconnection feasibility study, including those that
were identified in the scoping meeting. The study shall consider all other distributed generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the EDC's system, have a pending higher queue position to interconnect to the electric distribution system, or have signed an interconnection agreement.

A) A distribution interconnection system impact study shall be performed when a potential distribution system adverse system impact is identified in the interconnection feasibility study. The EDC shall send the applicant an interconnection system impact study agreement within 10 business days after transmittal of the interconnection feasibility study report. The agreement shall include an outline of the scope of the study and a non-binding estimate of the cost to perform the study. The impact study shall include any elements from among the following:

i) A load flow study;

ii) Identification of affected systems;

iii) An analysis of equipment interrupting ratings;

iv) A protection coordination study;

v) Voltage drop and flicker studies;

vi) Protection and set point coordination studies;

vii) Grounding reviews; or

viii) Impact on system operation.

B) An interconnection system impact study shall consider any necessary criteria from among the following:

i) A short circuit analysis;

ii) A stability analysis;
NOTICE OF PROPOSED RULES

iii) Alternatives for mitigating adverse system impacts on affected systems;

iv) Voltage drop and flicker studies;

v) Protection and set point coordination studies; or

vi) Grounding reviews.

C) The final interconnection system impact study shall provide the following:

i) The underlying assumptions of the study;

ii) The results of the analyses;

iii) A list of any potential impediments to providing the requested interconnection service; and

iv) Required distribution upgrades.

D) A non-binding estimate of cost and time shall be made to construct any required distribution upgrades.

E) The parties may use an interconnection impact study agreement as approved by the Commission. If both parties agree, however, an alternative form can be used.

3) The interconnection facilities study shall be conducted as follows:

A) A report shall be transmitted to the applicant, with an interconnection facilities study agreement, that includes an outline of the scope of the study and a non-binding estimate of the cost to perform the study within 10 business days after completion of the interconnection system impact study.

B) The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the
NOTICE OF PROPOSED RULES

interconnection feasibility study and the interconnection system impact study. The interconnection facilities study shall identify:

i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;

ii) The nature and estimated cost of the EDC's interconnection facilities and distribution upgrades necessary to accomplish the interconnection; and

iii) An estimate for the time required to complete the construction and installation of the facilities.

C) The EDC may agree to permit an applicant to separately arrange for a third party to design and construct the required interconnection facilities. In such a case, when the applicant agrees to separately arrange for design and construction, and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the applicant to permit the applicant to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the EDC's specifications.

D) Upon completion of the interconnection facilities study, and after the applicant agrees to pay for the interconnection facilities and distribution upgrades identified in the interconnection facilities study, the EDC shall provide a standard distributed generation interconnection agreement (see Appendix C) for the applicant to sign the day the EDC makes its determination.

E) In the event that distribution upgrades are identified in the impact study that shall be added only in the event that higher-queued customers not yet interconnected eventually complete and interconnect their generation facilities, the applicant may elect to interconnect without paying for such upgrades at the time of the interconnection under the condition that it shall pay for such upgrades at the time the higher-queued customer is ready to interconnect. If the applicant does not pay for such upgrades at
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

that time, the EDC will require it to immediately disconnect its distribution generation facility to accommodate the higher-queued customer.

F) The parties may use an interconnection facility study agreement approved by the Commission. If both parties agree, however, an alternative form can be used.

f) When an EDC determines, as a result of the studies conducted under a Level 4 review, that it is appropriate to interconnect the distributed generation facility, the EDC shall provide the applicant with a standard distributed generation interconnection agreement. If the interconnection request is denied, the EDC shall provide the applicant a written explanation.

g) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall provide all necessary information required of the applicant by the agreement, and the EDC shall develop all other information required of the EDC by the agreement. After completing the agreement with the additional information, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign the agreement within 30 business days after its completion, the interconnection request shall be deemed withdrawn unless the applicant requests in writing to have the deadline extended by no more than 15 business days. The initial request for extension may not be denied by the EDC. If the applicant does not sign the agreement after the 15 business day extension, the interconnection request shall be deemed withdrawn. When construction is required, the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the standard distributed generation interconnection agreement.

h) The standard distributed generation interconnection agreement is not final until:

1) The requirements of the interconnection agreement are satisfied; and

2) The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection; and

3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

Section 466.130 Disputes

a) A party shall attempt to resolve all disputes regarding interconnection promptly and in a good faith manner. A party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other party in order to attempt to resolve the dispute in a good faith manner.

b) An informal meeting between the parties shall be held within 10 days after receipt of the written notice. Persons with decision-making authority from each party shall attend such meeting. In the event the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each party shall also attend the informal meeting. If a party chooses, such a meeting may be conducted by teleconference.

c) Subsequent to the informal meeting held between the parties within 10 days after written notice of a dispute, a party may seek resolution through complaint or mediation procedures available at the Consumer Services Division (CSD) of the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

d) Pursuit of dispute resolution may not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

Section 466.140 Records

a) An EDC shall maintain records specified in this subsection for a minimum of three years:
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) The total number of and the nameplate capacity of the completed interconnection requests received, approved and denied under Level 1, Level 2, Level 3 and Level 4 reviews; and

2) The fuel type, total number and nameplate capacity of distributed generation facilities approved.

b) An EDC shall provide a public report to the Commission containing the information required in subsection (a) within 90 calendar days after the close of each calendar year. An electronic version, in a legible 12 point font size in PDF (Adobe Acrobat Portable Document Format) shall be delivered to the Commission's offices on CDs (compact discs) or DVDs (digital video discs and digital versatile discs). If the computerized version cannot be directly converted from the word processing document, and must therefore be scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing.

c) Each EDC shall retain copies of studies it performs to determine the feasibility of, system impacts of, or facilities required by the interconnection of any distributed generation facility. The EDC shall provide the applicant copies of any studies performed in analyzing the applicant's interconnection request upon applicant request. However, an EDC has no obligation to provide any future applicants any information regarding prior interconnection requests.
Section 466. APPENDIX A  Level 1 Application and Contract

Illinois Standard Distributed Generation Interconnection
Level 1
Interconnection Request Application Form and
Conditional Agreement to Interconnect
(Lab Certified Inverter-based Distributed Generation Facilities 10 kW and Smaller)

AN APPLICATION FEE OF $50 MUST BE SUBMITTED WITH THE APPLICATION.

**Interconnection Applicant Contact Information**

Name: ____________________________
Mailing Address: ________________________
City: ___________________ State: ___________ Zip Code: ________
Telephone (Daytime): ___________________ (Evening): ______________
Facsimile Number: ________________ E-Mail Address: ________________

Alternate Contact Information (if different from Applicant)

Name: ____________________________
Mailing Address: ________________________
City: ___________________ State: ___________ Zip Code: ________
Telephone (Daytime): ___________________ (Evening): ______________
Facsimile Number: ________________ E-Mail Address: ________________

**Equipment Contractor**

Name: ____________________________
Mailing Address: ________________________
City: ___________________ State: ___________ Zip Code: ________
Telephone (Daytime): ___________________ (Evening): ______________
ILLINOIS REGISTER  6208

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Facsimile Number: ___________________________ E-Mail Address: ___________________________

**Electrical Contractor (if Different from Equipment Contractor):**

Name: ______________________________________

Mailing Address: ________________________________________________

City: ___________________________ State: ___________________________ Zip Code: ______

Telephone (Daytime): ___________________________ (Evening): ___________________________

Facsimile Number: ___________________________ E-Mail Address: ___________________________

License Number: ______________________________________

Active License?  Yes ☐  No ☐

Is the interconnection customer requesting net metering in accordance with 83 Ill. Adm. Code 465?

Yes ☐  No ☐

**Distributed Generation Facility (Facility) Information**

Interconnection Standard? Yes ☐ No ☐

(If yes, attach manufacturer's technical specifications and label information from a nationally recognized testing laboratory.)

Generation Facility Nameplate Rating: _______ (kW) _______ (kVA) _______ (AC Volts)

Prime Mover: Photovoltaic ☐  Reciprocating Engine ☐  Fuel Cell ☐

Turbine ☐  Other ___________________________

Energy Source: Solar ☐  Wind ☐  Hydro ☐  Diesel ☐

Natural Gas ☐  Fuel Oil ☐  Other ___________________________

Commissioning Date: ______________________________________

(If the commissioning date changes, the interconnection customer must inform the EDC as soon as it is aware of the changed date.)
Insurance Disclosure

The attached terms and conditions contain provisions related to liability and indemnification, and should be carefully considered by the interconnection customer. The interconnection customer is not required to obtain general liability insurance coverage as a precondition for interconnection approval. However, due to the risk of incurring damages, the interconnection customer is advised to protect itself with insurance sufficient to insure against all reasonably foreseeable liability responsibilities, given the size and nature of the generating equipment being interconnected, the interconnection itself, and the characteristics of the system to which the interconnection is made.

Customer Signature

I hereby certify that: (1) I have read and understand the terms and conditions that are attached to this application request form; (2) I hereby agree to comply with the attached terms and conditions; and (3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Applicant Signature: 
Title: Date:

Conditional Agreement to Interconnect Distributed Generation Facility

Receipt of the application fee is acknowledged and, by its signature below, the EDC has determined the interconnection request is complete. Interconnection of the distributed generation facility is conditionally approved contingent upon the attached terms and conditions of this Agreement, the return of the attached Certificate of Completion, duly executed verification of electrical inspection and successful witness test.

EDC Signature: Date:
Name: Title:
Terms and Conditions for Interconnection

1) **Construction of the Distributed Generation Facility.** The interconnection customer may proceed to construct (including operational testing not to exceed 2 hours) the distributed generation facility once the conditional Agreement to interconnect a distributed generation facility has been signed by the EDC.

2) **Final Interconnection and Operation.** The interconnection customer may operate the distributed generation facility and interconnect with the EDC’s electric distribution system once all of the following have occurred:

   a) **Electrical Inspection:** Upon completing construction, the interconnection customer will cause the distributed generation facility to be inspected by the local electrical inspection authority, who shall establish that the distributed generator facility meets local code requirements.

   b) **Certificate of Completion:** The interconnection customer shall provide the EDC with a copy of the Certificate of Completion, with all relevant and necessary information filled in by the interconnection customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.

   c) **EDC has completed its witness test as per the following:**

      i) Within 10 business days after the commissioning date, the EDC must, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes.

      ii) If the EDC does not perform the witness test within the 10 business days after the commissioning date or such other time as is mutually agreed to by the parties, the witness test is deemed waived unless the EDC cannot do so for good cause. In these cases, upon EDC request, the interconnection customer shall agree to another date for the test within 10 business days after the original scheduled date.

3) **IEEE Standard 1547.** The distributed generation facility shall be installed, operated and tested in accordance with the requirements of the Institute of Electrical and Electronics
Engineers, Inc. (IEEE), Standard 1547 (2003), "Standard for Interconnecting Distributed Resources with Electric Power Systems".

4) **Access.** The EDC shall have direct, unabated access to the disconnect switch and metering equipment of the distributed generation facility at all times. The EDC shall provide 5 business days notice to the customer prior to using its right of access except in emergencies.

5) **Metering.** Any required metering shall be installed pursuant to Illinois Commerce Commission approved tariffs.

6) **Disconnection.** The EDC may disconnect the distributed generation facility upon any of the following conditions, but must reconnect the distributed generation facility once the condition is cured:

   a) For scheduled outages provided the distributed generation facility is treated in the same manner as EDC's load customers;

   b) For unscheduled outages or emergency conditions;

   c) If the distributed generation facility does not operate in the manner consistent with this Agreement;

   d) Improper installation or failure to pass the witness test;

   e) If the distributed generation facility is creating a safety, reliability or power quality problem; or

   f) The interconnection equipment used by the distributed generation facility is de-listed by the nationally recognized testing laboratory that provided the listing at the time the interconnection was approved.

7) **Indemnification.** The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees and agents from all damages and expenses resulting from any third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the EDC’s gross negligence or willful misconduct. The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees and agents from all damages and expenses resulting from a
third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the interconnection customer's gross negligence or willful misconduct.

8) **Limitation of Liability.** Each party's liability to the other party for any loss, cost, claim, injury, liability or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this Agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either party be liable to the other party for any indirect, incidental, special, consequential or punitive damages of any kind whatsoever.

9) **Termination.** This Agreement may be terminated under the following conditions:

   a) By interconnection customer - The interconnection customer may terminate this interconnection agreement by providing written notice to the EDC. If the interconnection customer ceases operation of the distributed generation facility, the interconnection customer must notify the EDC.

   b) By the EDC - The EDC may terminate this Agreement if the interconnection customer fails to remedy a violation of terms of this Agreement within 30 calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the 30 calendar day remedy period. The termination date can be no less than 30 calendar days after the interconnection customer receives notice of its violation from the EDC.

10) **Modification of Distributed Generation Facility.** The interconnection customer must receive written authorization from the EDC before making any changes to the distributed generation facility that could affect the EDC's distribution system. If the interconnection customer makes such modifications without the EDC’s prior written authorization, the EDC shall have the right to disconnect the distributed generation facility.

11) **Permanent Disconnection.** In the event the Agreement is terminated, the EDC shall have the right to disconnect its facilities or direct the interconnection customer to disconnect its distributed generation facility.

12) **Disputes.** Each party agrees to attempt to resolve all disputes regarding the provisions of this Agreement that cannot be resolved between the two parties pursuant to the dispute resolution provisions found in 83 Ill. Adm. Code 466.130.
13) **Governing Law, Regulatory Authority and Rules.** The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois. Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.

14) **Survival Rights.** This Agreement shall remain in effect after termination to the extent necessary to allow or require either party to fulfill rights or obligations that arose under the Agreement.

15) **Assignment/Transfer of Ownership of the Distributed Generation Facility.** This Agreement shall terminate upon the transfer of ownership of the distributed generation facility to a new owner unless the transferring owner assigns the Agreement to the new owner, the new owner agrees in writing to the terms of this Agreement, and the transferring owner so notifies the EDC in writing prior to the transfer of ownership.

16) **Definitions.** Any term used in this Agreement and not defined shall have the same meaning as the defined terms used in 83 Ill. Adm. Code 466 (the Illinois Distributed Generation Interconnection Standard).

17) **Notice.** The parties may mutually agree to provide notices, demands, comments or requests by electronic means such as e-mail. Absent agreement to electronic communication, or unless otherwise provided in this Agreement, any written notice, demand or request required or authorized in connection with this Agreement shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified:

**If to Interconnection Customer:**

Use the contact information provided in the interconnection customer's application. The interconnection customer is responsible for notifying the EDC of any change in the contact party information, including change of ownership.

**If to EDC:**

Use the contact information provided below. The EDC is responsible for notifying the interconnection customer of any change in the contact party information.

Name: ________________________________
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Mailing Address: 

City: 
State: 
Zip Code: 

Telephone (Daytime): 
(Evening): 

Facsimile Number: 
E-Mail Address: 

Section 466. APPENDIX B Certificate of Completion

Certificate of Completion
(To be completed and returned to the EDC when installation is complete and final electric inspector approval has been obtained\(^1\))

**Interconnection Customer Information**

Name: __________________________________________________________
Mailing Address: ________________________________________________
City: __________________________ State: _______ Zip Code: _______
Telephone (Daytime): __________________________ (Evening): __________
Facsimile Number: __________________________ E-Mail Address: __________

**Installer**

Check if owner-installed ☐

Name: __________________________________________________________
Mailing Address: ________________________________________________
City: __________________________ State: _______ Zip Code: _______
Telephone (Daytime): __________________________ (Evening): __________
Facsimile Number: __________________________ E-Mail Address: __________

**Final Electric Inspection and Interconnection Customer Signature**

The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the

---

\(^1\) Prior to interconnected operation, the interconnection customer is required to complete this form and return it to the EDC. Use contact information provided on the EDC's web page for generator interconnection to obtain mailing address/fax number/e-mail address.
distributed generation facility until receipt of the final acceptance and approval by the EDC as provided below.

Signed: ___________________________ Date: ___________________________
(Signature of interconnection customer)

Printed Name: ___________________________

Check if copy of signed electric inspection form is attached □
Check if copy of as built documents is attached (projects larger than 10 kW only) □
NOTICE OF PROPOSED RULES

Acceptance and Final Approval for Interconnection (for EDC use only)

The interconnection agreement is approved and the distributed generation facility is approved for interconnected operation upon the signing and return of this Certificate of Completion by EDC:

Electric Distribution Company waives Witness Test? (Initial)  Yes (____)  No (____)

If not waived, date of successful Witness Test: __________  Passed: (Initial) __________

EDC Signature: ________________________________  Date: __________________

Printed Name: ________________________________  Title: __________________


STANDARD AGREEMENT FOR INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES WITH A CAPACITY LESS THAN OR EQUAL TO 10 MW

This agreement (Agreement) is made and entered into this ______________ day of ______________, by and between ____________________________ (interconnection customer), as an individual person, or as a ____________________________ organized and existing under the laws of the State of ____________________________, and ____________________________, (Electric Distribution Company (EDC)), a ____________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a party, or collectively as the parties.

Recitals:

Whereas, interconnection customer is proposing to, install or direct the installation of a distributed generation facility, or is proposing a generating capacity addition to an existing distributed generation facility, consistent with the interconnection request application form completed by interconnection customer on ______________; and

Whereas, the interconnection customer will operate and maintain, or cause the operation and maintenance of the distributed generation facility; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC’s electric distribution system;

Now, therefore, in consideration of the premises and mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved interconnection requests for distributed generation facilities that fall under Levels 2, 3 and 4 according to the procedures set forth in Part 466 of the Commission’s rules (83 Ill. Adm. Code 466) (referred to as the Illinois Distributed Generation Interconnection Standard).
1.2 This Agreement governs the terms and conditions under which the distributed generation facility will interconnect to, and operate in parallel with, the EDC's electric distribution system.

1.3 This Agreement does not constitute an agreement to purchase or deliver the interconnection customer's power.

1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.

1.5 Terms used in this Agreement are defined as in Section 466.30 of the Illinois Distributed Generation Interconnection Standard unless otherwise noted.

1.6 Responsibilities of the Parties

1.6.1 The parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.

1.6.2 The EDC shall construct, own, operate and maintain its interconnection facilities in accordance with this Agreement.

1.6.3 The interconnection customer shall construct, own, operate and maintain its distributed generation facility and interconnection facilities in accordance with this Agreement.

1.6.4 Each party shall operate, maintain, repair and inspect, and shall be fully responsible for the facilities that it now or subsequently may own, unless otherwise specified in the attachments to this Agreement. Each party shall be responsible for the safe installation, maintenance, repair and condition of its respective lines and appurtenances on its respective sides of the point of interconnection.

1.6.5 The interconnection customer agrees to design, install, maintain and operate its distributed generation facility so as to minimize the likelihood of causing an adverse system impact on the electric distribution system or any other electric system that is not owned or operated by the EDC.

1.7 Parallel Operation Obligations
NOTICE OF PROPOSED RULES

Once the distributed generation facility has been authorized to commence parallel operation, the interconnection customer shall abide by all operating procedures established in IEEE Standard 1547 and any other applicable laws, statutes or guidelines, including those specified in Attachment 4 of this Agreement.

1.8 Metering
The interconnection customer shall be responsible for the cost to purchase, install, operate, maintain, test repair, and replace metering and data acquisition equipment specified in Attachments 5 and 6 of this Agreement.

1.9 Reactive Power

1.9.1 The interconnection customer shall design its distributed generation facility to maintain a power factor at the point of interconnection that is within the power factor range specified by the EDC in Attachment 4. The EDC shall not specify a power factor range that is more stringent than the power factor range load customers of comparable size must maintain in order to avoid reactive demand charges.

1.9.2 Any EDC requirements for meeting a specific voltage or specific reactive power schedule as a condition for interconnection shall be clearly specified in Attachment 4. Under no circumstance shall the EDC's additional requirements for voltage or reactive power schedules exceed the normal operating capabilities of the distributed generation facility.

1.9.3 If the interconnection customer does not operate the distributed generation facility within the power factor range specified in Attachment 4, or does not operate the distributed generation facility in accordance with a voltage or reactive power schedule specified in Attachment 4, the interconnection customer is in default, and the terms of Article 6.5 apply.

1.10 Standards of Operations
Interconnection customer must obtain all certifications, permits, licenses and approvals necessary to construct, operate and maintain the facility and to perform its obligations under this Agreement. Interconnection customer is responsible for coordinating and synchronizing the distributed generation facility's equipment with the EDC's system. Interconnection customer is responsible for any damage that is caused by the interconnection customer's failure to coordinate or synchronize the distributed generation facility with the electric distribution
system. The interconnection customer agrees to be primarily liable for any damages resulting from the continued operation of the distributed generation facility after the EDC ceases to energize the line section to which the distributed generation facility is connected. In Attachment 4, the EDC shall specify the shortest reclose time setting for its protection equipment that could affect the distributed generation facility. EDC shall notify the interconnection customer at least 10 business days prior to adopting a faster reclose time on any automatic protective equipment, such as a circuit breaker or line recloser, that might affect the distributed generation facility.

**Article 2. Inspection, Testing, Authorization and Right of Access**

**2.1 Equipment Testing and Inspection**

The interconnection customer shall test and inspect its distributed generation facility, including the interconnection equipment, prior to interconnection in accordance with IEEE Standard 1547 (2003) and IEEE Standard 1547.1 (2005). The interconnection customer shall not operate its distributed generation facility in parallel with EDC's electric distribution system without prior written authorization by the EDC as provided for in Articles 2.1.1 - 2.1.3.

2.1.1 The EDC shall perform a witness test after construction of the distributed generation facility is completed but before parallel operation, unless the EDC specifically waives the witness test. The interconnection customer shall provide the EDC at least 30 business days notice of the planned commissioning test for the distributed generation facility. If the EDC performs a witness test at a time that is not concurrent with the commissioning test, it shall contact the interconnection customer to schedule the witness test at a mutually agreeable time within 10 business days after the scheduled commissioning test designated on this application. If the EDC does not perform the witness test within 10 business days after the commissioning test, the witness test is deemed waived unless the parties mutually agree to extend the date for scheduling the witness test, or unless the EDC cannot do so for good cause, in which case, the parties shall agree to another date for scheduling the test within 10 business days after the original scheduled date. If the witness test is not acceptable to the EDC, the interconnection customer has 30 business days to address and resolve any deficiencies. This time period may be extended upon agreement between the EDC and the interconnection customer. If the interconnection customer fails to address and resolve the
deficiencies to the satisfaction of the EDC, the applicable cure provisions of Article 6.5 shall apply. The interconnection customer shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 If the interconnection customer conducts interim testing of the distributed generation facility prior to the witness test, the interconnection customer shall obtain permission before each occurrence of operating the distributed generation facility in parallel with the electric distribution system. The EDC may, at its own expense, send qualified personnel to the distributed generation facility to observe such interim testing, but it cannot mandate that these tests be considered in the final witness test. The EDC is not required to observe the interim testing or precluded from requiring the tests be repeated at the final witness test.

2.1.3 After the distributed generation facility passes the witness test, the EDC shall affix an authorized signature to the certificate of completion and return it to the interconnection customer approving the interconnection and authorizing parallel operation. The authorization shall not be conditioned or delayed.

2.2 Commercial Operation
The interconnection customer shall not operate the distributed generation facility, except for interim testing as provided in Article 2.1, until such time as the certificate of completion is signed by all parties.

2.3 Right of Access
The EDC must have access to the disconnect switch and metering equipment of the distributed generation facility at all times. When practical, the EDC shall provide notice to the customer prior to using its right of access.

Article 3. Effective Date, Term, Termination and Disconnection

3.1 Effective Date
This Agreement shall become effective upon execution by all parties.

3.2 Term of Agreement
This Agreement shall become effective on the effective date and shall remain in effect unless terminated earlier in accordance with Article 3.3 of this Agreement.
3.3 Termination

3.3.1 The interconnection customer may terminate this Agreement at any time by giving the EDC 30 calendar days prior written notice.

3.3.2 Either party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate, upon 60 calendar days' prior written notice, for failure of the interconnection customer to complete construction of the distributed generation facility within 12 months after the in-service date as specified by the parties in Attachment 2, which may be extended by agreement between the parties.

3.3.4 The EDC may terminate this Agreement, upon 60 calendar days' prior written notice, if the interconnection customer has abandoned, cancelled, permanently disconnected or stopped development, construction or operation of the distributed generation facility or if the interconnection customer fails to operate the distributed generation facility in parallel with EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the distributed generation facility will be disconnected from the EDC's electric distribution system. Terminating this Agreement does not relieve either party of its liabilities and obligations that are owed or continuing when the Agreement is terminated.

3.4 Temporary Disconnection

A party may temporarily disconnect the distributed generation facility from the electric distribution system in the event one or more of the following conditions or events occurs:

3.4.1 Emergency conditions - Any condition or situation: (1) that, in the judgment of the party making the claim, is likely to endanger life or property; or (2) that the EDC determines is likely to cause an adverse system impact, or is likely to have a material adverse effect on the EDC’s electric distribution system, interconnection facilities or other facilities, or is likely to interrupt or materially interfere with the provision of electric
utility service to other customers; or (3) that is likely to cause a material adverse effect on the distributed generation facility or the interconnection equipment. Under emergency conditions, the EDC or the interconnection customer may suspend interconnection service and temporarily disconnect the distributed generation facility from the electric distribution system. The EDC must notify the interconnection customer when it becomes aware of any conditions that might affect the interconnection customer's operation of the distributed generation facility. The interconnection customer shall notify the EDC when it becomes aware of any condition that might affect the EDC's electric distribution system. To the extent information is known, the notification shall describe the condition, the extent of the damage or deficiency, the expected effect on the operation of both parties' facilities and operations, the condition's anticipated duration, and the necessary corrective action.

3.4.2 Scheduled maintenance, construction, or repair – The EDC may interrupt interconnection service or curtail the output of the distributed generation facility and temporarily disconnect the distributed generation facility from the EDC's electric distribution system when necessary for scheduled maintenance, construction or repairs on EDC's electric distribution system. To the extent possible, the EDC shall provide the interconnection customer with notice five business days before an interruption. The EDC shall coordinate the reduction or temporary disconnection with the interconnection customer; however, the interconnection customer is responsible for out-of-pocket costs incurred by the EDC for deferring or rescheduling maintenance, construction or repair at the interconnection customer's request.

3.4.3 Forced outages - The EDC may suspend interconnection service to repair the EDC's electric distribution system. The EDC shall provide the interconnection customer with prior notice, if possible. If prior notice is not possible, the EDC shall, upon written request, provide the interconnection customer written documentation after the fact explaining the circumstances of the disconnection.

3.4.4 Adverse system impact – The EDC must provide the interconnection customer with a written notice of its intention to disconnect the distributed generation facility if the EDC determines that operation of the distributed generation facility creates an adverse system impact. The documentation
that supports the EDC's decision to disconnect must be provided to the interconnection customer. The EDC may disconnect the distributed generation facility if, after receipt of the notice, the interconnection customer fails to remedy the adverse system impact unless emergency conditions exist, in which case the provisions of Article 3.4.1 apply. The EDC may continue to leave the generating facility disconnected until the adverse system impact is corrected.

3.4.5 Modification of the distributed generation facility - The interconnection customer must receive written authorization from the EDC prior to making any change to the distributed generation facility, other than a minor equipment modification. If the interconnection customer modifies its facility without the EDC's prior written authorization, the EDC has the right to disconnect the distributed generation facility until such time as the EDC concludes the modification poses no threat to the safety or reliability of its electric distribution system.

3.4.6 The EDC is not responsible for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service under Article 3.

Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades

4.1 Interconnection Facilities

4.1.1 The interconnection customer shall pay for the cost of the interconnection facilities itemized in Attachment 3. The EDC shall identify the additional interconnection facilities necessary to interconnect the distributed generation facility with the EDC's electric distribution system, the cost of those facilities, and the time required to build and install those facilities.

4.1.2 The interconnection customer is responsible for its expenses, including overheads, associated with owning, operating, maintaining, repairing and replacing its interconnection equipment.

4.2 Distribution Upgrades
The EDC shall design, procure, construct, install and own any distribution upgrades. The actual cost of the distribution upgrades, including overheads, shall
be directly assigned to the interconnection customer whose distributed generation facility caused the need for the distribution upgrades.

**Article 5. Billing, Payment, Milestones and Financial Security**

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under a Level 2 review and Level 4 reviews.)

5.1.1 The EDC shall bill the interconnection customer for the design, engineering, construction and procurement costs of EDC-provided interconnection facilities and distribution upgrades contemplated by this Agreement as set forth in Attachment 3. The billing shall occur on a monthly basis, or as otherwise agreed to between the parties. The interconnection customer shall pay each bill within 30 calendar days after receipt, or as otherwise agreed to between the parties.

5.1.2 Within 90 calendar days after completing the construction and installation of the EDC's interconnection facilities and distribution upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and distribution upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for the interconnection facilities and distribution upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall make payment to the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. Upon request from the interconnection customer, if the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference.

5.1.3 If a party disputes any portion of its payment obligation pursuant to this Article 5, the party shall pay in a timely manner all non-disputed portions of its invoice, and the disputed amount shall be resolved pursuant to the
dispute resolution provisions contained in Article 8. A party disputing a portion of an Article 5 payment shall not be considered to be in default of its obligations under this Article.

5.2 Interconnection Customer Deposit
At least 20 business days prior to the commencement of the design, procurement, installation or construction of the EDC's interconnection facilities and distribution upgrades, the interconnection customer shall provide the EDC with a deposit equal to 100% of the estimated, non-binding cost to procure, install or construct any such facilities.

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure and Default

6.1 Assignment
This Agreement may be assigned by either party. If the interconnection customer attempts to assign this Agreement, the assignee must agree to the terms of this Agreement in writing and in writing to the EDC. Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a party of its obligations, nor shall a party's obligations be enlarged, in whole or in part, by reason of the assignment. An assignee is responsible for meeting the same obligations as the assignor.

6.1.1 Either party may assign this Agreement, without the consent of the other party, to any affiliate (including mergers, consolidations or transfers, or a sale of a substantial portion of the party's assets, between the party and another entity) of the assigning party that has an equal or greater credit rating and the legal authority and operational ability to satisfy the obligations of the assigning party under this Agreement.

6.1.2 The interconnection customer can assign this Agreement, without the consent of the EDC, for collateral security purposes, to aid in providing financing for the distributed generation facility.

6.2 Limitation on Damages
Except for cases of gross negligence or willful misconduct, the liability of any party to this Agreement shall be limited to direct actual damages and reasonable attorney's fees, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any party or its
directors, officers, employees and agents, or any of them, be liable to another party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

6.3.1 This provision protects each party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.

6.3.2 The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, agents, from all damages and expenses resulting from a third party claim arising out of or based upon the Interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the EDC's gross negligence or willful misconduct.

6.3.3 The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the interconnection customer's gross negligence or willful misconduct.

6.3.4 Within 5 business days after receipt by an indemnified party of any claim or notice that an action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply has commenced, the indemnified party shall notify the indemnifying party of such fact. The failure to notify or a delay in such notification shall not affect a party's indemnification obligation unless such failure or delay is materially prejudicial to the indemnifying party.
6.3.5 If an indemnified party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, the indemnified party may at the expense of the indemnifying party contest, settle or consent to the entry of any judgment with respect to, or pay in full, the claim.

6.3.6 If an indemnifying party is obligated to indemnify and hold any indemnified party harmless under this Article, the amount owing to the indemnified person shall be the amount of the indemnified party's actual loss, net of any insurance or other recovery.

6.4 Force Majeure

6.4.1 As used in this Article, a force majeure event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect or contributory act of a party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing by the party claiming force majeure.

6.4.2 If a force majeure event prevents a party from fulfilling any obligations under this Agreement, the party affected by the force majeure event (affected party) shall notify the other party of the existence of the force majeure event within one business day. The notification must specify the circumstances of the force majeure event, its expected duration, and the steps that the affected party is taking and will take to mitigate the effects of the event on its performance. If the initial notification is verbal, it must be followed up with a written notification within one business day. The affected party shall keep the other party informed on a continuing basis of developments relating to the force majeure event until the event ends. The affected party may suspend or modify its obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the force majeure event cannot be otherwise mitigated.

6.5 Default
6.5.1 No default shall exist when the failure to discharge an obligation (other than the payment of money) results from a force majeure event as defined in this Agreement, or the result of an act or omission of the other party.

6.5.2 A party shall be in default (default) of this Agreement if it fails in any material respect to comply with, observe or perform, or defaults in the performance of, any covenant or obligation under this Agreement and fails to cure the failure within 60 calendar days after receiving written notice from the other party. Upon a default of this Agreement, the non-defaulting party shall give written notice of default to the defaulting party. Except as provided in Article 6.5.3, the defaulting party has 60 calendar days after receipt of the default notice to cure the default; provided however, if the default cannot be cured within 60 calendar days, the defaulting party shall commence the cure within 20 calendar days after original notice and complete the cure within six months from receipt of the default notice; and, if cured within that time, the default specified in the notice shall cease to exist.

6.5.3 If a party has assigned this Agreement but is not specifically authorized by Article 6.1 to do so, and fails to provide reasonable access pursuant to Article 2.3, and is in default of its obligations pursuant to Article 7, or if a party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting party has 30 days from receipt of the default notice to cure the default.

6.5.4 If a default is not cured as provided for in this article, or if a default is not capable of being cured within the period provided for in this Agreement, the non-defaulting party shall have the right to terminate this Agreement by written notice, and shall be relieved of any further obligation under this Agreement, and, whether or not that party terminates this Agreement, shall have the right to recover from the defaulting party all amounts due under this Agreement, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article will survive termination of this Agreement.

Article 7. Insurance
NOTICE OF PROPOSED RULES

For distributed generation facilities with a nameplate capacity of 1 MW or above, the interconnection customer shall carry insurance coverage that the maximum comprehensive/general liability coverage that shall be continuously maintained by the interconnection customer during the term shall be not less than $2,000,000 for each occurrence, with an aggregate, if any, of at least $4,000,000. The EDC, its officers, employees and agents will be added as an additional insured on this policy. The interconnection customer agrees to provide the EDC with at least 30 calendar days advance written notice of cancellation, a reduction in limits, or non-renewal of any insurance policy required in this Article.

Article 8. Dispute Resolution

8.1 Parties shall attempt to resolve all disputes regarding interconnection, as provided in this section, in a good faith manner.

8.2 If there is a dispute between the parties about an interpretation of the Agreement, the aggrieved party shall issue a written notice to the other party to the Agreement that specifies the dispute and the Agreement articles that are disputed.

8.3 A meeting between the parties shall be held within 10 days after receipt of the written notice. Persons with decision-making authority from each party shall attend the meeting. If the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each party shall also attend the meeting. The meeting may be conducted by teleconference.

8.4 After the first meeting, each party may seek resolution through complaint or mediation procedures available at the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution shall be conducted in a manner designed to minimize costs and delay. Dispute resolution may be conducted by phone.

8.5 Pursuit of dispute resolution may not affect an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

8.6 If the parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.
Article 9. Miscellaneous

9.1 Governing Law, Regulatory Authority and Rules
The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois, without regard to its conflicts of law principles. This Agreement is subject to all applicable laws and regulations. Each party expressly reserves the right to seek change in, appeal or otherwise contest any laws, orders or regulations of a governmental authority. The language in all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning and not strictly for or against EDC or interconnection customer, regardless of the involvement of either party in drafting this instrument.

9.2 Amendment
Modification of this Agreement shall be only by a written instrument duly executed by both parties.

9.3 No Third-Party Beneficiaries
This Agreement is not intended to and does not create rights, remedies or benefits of any character whatsoever in favor of any persons, corporations, associations or entities other than the parties, and the obligations in this Agreement assumed are solely for the use and benefit of the parties, their successors in interest and, where permitted, their assigns.

9.4 Waiver

9.4.1 Except as otherwise provided in this Agreement, a party's compliance with any obligation, covenant, agreement, or condition in this Agreement may be waived by the party entitled to the benefits of the Agreement only by a written instrument signed by the party granting the waiver, but the waiver or failure to insist upon strict compliance with the obligation, covenant, agreement, or condition will not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

9.4.2. Failure of any party to enforce or insist upon compliance with any of the terms or conditions of this Agreement, or to give notice or declare this Agreement or the rights under this Agreement terminated, shall not constitute a waiver or relinquishment of any rights set out in this
Agreement, but the same shall be, and remain at all times, in full force and effect, unless and only to the extent expressly set forth in a written document signed by the party granting the waiver or relinquishing any rights. Any waiver granted, or relinquishment of any right, by a party shall not operate as a relinquishment of any other rights or a waiver or of any other failure of the party granted the waiver to comply with any obligation, covenant, agreement, or condition of this Agreement.

9.5 Entire Agreement
Except as provided in Article 9.1, this Agreement, including all attachments, constitutes the entire Agreement between the parties with reference to the subject matter of the Agreement, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties or covenants that constitute any part of the consideration for, or any condition to, either party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts
This Agreement may be executed in two or more counterparts, each of which is deemed an original, but all constitute one and the same instrument.

9.7 No Partnership
This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the parties or to impose any partnership obligation or partnership liability upon either party. Neither party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other party.

9.8 Severability
If any provision or portion of this Agreement shall, for any reason, be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority, (1) that portion or provision shall be deemed separate and independent, (2) the parties shall negotiate in good faith to restore, insofar as practicable, the benefits to each party that were affected by the ruling, and (3) the remainder of this Agreement shall remain in full force and effect.
9.9 Environmental Releases
Each party shall notify the other party of the release of any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the distributed generation facility or the interconnection facilities, each of which may reasonably be expected to affect the other party. The notifying party shall (1) provide the notice as soon as practicable, provided the party makes a good faith effort to provide the notice no later than 24 hours after the party becomes aware of the occurrence, and (2) promptly furnish to the other party copies of any publicly available reports filed with any governmental authorities addressing the events.

9.10 Subcontractors
Nothing in this Agreement shall prevent a party from using the services of any subcontractor it deems appropriate to perform its obligations under this Agreement; provided, however, that each party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing services and each party shall remain primarily liable to the other party for the performance of the subcontractor.

9.10.1 A subcontract relationship does not relieve any party of any of its obligations under this Agreement. The hiring party remains responsible to the other party for the acts or omissions of its subcontractor. Any applicable obligation imposed by this Agreement upon the hiring party shall be equally binding upon, and shall be construed as having application to, any subcontractor of the party.

9.10.2 The obligations under this Article cannot be limited in any way by any limitation of the subcontractor's insurance.

Article 10. Notices

10.1 General
Unless otherwise provided in this Agreement, any written notice, demand or request required or authorized in connection with this Agreement (Notice) shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:
NOTICE OF PROPOSED RULES

If to Interconnection Customer:

Interconnection Customer: ____________________________
Attention: __________________________________________
Address: __________________________________________
City: ___________________ State: _______ Zip: _______
Phone: _____________ Fax: _____________ E-Mail: _____________

If to EDC:

EDC: ____________________________
Attention: ____________________________
Address: ____________________________
City: ___________________ State: _______ Zip: _______
Phone: _____________ Fax: _____________ E-Mail: _____________

Alternative Forms of Notice

Any notice or request required or permitted to be given by either party to the other party, and not required by this Agreement to be in writing, may be given by telephone, facsimile or e-mail to the telephone numbers and e-mail addresses set out above.

  10.2 Billing and Payment
      Billings and payments shall be sent to the addresses set out below:

If to Interconnection Customer:

Interconnection Customer: ____________________________
Attention: __________________________________________
Address: __________________________________________
City: ___________________ State: _______ Zip: _______
If to EDC:

EDC: __________________________________________
Attention: ______________________________________
Address: _________________________________________
City: ___________________________ State: _______ Zip: __________
Phone: ______________ Fax: ___________ E-Mail: ______________

10.3 Designated Operating Representative
The Parties may also designate operating representatives to conduct the communications that may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the party's facilities.

Interconnection Customer's Operating Representative:

Attention: _________________________________________
Address: _________________________________________
City: ___________________________ State: _______ Zip: __________

EDC's Operating Representative:

Attention: _________________________________________
Address: _________________________________________
City: ___________________________ State: _______ Zip: __________

10.4 Changes to the Notice Information
Either party may change this notice information by giving five business days written notice before the effective date of the change.

Article 11. Signatures
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives.

For the Interconnection Customer:

Name: ____________________________________________
Title: ____________________________________________
Date: ____________________________________________

For EDC:

Name: ____________________________________________
Title: ____________________________________________
Date: ____________________________________________
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Attachment 1

Definitions

Adverse system impact - A negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

Applicable laws and regulations – All duly promulgated applicable federal, State and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives or judicial or administrative orders, permits and other duly authorized actions of any governmental authority, having jurisdiction over the parties.

Commissioning test – Tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified IEEE Standard 1547 Section 5.4, "Commissioning tests".

Distributed generation facility - The equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, prime mover and the interconnection equipment required to safely interconnect with the electric distribution system or a local electric power system.

Distribution upgrades – A required addition or modification to the EDC's electric distribution system at or beyond the point of interconnection to accommodate the interconnection of a distributed generation facility. Distribution upgrades do not include interconnection facilities.

Electric distribution company or EDC - Any electric utility entity subject to the jurisdiction of the Illinois Commerce Commission.

Electric distribution system - The facilities and equipment used to transmit electricity to ultimate usage points, such as homes and industries, from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally carry less than 69 kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in 3.1.6.1 of IEEE Standard 1547.
Facilities study – An engineering study conducted by the EDC to determine the required modifications to the EDC's electric distribution system, including the cost and the time required to build and install the modifications, as necessary to accommodate an interconnection request.

Force majeure event – Any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect or contributory act of a party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing.

Governmental authority – Any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board or other governmental subdivision, legislature, rulemaking board, tribunal or other governmental authority having jurisdiction over the parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police or taxing authority or power; provided, however, that this term does not include the interconnection customer, EDC or any affiliate of either.


Interconnection agreement or Agreement - The agreement between the interconnection customer and the EDC. The interconnection agreement governs the connection of the distributed generation facility to the EDC's electric distribution system and the ongoing operation of the distributed generation facility after it is connected to the EDC's electric distribution system.

Interconnection customer – The entity entering into this Agreement for the purpose of interconnecting a distributed generation facility to the EDC’s electric distribution system.

Interconnection equipment – A group of components or an integrated system connecting an electric generator with a local electric power system or an electric distribution system that includes all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.
Interconnection facilities – Facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility and the point of interconnection, including modification, additions or upgrades that are necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

Interconnection request – An interconnection customer’s request, on the required form, for the interconnection of a new distributed generation facility, or to increase the capacity or change the operating characteristics of an existing distributed generation facility that is interconnected with the EDC’s electric distribution system.

Interconnection study - Any of the following studies, as determined to be appropriate by EDC: the interconnection feasibility study, the interconnection system impact study, and the interconnection facilities study.

Illinois standard distributed generation interconnection rules – The most current version of the procedures for interconnecting distributed generation facilities adopted by the Illinois Commerce Commission. (See 83 Ill. Adm. Code 466.)

Parallel operation or Parallel - The state of operation that occurs when a distributed generation facility is connected electrically to the electric distribution system.

Point of interconnection - The point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in 3.1.13 of IEEE Standard 1547.

Witness test - For lab certified equipment, verification (either by on-site observation or review of documents) by the EDC that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been adequately performed. For interconnection equipment that has not been lab certified, the witness test shall also include verification by the EDC of the on-site design tests as required by IEEE Standard 1547 Section 5.1 and verification by the EDC of production tests required by IEEE Standard 1547 Section 5.2. All tests verified by the EDC are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.
Attachment 2

Construction Schedule, Proposed Equipment & Settings

This attachment is to be completed by the interconnection customer and shall include the following:

1. The construction schedule for the distributed generation facility.

2. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, metering equipment and distribution upgrades.

3. Component specifications for equipment identified in the one-line diagram.


5. Proposed sequence of operations.

6. A three line diagram showing current potential circuits for protective relays.

7. Relay tripping and control schematic diagram.
NOTICE OF PROPOSED RULES

Attachment 3

Description, Costs and Time Required to Build and Install EDC's Interconnection Facilities

This attachment is to be completed by the EDC and shall include the following:

1. Required interconnection facilities, including any required metering.

2. An estimate of itemized costs charged by EDC for interconnection, including overheads, based on results from prior studies.

3. An estimate for the time required to build and install the EDC’s interconnection facilities based on results from prior studies.
Attachment 4

Operating Requirements for Distributed Generation Facilities Operating in Parallel

The EDC shall list specific operating practices that apply to this distributed generation interconnection and the conditions under which each listed specific operating practice applies.
ILLINOIS COMMERCe COMMISSION

NOTICE OF PROPOSED RULES

Attachment 5

Monitoring and Control Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The EDC's monitoring and control requirements must be specified, along with a reference to the EDC's written requirements documents from which these requirements are derived.

2. An internet link to the requirements documents.
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Attachment 6

Metering Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The metering requirements for the distributed generation facility.

2. Identification of the appropriate tariffs that establish these requirements.

3. An internet link to these tariffs.
This attachment is to be completed by the interconnection customer and shall include the following:

When it returns the certificate of completion to the EDC, the interconnection customer shall provide the EDC with documents detailing the as-built status of the following:

1. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities and metering equipment.
2. Component specifications for equipment identified in the one-line diagram.
3. Component settings.
4. Proposed sequence of operations.
5. A three line diagram showing current potential circuits for protective relays.
6. Relay tripping and control schematic diagram.
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 466. APPENDIX D   Levels 2 to 4 Application

Level 2, Level 3 & Level 4
Interconnection Request Application Form
(Greater than 10 kW to 10 MW or less)

Interconnection Customer Contact Information

Name: ____________________________________________________________
Mailing Address: ________________________________________________
City: __________________________ State: ________ Zip Code: ________
Telephone (Daytime): ______________________ (Evening): ____________
Facsimile Number: ______________________ E-Mail Address: ____________

Alternative Contact Information (if different from customer contact information)

Name: __________________________________________________________
Mailing Address: ________________________________________________
City: __________________________ State: ________ Zip Code: ________
Telephone (Daytime): ______________________ (Evening): ____________
Facsimile Number: ______________________ E-Mail Address: ____________

Facility Address (if different from above):

City: __________________________ State: ________ Zip Code: ________
Electric Distribution Company (EDC) Serving Facility Site: ________________
Electric Supplier (if different from EDC): ________________________________
Account Number of Facility Site (existing EDC customers): ________________
Inverter Manufacturer: __________________________ Model: ________________

Equipment Contractor

Name: __________________________________________________________
Mailing Address: __________________________________________
City: ______________________ State: _______ Zip Code: ______
Telephone (Daytime): ________________ (Evening): ________________
Facsimile Number: __________________ E-Mail Address: ________________

**Electrical Contractor** (if different from equipment contractor)

Name: __________________________________________
Mailing Address: __________________________________________
City: ______________________ State: _______ Zip Code: ______
Telephone (Daytime): ________________ (Evening): ________________
Facsimile Number: __________________ E-Mail Address: ________________
License number: __________________

**Electric Service Information for Customer Facility Where Generator Will Be Interconnected**

Capacity: ________________ (Amps) Voltage: ________________ (Volts)
Type of Service: □ Single Phase □ Three Phase

If Three Phase Transformer, Indicate Type:
   Primary Winding □ Wye □ Delta
   Secondary Winding □ Wye □ Delta
Transformer Size: __________________ Impedance: __________________

**Intent of Generation**

□ Offset Load (Unit will operate in parallel but will not export power to EDC)

□ Net Meter (Unit will operate in parallel and will export power pursuant to Illinois net metering or other filed tariffs)
NOTICE OF PROPOSED RULES

☐ Wholesale Market Transaction (Unit will operate in parallel and participate in PJM or MISO markets pursuant to a PJM Wholesale Market Participation Agreement or MISO equivalent)

☐ Back-up Generation (Units that temporarily operate in parallel with the electric distribution system for more than 100 milliseconds)

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

Generator & Prime Mover Data

<table>
<thead>
<tr>
<th>ENERGY SOURCE</th>
<th>(Hydro, Wind, Solar, Process Byproduct, Biomass, Oil, Natural Gas, Coal, etc.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENERGY CONVERTER TYPE</td>
<td>(Wind Turbine, Photovoltaic Cell, Fuel Cell, Steam Turbine, etc.):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENERATOR SIZE:</th>
<th>NUMBER OF UNITS:</th>
<th>TOTAL CAPACITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>kW or kVA</td>
<td></td>
<td>kW or kVA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENERATOR TYPE (Check one):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Induction</td>
</tr>
<tr>
<td>☐ Inverter</td>
</tr>
<tr>
<td>☐ Synchronous</td>
</tr>
<tr>
<td>☐ Other ____________________</td>
</tr>
</tbody>
</table>

Requested Procedure Under Which to Evaluate Interconnection Request

Please indicate which review procedure applies to the interconnection request. The review procedure used is subject to confirmation by the EDC.

☐ Level 2 – Lab certified interconnection equipment with an aggregate electric nameplate capacity less than or equal to 2 MW. Lab certified is defined in 466.30 (Application fee is $100 plus $1.00 per kW).

☐ Level 3 – Distributed generation facility does not export power. Nameplate capacity rating is equal to less than or equal to 50 kW if connecting to area network or equal to or less than or equal to 10 MW if connecting to a radial distribution feeder. (Application fee amount is $500 plus $2.00 per kW.)
NOTICE OF PROPOSED RULES

☐ Level 4 – Nameplate capacity rating is less than or equal to 10 MW and the distributed generation facility does not qualify for a Level 1, Level 2 or Level 3 review, or the distributed generation facility has been reviewed but not approved under a Level 1, Level 2 or Level 3 review. (Application fee amount is $1,000 plus $2.00 per kW, to be applied toward any subsequent studies related to this application.)

Note: Descriptions for interconnection review categories do not list all criteria that must be satisfied. For a complete list of criteria, please refer to 83 Ill. Adm. Code 466, Electric Interconnection of Distributed Generation Facilities.

### Distributed Generation Facility Information

**Commissioning Date:** _________________________________

List interconnection components/systems to be used in the distributed generation facility that are lab certified.

<table>
<thead>
<tr>
<th>Component/System</th>
<th>NRTL Providing Label &amp; Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>

*Please provide copies of manufacturer brochures or technical specifications.*

### Energy Production Equipment/Inverter Information:

☐ Synchronous ☐ Induction ☐ Inverter ☐ Other ___________

Rating: __________ kW Rating: __________ kVA

Rated Voltage: ______________ Volts

Rated Current: ______________ Amps
ILLINOIS REGISTER            6251

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

System Type Tested(Total System):  □ Yes  □ No; attach product literature

For Synchronous Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.

Manufacturer: ____________________________
Model No. ____________________________  Version No. ____________________________
Submit copies of the Saturation Curve and the Vee Curve
☐ Salient  ☐ Non-Salient
Torque: _____ lb/ft  Rated RPM: _________  Field Amperes: _________ at rated generator voltage and current and _________ % PF over-excited
Type of Exciter: ____________________________
Output Power of Exciter: ____________________________
Type of Voltage Regulator: ____________________________  Locked Rotor
Current: _________ Amps  Synchronous Speed: _________ RPM
Winding Connection: _________  Min. Operating Freq./Time: _________
Generator Connection:  □ Delta  □ Wye  □ Wye Grounded
Direct-axis Synchronous Reactance  (Xd) _________ ohms
Direct-axis Transient Reactance  (X’d) _________ ohms
Direct-axis Sub-transient Reactance  (X’d) _________ ohms
Negative Sequence Reactance: _________ ohms
Zero Sequence Reactance: _________ ohms
Neutral Impedance or Grounding Resister (if any): _________ ohms

For Induction Machines:
Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.

Manufacturer: __________________________
Model No. __________________________ Version No. __________________________
Locked Rotor Current ____________ Amps
Rotor Resistance (Rr) __________ ohms Exciting Current ____________ Amps
Rotor Reactance (Xr) __________ ohms Reactive Power Required: __________
Magnetizing Reactance (Xm) __________ ohms VARs (No Load)
Stator Resistance (Rs) __________ ohms VARs (Full Load)
Stator Reactance (Xs) __________ ohms
Short Circuit Reactance (Xd) __________ ohms
Phases: □ Single □ Three Phase

Reverse Power Relay Information (Level 3 Review Only)

Manufacturer: __________________________
Relay Type: __________________________ Model Number: __________________________
Reverse Power Setting: __________________________
Reverse Power Time Delay (if any): __________________________

Additional Information for Inverter Based Facilities

Inverter Information:

Manufacturer: __________________________ Model: __________________________
Type: □ Forced Commutated □ Line Commutated
Rated Output _____________ Watts _____________ Volts
Efficiency _____________ % Power Factor _____________ %
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Inverter UL 1547 Listed: ☐ Yes ☐ No

DC Source / Prime Mover:

Rating: ___________ kW    Rating: ___________ kVA
Rated Voltage: ___________ Volts
Open Circuit Voltage (if applicable): ___________ Volts
Rated Current: ___________ Amps
Short Circuit Current (if applicable): ___________ Amps

Other Facility Information:

One Line Diagram attached: ☐ Yes
Plot Plan attached: ☐ Yes

Customer Signature

I hereby certify that all of the information provided in this Interconnection Request Application Form is true.

Applicant Signature: ____________________________
Title: ____________________________    Date: ____________________________

An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

Amount_____________________

EDC Acknowledgement

Receipt of the application fee is acknowledged and this interconnection request is complete.
ILLINOIS REGISTER

08

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

EDC Signature: ___________________________ Date: __________________

Printed Name: ___________________________ Title: __________________
Interconnection Feasibility Study Agreement

This agreement (Agreement) is made and entered into this ___________ day of ___________ by and between __________________________ (interconnection customer), as an individual person, or as a __________________________ organized and existing under the laws of the State of ___________ , and __________________________ (Electric Distribution Company (EDC)), a __________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "party", or collectively as the "parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on ___________ (Date) ___________ ; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

Whereas, interconnection customer has requested EDC to perform an interconnection feasibility study to assess the feasibility of interconnecting the proposed distributed generation facility to EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained in this Agreement the parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.

2. Interconnection customer elects and EDC shall cause to be performed an interconnection feasibility study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.

3. The scope of the interconnection feasibility study shall be based upon the information set forth in the interconnection request application form and Attachment A to this Agreement.
4. The interconnection feasibility study shall be based on the technical information provided by interconnection customer in the interconnection request application form, as modified with the agreement of the parties. EDC has the right to request additional technical information from interconnection customer during the course of the interconnection feasibility study. If the interconnection customer modifies its interconnection request, the time to complete the interconnection feasibility study may be extended by the EDC.

5. In performing the study, EDC shall rely on existing studies of recent vintage to the extent practical. The interconnection customer will not be charged for existing studies; however, interconnection customer is responsible for the cost of applying any existing study to the interconnection customer specific requirements and for any new study that the EDC performs.

6. The interconnection feasibility study report must provide the following information:

   6.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection;

   6.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection; and

   6.3 A description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC's electric distribution system as required under Section 466.120(e)(1).

7. Interconnection customer shall provide a study deposit equal to 100% of the estimated non-binding study costs when the interconnection customer is the first in the queue.

8. The interconnection feasibility study shall be completed and the results shall be transmitted to interconnection customer within 25 business days after this Agreement is signed by the parties.

9. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice must include an itemized listing of employee time and costs expended on the study.
10. Interconnection customer shall pay any actual study costs that exceed the deposit without interest within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount without interest within 30 calendar days after the invoice.

In witness whereof, the parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: ________________________________
Name (Printed): ________________________ Title: ________________________

[Insert name of EDC]

Signed: ________________________________
Name (Printed): ________________________ Title: ________________________
NOTICE OF PROPOSED RULES

Attachment A to Interconnection System Impact Study Agreement
Assumptions Used in Conducting the Interconnection System Impact Study

The interconnection feasibility study will be based upon the information in the interconnection request application form and agreed upon on __________________________:  

Date

1. Point of interconnection and configuration to be studied.

__________________________________________________________

__________________________________________________________

2. Alternative points of interconnection and configurations to be studied.

__________________________________________________________

__________________________________________________________

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________
Interconnection System Impact Study Agreement

This agreement (Agreement) is made and entered into this ________ day of ________ by and between __________________________ (interconnection customer), as an individual person, or as a __________________________ organized and existing under the laws of the State of ____________, and __________________________ (Electric Distribution Company (EDC)), a __________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "party", or collectively as the "parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on ________ (Date) ________; and

Whereas, interconnection customer desires to interconnect the distributed generation facility to EDC's electric distribution system; and

Whereas, EDC has completed an interconnection feasibility study and provided the results of that study to interconnection customer (this recital to be omitted if the parties have agreed to forego the interconnection feasibility study); and

Whereas, interconnection customer has requested EDC to perform an interconnection system impact study to assess the impact of interconnecting the distributed generation facility to EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained in this Agreement, the parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.

2. Interconnection customer elects and EDC shall cause to be performed an interconnection system impact study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.
3. The scope of the interconnection system impact study shall be based upon the information set forth in the interconnection request application form and in Attachment A to this Agreement.

4. The interconnection system impact study will be based upon the interconnection feasibility study and the technical information provided by interconnection customer in the interconnection request application form. EDC reserves the right to request additional technical information from interconnection customer. If interconnection customer modifies its proposed point of interconnection, interconnection request, or the technical information provided in the request is modified, the time to complete the interconnection system impact study may be extended.

5. The interconnection system impact study report shall provide the following information:

5.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection;

5.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection;

5.3 Identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; and

5.4 Description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC’s electric distribution system and to address the identified short circuit, thermal overload, voltage and instability issues, as required under Section 466.120(e)(2).

6. Interconnection customer shall provide a study deposit equal to 100% of estimated non-binding study costs when the interconnection customer is the first in the queue.

7. The interconnection system impact study, if required, shall be completed and the results transmitted to interconnection customer within 25 business days after this Agreement is signed by the parties.

8. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.
9. Interconnection customer shall pay any study costs that exceed the deposit within 30 calendar days after receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days after the invoice.

In witness thereof, the parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: ____________________________________________
Name (Printed): ___________________________ Title: ___________________________

[Insert name of EDC]

Signed: ____________________________________________
Name (Printed): ___________________________ Title: ___________________________
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Attachment A to Interconnection System Impact Study Agreement

Assumptions Used in Conducting the Interconnection System Impact Study

The interconnection system impact study shall be based upon the results of the interconnection feasibility study, subject to any modifications in accordance with Section 466.120 of the Illinois Distributed Generation Interconnection Standard, and the following assumptions:

1. Point of interconnection and configuration to be studied.

2. Alternative points of interconnection and configurations to be studied.

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.
Section 466.APPENDIX G  Interconnection Facilities Study Agreement

Interconnection Facilities Study Agreement

This agreement (Agreement) is made and entered into this _________ day of _________ by and between ___________________________ (interconnection customer), as an individual person, or as a ___________________________ organized and existing under the laws of the State of ________________, and ___________________________ (Electric Distribution Company (EDC)), a ___________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "party", or collectively as the "parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on ____________ (Date) ____________ ; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

Whereas, EDC has completed an interconnection system impact study and provided the results of that study to interconnection customer; and

Whereas, interconnection customer has requested EDC to perform an interconnection facilities study to specify and estimate the cost of the equipment, engineering, procurement and construction work needed to interconnect the distributed generation facility;

Now, therefore, in consideration of and subject to the mutual covenants contained in this Agreement, the parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in that Section when used in this Agreement.

2. Interconnection customer elects and EDC shall cause an interconnection facilities study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.
3. The scope of the interconnection facilities study shall be determined by the data provided in Attachment A to this Agreement.

4. An interconnection facilities study report (1) shall provide a description, estimated cost of distribution upgrades, and a schedule for required facilities to interconnect the distributed generation facility to EDC’s electric distribution system; and (2) shall address all issues identified in the interconnection system impact study (or identified in this study if the system impact study is combined herein).

5. Interconnection customer shall provide a study deposit of 100% of estimated non-binding study costs when it is first in the queue.

6. In cases where no distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 15 business days after this Agreement is signed by the parties. In cases where distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 30 business days after this Agreement is signed by the parties.

7. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.

8. Interconnection customer shall pay any actual study costs that exceed the deposit within 30 calendar days after receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days after the invoice.

In witness whereof, the parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: __________________________________________________________

Name (Printed): ___________________________  Title: ___________________________

[Insert name of EDC]
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Signed: ____________________________________________________________

Name (Printed): ___________________________ Title: ___________________________
Minimum Data That Interconnection Customer Must Provide With the Interconnection Facilities Study Agreement.

Provide location plan and simplified one-line diagram of the distributed generation facilities.

For staged projects, please indicate size and location of planned additional future generation. On the one-line diagram, indicate the generation capacity attached at each metering location (maximum load on CT/PT).

On the one-line diagram, indicate the location of auxiliary power (minimum load on CT/PT) amps.

One set of metering is required for each generation connection to the EDC’s electric distribution system.

Number of generation connections: _____________________________

Will an alternate source of auxiliary power be available during CT/PT maintenance?

Yes ☐ No ☐

Will a transfer bus on the generation side of the metering require that each meter set be designed for the total distributed generation capacity?

Yes ☐ No ☐ (Please indicate on the one-line diagram.)

What type of control system or PLC will be located at the distributed generation facility?

_________________________________________________________________________

What protocol does the control system or PLC use? ________________________________

Please provide a scale drawing of the site. Indicate the point of common coupling, distribution line and property lines.

Number of third party easements required for EDC's interconnection facilities: ___________
To be completed in coordination with EDC.

Is the distributed generation facility located in EDC's service area?

Yes ☐ No ☐

If No, please provide name of local provider:
______________________________________________________________________________

Please provide the following proposed schedule dates:

Begin construction date: ______________
Generator step-up transformers receive back feed power date: ______________
Generation testing date: ______________
Commercial operation date: ______________
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Program

2) Code Citation: 35 Ill. Adm. Code 1500

3) Section Numbers: Proposed Action:
   1500.30    Amended
   1500.40    Amended
   1500.50    Amended
   1500.60    Amended

4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking prescribes the requirements for the retention of records by an owner or operator of a drycleaning facility for licensing, insuring, filing claims and filing appeals with the Fund. The proposed rulemaking also defines the insurance claim settlement process and modifies the delivery requirement for hydrocarbon-based drycleaning solvents.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No

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 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 persons may comment on this rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

   H. Patrick Eriksen
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville, IL 60106-0480
630/741-0022

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Drycleaners that are small businesses will be affected, but the effect will be minimal. The proposed regulations will require them to maintain most records required by the Fund for a period of 3 years, which most drycleaners are currently doing. The proposed regulations defining the insurance claim settlement process will have minimal impact and the proposed amendment regarding the delivery of hydrocarbon-based solvent will be a positive impact as most drycleaners can not comply with the current regulation. There should be no effect on small municipalities or not-for-profit corporations.

B) Reporting bookkeeping or other procedures required for compliance: Small business drycleaner operators will need to keep the current required documentation for a period of 3 years. For insurance claim settlement purposes, the drycleaner operator will need to submit a completed claim form and written documentation that a release of drycleaning solvent contamination has occurred at the facility.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page:
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section
1500.10 General
1500.20 Definitions
1500.30 Drycleaning Facility License
1500.40 Drycleaner Remedial Account
1500.50 Drycleaner Facility Insurance Account
1500.55 Drycleaning Solvent Tax
1500.60 Appeals
1500.70 Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].


Section 1500.30 Drycleaning Facility License

a) On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)

b) The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application
NOTICE OF PROPOSED AMENDMENTS

prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

1) The annual license period is January 1 through December 31.

2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.

3) The Department of Revenue will return the applicant’s copy of the DS-3 Form to confirm receipt of the appropriate license fee.

4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.

5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.

6) License fees are non-refundable.

7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

c) On or after January 1, 2007, the required annual fee for a license is as follows:

1) $1,500 for a facility that uses:

   A) 50 gallons or less of chlorine-based or green drycleaning solvents annually; or

   B) 250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

   C) 500 gallons or less annually of hydrocarbon-based drycleaning
NOTICE OF PROPOSED AMENDMENTS

solvents in a drycleaning machine without a solvent reclaimer.
(Section 60(c)(1) of the Act)

2) $2,250 for a facility that uses:
   A) more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or
   B) more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or
   C) more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(2) of the Act)

3) $3,000 for a facility that uses:
   A) more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or
   B) more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or
   C) more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(3) of the Act)

4) $3,750 for a facility that uses:
   A) more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or
   B) more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

C) more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclamer. (Section 60(c)(4) of the Act)

5) $4,500 for a facility that uses:

A) more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclamer; or

C) more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclamer. (Section 60(c)(5) of the Act)

6) $5,000 for a facility that uses:

A) more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclamer; or

C) more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclamer. (Section 60(c)(6) of the Act)

7) $5,000 for a facility that uses:

A) more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclamer; or
C) more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)

8) $5,000 for a facility that uses:

A) more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

C) more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)

9) $5,000 for a facility that uses:

A) more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

C) more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)

10) $5,000 for a facility that uses:

A) more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine
NOTICE OF PROPOSED AMENDMENTS

C) more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the Act)

11) $5,000 for a facility that uses:

A) more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

C) more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)

12) $5,000 for a facility that uses:

A) more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or

B) more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

C) more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(12) of the Act)

13) $5,000 for a facility that uses:

A) more than 600 gallons of chlorine-based or green drycleaning
NOTICE OF PROPOSED AMENDMENTS

solvents annually; or

B) more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

C) more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)

14) $5,000 for a facility that uses:

A) more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)

B) more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)

C) more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)

15) $5,000 for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)

16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.

B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.
NOTICE OF PROPOSED AMENDMENTS

C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.

D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.

d) For purposes of this Section, the quantity of drycleaning solvents used annually shall be determined as follows:

1) In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or

2) In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act) If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.

3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:

A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.

B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.
NOTICE OF PROPOSED AMENDMENTS

4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.

e) The Council may adjust licensing fees annually based on the change in the published Consumer Price Index - All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)

f) A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:

1) notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and

2) submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)

g) An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due may be assessed a penalty of $5 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act) Penalties totaling $1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:

1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

did not receive one of the initial license notification mailings sent by the
Illinois Department of Revenue or the Fund during the period of 1997
through 1999;

2) If additional license fees are owed due to the incorrect calculation of the
annual solvent usage or purchase information and the understatement of
the solvent volume was not significant, and the additional license fee is
paid in a reasonable time frame; or

3) Other reasonable factors.

h) A license can be transferred from the drycleaning facility operator to a new
operator of the same drycleaning facility upon completion of a license transfer
form prescribed by the Council and signed by the license holder and transferee. If
the drycleaning facility has an active insurance policy issued by the Council, the
license can only be transferred if the insurance policy is also transferred.

i) If a drycleaning facility operator terminates the operation of a licensed
drycleaning facility at a specific location, the operator can be re-licensed for a
new drycleaning facility location without payment of an additional license fee
provided the existing drycleaning facility license is terminated.

j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all
records required to obtain a license from the Council for a minimum of 3 years
from the date of initial or renewal licensure. These records include the
application, licensing fee payment documentation, solvent invoices, solvent logs,
ownership information, late fee payments and any other information that may
have been needed to issue and renew the license.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1500.40 Drycleaner Remedial Account

The Council shall have the authority to provide reimbursement to eligible claimants for remedial
action associated with the release of drycleaning solvents from the claimant's drycleaning
facility. (Section 40(a) of the Act)

a) The following claimants are eligible for reimbursement from the remedial action
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

account:

1) The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility.

2) The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits. (Section 40(b) of the Act)

b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:

1) The source of the release is from the claimant's drycleaning facility. (Section 40(c)(1) of the Act)

2) At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements. (Section 40(c)(2) of the Act)

3) The claimant reported the release in a timely manner to the Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100]. (Section 40(c)(3) of the Act)

4) The claimant has not filed for bankruptcy on or after the date of the discovery of the release. (Section 40(c)(4) of the Act)

5) The release must have been discovered on or after July 1, 1997 and before July 1, 2006. (Section 40(c)(7) of the Act)

6) The claimant must submit a completed application form as provided by the Council (see Section 1500.70(c)) by June 30, 2005. (Section 40(d) of the Act)

7) If the claim is for reimbursement of remedial action expenses at an active account:
drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least $500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance continuously shall be considered to have conformed with the requirements of this subsection (b)(7). To conform with this requirement, the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures: (Section 40(c)(5) and (6) of the Act)

A) Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 722. (Section 40(c)(5)(A) of the Act)

B) A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater. (Section 40(c)(5)(B) of the Act)

C) Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.

D) Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item. (Section 40(c)(5)(C)(I))
NOTICE OF PROPOSED AMENDMENTS

E) Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment. (Section 40(c)(5)(C)(I) of the Act)

F) Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR 280 (1998) for the tanks and related piping systems and use a leak detection system approved by USEPA or the Agency are exempt from this secondary containment requirement. (Section 40(c)(5)(C)(I) of the Act)

G) All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)

H) Chlorine-based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems. (Section 40(c)(5)(D) of the Act)

I) All petroleum-based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.

c) Subject to Fund limitations, eligibility requirements, prioritization and
reimbursement limitations, the Council may reimburse up to but not to exceed
$300,000 per active drycleaning facility and $50,000 per inactive drycleaning
facility. (Section 40(f)(1) of the Act)

d) An eligible claimant submitting a claim for an active drycleaning facility is
responsible for the first $5,000 of eligible focused site investigation costs and for
the first $15,000 of eligible remedial action costs incurred in connection with the
release from the drycleaning facility and is only eligible for reimbursement for
costs that exceed those amounts, subject to any other limitations of the Act. An
eligible claimant submitting a claim for an active drycleaning facility is
responsible for the first $5,000 of eligible focused site investigation costs and for
the first $10,000 of eligible remedial action costs incurred in connection with the
release from the drycleaning facility if the focused site investigation is completed
and accepted by the Agency and a remedial action plan has been prepared and
submitted to the Agency by January 1, 2008, and is only eligible for
reimbursement for costs that exceed those amounts subject to any other
limitations of the Act. (Section 40(e)(1) of the Act)

e) An eligible claimant submitting a claim for an inactive drycleaning facility is
responsible for the first $10,000 of eligible focused site investigation costs and for
the first $15,000 of eligible remedial action costs incurred in connection with the
release from that drycleaning facility, and is only eligible for reimbursement for
costs that exceed those amounts, subject to any other limitations of the Act. An
eligible claimant submitting a claim for an inactive drycleaning facility is
responsible for the first $10,000 of eligible focused site investigation costs and for
the first $10,000 of eligible remedial action costs incurred in connection with the
release from that drycleaning facility if the focused site investigation is completed
and accepted by the Agency and a remedial action plan has been prepared and
submitted to the Agency by January 1, 2008, and is only eligible for
reimbursement for costs that exceed those amounts subject to any other
limitations of the Act. (Section 40(e)(2) of the Act)

f) For the purpose of claimant reimbursement, eligible expenses are limited subject
to the following:

1) For remedial action activities that occurred on or after July 1, 1999, only
those costs that are pre-approved by the Council are eligible for
reimbursement unless an emergency exists. In the case of an emergency,
NOTICE OF PROPOSED AMENDMENTS

the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.

2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.

3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.

4) A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)

5) The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)

6) If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council.
NOTICE OF PROPOSED AMENDMENTS

(Section 40(f)(9) of the Act)

7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.

8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.

9) Cost recovery; enforcement.

A) The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)

B) Except as provided in subsections (f)(9)(C) and (D):

i) The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)

ii) A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)

C) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the Environmental Protection Act [415 ILCS 5] and
NOTICE OF PROPOSED AMENDMENTS

its rules or with the Act and its rules. (Section 50(c) of the Act)

D) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement. (Section 50(d) of the Act)

E) Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant’s cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)

F) This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act [415 ILCS 5/22.2]. (Section 50(f) of the Act)

10) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will directly pay to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Fund a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:

A) it is rescinded in writing by the claimant; or
NOTICE OF PROPOSED AMENDMENTS

B) the Fund has reimbursed the maximum benefit allowed; or

C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.

11) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:

A) the Fund has reimbursed the maximum benefit allowed; or

B) the claim is no longer eligible for benefits from the Fund; or

C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.

g) Prioritization based upon Fund limitations.

1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that would restrict the availability of monies for higher priority sites. The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:

A) The degree to which human health is affected by the exposure posed by the release (Section 25(c)(1) of the Act);

B) The reduction of risk to human health derived from remedial action compared to the cost of the remedial action (Section 25(c)(2) of the Act);

C) The present and planned uses of the impacted property (Section
NOTICE OF PROPOSED AMENDMENTS

25(c)(3) of the Act).

2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule. The Council may designate cash reserves to pay for focused site investigations performed through June 30, 2006 and to pay for unknown remediation costs associated with claims that have been prioritized. The Council shall designate funding up to $800,000 per year for 3 consecutive years to complete the focused site investigation at eligible drycleaning facilities that should be able to obtain a No Further Remediation letter from the Agency using institutional controls with minimal funding. The initial claim prioritization will include all eligible claims as of the prioritization date set by the Council. Subsequent claim prioritizations will include all eligible claims as of the prioritization date set by the Council, excluding all claims that have previously been prioritized. All claims in the initial prioritization must be funded before conducting subsequent prioritizations. This funding methodology will apply to all subsequent prioritizations.

3) The prioritization schedule is as follows:

A) First priority will be the abatement of emergency conditions that present an immediate threat to human health and safety, such as explosive vapors in basements or utility conduits and migration of free products into the water supply line or to the off site property.

B) Second priority will be the drycleaning facilities located in a township without a groundwater ordinance and when the drycleaning solvent contamination of soil and groundwater of such facilities is likely to cause an immediate adverse effect on human health by contaminating potable water resources.

C) Third priority will be the drycleaning facilities with drycleaning solvent contaminants of soil and groundwater where migration of these contaminants to neighboring properties seems imminent or immediate, which can result in more costly and complicated remediations in the future.
NOTICE OF PROPOSED AMENDMENTS

D) Fourth priority will be drycleaning facilities at which soil and/or groundwater contamination is at concentration higher than soil saturation limits of drycleaning solvents, according to TACO regulations of the Agency. Active remediation is required to address free product drycleaning solvent contamination.

E) Fifth priority will be the drycleaning facilities in which soil and/or groundwater contamination is higher than the TACO Tier II level but less than the TACO soil saturation limit. Active remediation may be required or a No Further Remediation letter may be achieved through installation of an engineering barrier and/or through the use of institutional controls.

F) When the Council determines it necessary to prioritize the claims, each individual claim will be ranked using the following numerical ranking system:

\[
\text{Ranking Score} = (S1 \times 20) + (S2 \times 10) + (S3 \times 8) + (S4 \times 6) + (S5 \times 4) + (S6 \times 2)
\]

Where:

- \( S1 \) = Emergency condition
- \( S2 \) = Potable water resources contamination
- \( S3 \) = Migration of contaminants through groundwater or through soil/rock fractures to the neighboring properties
- \( S4 \) = Facilities with free product solvents
- \( S5 \) = Facilities with higher than the TACO Tier II level of solvent contamination
- \( S6 \) = Facilities with less than the TACO Tier II level of solvent contamination

i) Emergency condition (S1)
   Toxic fumes or explosion possibility, i.e., free product migration, etc.
NOTICE OF PROPOSED AMENDMENTS

Points: 5

ii) Potable water resources contamination (S2)
Imminent or immediate risk to public water resources such as public wells, rivers, and surface water reservoirs and lakes

<table>
<thead>
<tr>
<th>Distance</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 500 feet</td>
<td>5</td>
</tr>
<tr>
<td>Within ¼ mile</td>
<td>4</td>
</tr>
<tr>
<td>Within ½ mile</td>
<td>3</td>
</tr>
<tr>
<td>Within 1 mile</td>
<td>2</td>
</tr>
<tr>
<td>Within 1½ miles</td>
<td>1</td>
</tr>
</tbody>
</table>

iii) Migration of contaminants with groundwater or through soil/rock fractures to the neighboring properties (S3)
Time period for the migration of contaminants to the neighboring property given seepage velocity of groundwater and size and location of contamination plume

<table>
<thead>
<tr>
<th>Time</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 6 months</td>
<td>5</td>
</tr>
<tr>
<td>Within 1 year</td>
<td>4</td>
</tr>
<tr>
<td>Within 1½ years</td>
<td>3</td>
</tr>
<tr>
<td>Within 2 years</td>
<td>2</td>
</tr>
<tr>
<td>Within 2½ years</td>
<td>1</td>
</tr>
</tbody>
</table>

iv) Facilities with free product solvents (S4)
The soil at the facility is contaminated with drycleaning solvent higher than TACO soil saturation limits (i.e., PCE > 240 ppm and TCE > 1300 ppm) and/or free product was discovered in on-site wells
NOTICE OF PROPOSED AMENDMENTS

Groundwater Ordinance Points
Rejected or not available 5
Only approved by the township 4
Approved by the Agency and township 3

v) Facilities with higher than the TACO Tier II level of solvent contamination (S5)
   Facilities with higher than the TACO Tier II level of solvent contamination but less than soil saturation limits

Groundwater Ordinance Points
Rejected or not available 5
Only approved by the township 4
Approved by the Agency and township 3

vi) Facilities with less than the TACO Tier II level of solvent contamination (S6)
   Facilities with higher than the TACO Tier I level but less than Tier II level of solvent contamination (i.e., Tier I for PCE & TCE ≥ 60 ppb for Class I and 300 ppb for Class II)

Groundwater Ordinance Points
Rejected or not available 5
Only approved by the township 4
Approved by the Agency and township 3

G) The highest ranked claims will receive priority funding, subject to an analysis of the claimant's ability to pay for remediation costs that are anticipated to exceed the Fund’s maximum benefit cap.

4) Ability to Pay Remediation Costs

A) The final step in the prioritization process is to analyze each claimant’s ability to pay for remedial action costs that are
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

anticipated to exceed the Fund's maximum benefit cap for the facility. This analysis will be done at the completion of the remedial action plan or, in the case of substantial soil and groundwater contamination, at the completion of the focused site investigation.

B) If it is apparent that the cost of remedial action will exceed the benefits available to an eligible drycleaning facility, the Administrator will contact the claimant and ask that the claimant respond in writing as to whether it has the financial resources and is willing to expend those resources to remediate the facility.

C) If the claimant states that it chooses to remediate the facility, the following mechanisms would be deemed acceptable in order to ensure that the claimant has the necessary resources to complete the remedial action once the Fund's maximum benefits have been expended:

i) Escrow 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap. Cash or cash equivalents, such as a certificate of deposit, marketable bonds, etc., would be acceptable for escrow; or

ii) A letter of credit from a federally insured financial institution for 100% of the estimated remedial action costs that will exceed the Fund's remedial benefit cap; or

iii) Personal or corporate guarantees for 100% of the estimated cleanup costs that will exceed the Fund's remedial benefit cap. The guarantees would need to be collateralized by liquid assets.

D) Any eligible claimant who determines that it has neither the financial resources nor the desire to spend its resources on remediation of the facility will be moved to a new and separate prioritization pool. Funding for these claims will only be made available once the cleanups have been completed on all of the other eligible claims that do not exercise these funding limitations.
NOTICE OF PROPOSED AMENDMENTS

5) Once a claim has been prioritized, it cannot be removed from the prioritized listing unless the claim becomes ineligible for benefits from the Fund or the claimant refuses to remediate the facility in a timely manner.

6) If the claimant does not obtain and submit to the Council cost proposals for beginning the remedial action process within 120 days after being notified that his/her remedial claim has been prioritized for funding, the claim will be removed from the prioritization list and the next highest ranked claim will be added to the list. Any claim removed from the prioritization list due to non-timely remedial action by the claimant will be included in the next prioritization pool.

h) Remedial claim benefits for a specific drycleaning facility can be transferred to a successor drycleaning facility operator or owner upon execution of a remedial benefits transfer form prescribed by the Council and signed by the original claimant and the successor claimant and approved by the Council.

i) Recordkeeping.

1) Owners and operators that submit a report, plan, budget, application for payment or any other data or document under this Part must maintain all books, records, documents and other evidence directly pertinent to the report, plan, budget, application for payment, data or document, including but not limited to all financial information and data used in the preparation or support of applications for payment. All books, records, documents and other evidence must be maintained in accordance with accepted business practices and appropriate accounting procedures and practices.

2) Owners or operators must maintain the books, records, documents and other evidence set forth in subsection (i)(1) of this Section and make them available to the Council until the latest of the following:

A) The expiration of 3 years after the date the Agency issues a No Further Remediation letter;

B) For books, records, documents or other evidence relating to an appeal, litigation or other dispute or claim, the expiration of 3
Section 1500.50 Drycleaner Facility Insurance Account

The owner or operator of an active drycleaning facility shall be eligible for up to $500,000 financial assurance per drycleaning facility from the Council subject to the following limitations:

a) To apply for financial assurance coverage, the owner or operator of an active drycleaning facility must submit a completed application provided by the Council (see Section 1500.70(b)). The Council will not determine who must submit the application. Any insurance policy issued must identify both the owner and the operator and both will be named insureds.

b) Prior to the submission of an insurance application and no later than June 30, 2006 for a drycleaning facility that is active on June 30, 2006, an applicant must have a focused site investigation completed that is designed to identify soil and groundwater contamination resulting from the release of drycleaning solvents at the facility based upon the continued use of the facility as a drycleaning facility, consistent with 35 Ill. Adm. Code 740.430 and 435.

c) The drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council. (Section 45(d)(2) of the Act)

d) Applications must include the annual premium for financial assurance coverage as follows:

1) For the year July 1, 1999 through June 30, 2000, $250 per drycleaning facility (Section 45(e)(1) of the Act);

2) For the year July 1, 2000 through June 30, 2001, $375 per drycleaning facility (Section 45(e)(2) of the Act);
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  

NOTICE OF PROPOSED AMENDMENTS  

3) For the year July 1, 2001 through June 30, 2002, $500 per drycleaning facility (Section 45(e)(3) of the Act);  

4) For the year July 1, 2002 through June 30, 2003, $625 per drycleaning facility (Section 45(e)(4) of the Act);  

5) For subsequent years, the applicant applying for coverage shall pay an annual actuarially sound insurance premium as determined by the Council. The Council shall take into consideration risk factor adjustments to reflect the range of risk presented by:  

   A) the type of drycleaning system  
   B) the type of monitoring system  
   C) drycleaning volume  
   D) risk management practices. (Section 45(e)(5) of the Act)  

 e) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium for that year. The insurance premium is fully earned upon issuance of the insurance policy. (Section 45(f) of the Act) The insurance premium may be paid in semiannual installments for policies issued on or after June 30, 2003.  

 f) All insurance policies shall include a $10,000 deductible (Section 45(g) of the Act).  

 g) Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility including third-party liability for soil and groundwater contamination, consistent with the terms of the Council's insurance policy. (Section 45(c) of the Act)  

 h) Coverage is not provided for a release that occurred before the date of coverage (Section 45(c) of the Act). It is the responsibility of the insured to prove the release occurred after the date of coverage.
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

i) The Council does not have the duty or obligation to defend a claim made against a named insured listed on a Council issued insurance policy.

j) If a Council insured drycleaning facility ceases drycleaning operations during the policy period, coverage shall automatically cancel 60 days after the last day of active drycleaning operations at the facility. No cancellation notice need be issued by the Council to effect this cancellation.

k) Except as noted in subsection (j), an insurance policy issued by the Council may be cancelled by mailing or delivering to the first named insured listed on the declarations page of the insurance policy written notice of cancellation at least:

   1) Ten days before the effective date of cancellation if the Council cancels for non-payment of premiums or misrepresentation; or

   2) Sixty days before the effective date of cancellation if the Council cancels for any other reason.

l) Insurance coverage issued under this Section shall expire one year after the date of issuance unless cancelled in accordance with subsection (j) or (k) and may be renewed on reapplication to the Council and submission of the appropriate premium in accordance with subsection (d). At least 30 days before the insurance policy is to expire, the Council will mail a renewal application and premium billing notice to the address of the first named insured on the policy. Failure to complete the renewal application and pay the appropriate premium shall result in expiration of the insurance policy.

m) An insurance policy issued by the Council for a specific drycleaning facility location can be transferred to a successor drycleaning facility operator or owner upon execution of a policy transfer form prescribed by the Council and signed by the policy holder and transferee. The insurance policy cannot be transferred unless the drycleaning facility license is also transferred.

n) Settlement of a claim.

   1) A notice of a release of drycleaning solvent must be made to the Council within 24 hours after the release. A notice of claim must be submitted in writing to the Council as soon as is reasonably possible after a notice of a
NOTICE OF PROPOSED AMENDMENTS

release of drycleaning solvent has been reported to the Council.

2) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Agency tiered approach to corrective action objectives.

3) For purposes of claimant reimbursement, eligible expenses are limited to the following:

   A) Only costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.

   B) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a No Further Remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.

4) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may takes steps to collect the excess amount.

5) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will pay directly to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Council a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:

   A) it is rescinded in writing by the claimant; or

   B) the Fund has reimbursed the maximum benefit allowed; or
C) the claim is closed and the Fund has reimbursed the total amount approved for remedial action activities performed at the facility.

6) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:

A) the Fund has reimbursed the maximum benefit allowed; or
B) the claim is no longer eligible for benefits from the Fund; or
C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.

7) Third party claims will be settled in accordance with the terms of the insurance policy.

o) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain an insurance policy from the Fund for a minimum of 3 years from each initial issuance and each policy renewal. These records include the application, insurance fees, repair and maintenance logs, compliance program participation certificates, continuing education credits, site inspection reports, ownership information and any other information that may have been needed to issue and renew the insurance coverage. Owners and operators must also maintain records of each repair performed on the drycleaning machine for the remaining operating life of the drycleaning machine. For regulated underground storage tanks at drycleaning facilities, records must be retained as required by 41 Ill. Adm. Code 170, Subpart B (Underground Storage Tanks - Technical Requirements).

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1500.60 Appeals
b) The person who is the owner or operator of a drycleaning facility shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within 180 days after receipt of the written action that is to be appealed.

c) The Administrator will review the appeal and respond in writing to the person who is the owner or operator of a drycleaning facility within 30 days after receipt of the appeal.

d) If the person who is the owner or operator of a drycleaning facility still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council.

e) The Administrator shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days after receipt of notice of the appeal. The Council shall set a hearing within 180 days after filing of the notice of appeal. A decision by the Council shall be issued no later than 120 days following a hearing by the Council. (Section 20(g) of the Act)

f) The person who is the owner or operator of a drycleaning facility shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.

g) The Council shall deliver notice of the appeal to the person who is an owner or operator of a drycleaning facility and the Council's administrative hearing officer within 30 days after receipt of notice of the appeal by that person.

h) The appeal shall be with an administrative hearing officer as determined by the
NOTICE OF PROPOSED AMENDMENTS

Council. The administrative hearing officer may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative hearing officer may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

i) A hearing with the administrative hearing officer shall be held within 180 days after the filing of the notice of the appeal.

j) A final decision by the administrative hearing officer shall be issued no later than 120 days following the close of the hearing before the administrative hearing officer.

k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.

l) The decision of the administrative hearing officer shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

m) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.

n) Recordkeeping. Books, records, documents or other evidence relating to an appeal, litigation or other dispute must be maintained for 3 years after the expiration date of the final disposition of the appeal, litigation or other dispute.

(Source: Amended at 32 Ill. Reg. ______, effective ___________)}
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Environmental Health Practitioner Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1247

3) Section Numbers: Proposed Action:
   1247.20   Amendment
   1247.25   Amendment
   1247.30   Amendment
   1247.40   Amendment
   1247.60   Amendment
   1247.70   Amendment
   1247.75   Amendment
   1247.80   Amendment
   1247.90   Amendment
   1247.100  Amendment
   1247.110  Amendment

4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37]

5) A Complete Description of the Subjects and Issues Involved: The name of the national examination required for licensure has changed; Section 1247.30 is being amended to reflect that change. Section 1247.20 is also being amended to clarify that individuals who have already taken and passed the examination prior to application need not take it again. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also being removed and other technical changes are being made.

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 rulemakings on this Part? No
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

   Department of Financial and Professional Regulation
   Attention: Craig Cellini
   320 West Washington, 3rd Floor
   Springfield IL 62786

   217/785-0813 Fax #: 217/557-4451

   All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of environmental health practitioners

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

   C) Types of professional skills necessary for compliance: Environmental health practitioner skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page:
NOTICE OF PROPOSED AMENDMENTS

PART 1247
ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section
1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather) (Repealed)
1247.20 Application for Examination/Licensure as an Environmental Health Practitioner
1247.25 Application for Licensure as an Environmental Health Practitioner in Training
1247.30 Examination
1247.40 Approved Programs of Environmental Health Practitioners
1247.50 Experience
1247.55 Supervision
1247.60 Endorsement
1247.70 Renewal
1247.75 Fees
1247.80 Inactive Status
1247.90 Restoration
1247.100 Continuing Education
1247.110 Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].


Section 1247.20 Application for Examination/Licensure as an Environmental Health Practitioner

a) An applicant for examination to obtain licensure as an environmental health...
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

practitioner on the basis of examination or acceptance of examination shall file an application, on forms provided by the Department of Financial and Professional Regulation—Division of Professional Regulation (Division), at least 90 days prior to the examination date. The application shall include:

1) Verification, on forms provided by the Division, that the applicant meets one of the following qualifications:

A) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Division in accordance with Section 1247.40 of this Part;

B) Holds a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Division in accordance with Section 1247.40 and 12 months of full-time experience as set forth in Section 1247.50; or

C) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Division in accordance with Section 1247.40;

2) A complete work history since receipt of a bachelor's degree; c) The required fee set forth in Section 1247.75; and

3) Certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) All applicants shall be required to pass the examination required in Section 1247.30. Those individuals who have already passed the required examination prior to application shall submit proof of passage directly to the Division.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 1247.25 Application for Licensure as an Environmental Health Practitioner in Training

An applicant for licensure as an environmental health practitioner in training shall file an application, on forms provided by the Department.

a) Pursuant to Section 21 of the Act, a person who, on August 22, 2002, was certified by his or her employer as serving as a sanitarian or unlicensed environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003. The application shall be filed with the Department on forms supplied by the Department and shall include:

1) A work history for the last 10 years; 2) Verification of employment signed by the supervisor; and

2) The required fee set forth in Section 1247.75.

b) Individuals applying for an environmental health practitioner in training license, except for those qualified pursuant to subsection (a), shall file an application with the Department, on forms provided by the Department, that the applicant meets one of the following qualifications:

1) Verification

A) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health
NOTICE OF PROPOSED AMENDMENTS

curricula or its equivalent as approved by the Division in accordance with Section 1247.40 of this Part;

B) Holds a bachelor's degree from an accredited college or university that included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Division in accordance with Section 1247.40; or

C) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Division in accordance with Section 1247.40;

2) A complete work history since receipt of a bachelor's degree; 3) The required fee set forth in Section 1247.75; and

3) Certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

c) An environmental health practitioner in training license will be issued for 3 years. If a person has not passed an examination within the 3 years, an applicant may request an extension.

1) The applicant shall request an extension in writing stating the reasons for the extension and shall pay the required fee.
NOTICE OF PROPOSED AMENDMENTS

2) Upon the recommendation of the Environmental Health Practitioners Board (Board) and approval by the Division, an environmental health practitioner in training license shall be extended, not to exceed 3 years, for the following reasons:

A) Service in the military;

B) Incapacitating illness and/or hospitalization verified by a physician; or

C) Other extenuating circumstances.

3) In no instance can an environmental health practitioner in training license be extended that would allow an environmental health practitioner in training to practice more than 6 years.

(Source: Amended at 32 Ill. Reg. ______, effective _________)

Section 1247.30 Examination

a) The examination for licensure as an environmental health practitioner shall be the National Environmental Health Association (NEHA) Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS) examination administered by the Division or its designated testing service, or other testing services approved by the Division.

b) The passing score on the examination shall be 68%, the passing score established by the national testing entity.

(Source: Amended at 32 Ill. Reg. ______, effective _________)

Section 1247.40 Approved Programs of Environmental Health Practitioners

a) The Division shall approve a bachelor’s or master’s program if it meets the following minimum criteria:

1) The school or program is accredited by an agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education or the jurisdiction in which it is located.
NOTICE OF PROPOSED AMENDMENTS

2) The program has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.

3) Has a designated program director.

4) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance.

5) Has a curriculum with a minimum of 30 semester hours, or the equivalent, of basic sciences with at least 3 hours in each of the following areas:
   A) Physical Sciences;
   B) Chemical Sciences;
   C) Biological Sciences; and
   D) Math.

b) The Division shall accept a program in environmental health science from a college or university approved by the National Environmental Health Science and Protection Accreditation Council.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1247.60 Endorsement

a) An applicant who is licensed/registered under the laws of another jurisdiction and who wishes to be licensed in Illinois as an environmental health practitioner shall file an application with the Division, on forms provided by the Division, that includes:

1) Proof of Education and Experience
   A) Certification of a bachelor's degree from an accredited college or university approved by the National Environmental Health Science
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Division in accordance with Section 1247.40 of this Part; or

B) Certification of a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours or the equivalent of basic sciences approved by the Division in accordance with Section 1247.40 and 12 months of full time experience as set forth in Section 1247.50; or

C) Certification of a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Division in accordance with Section 1247.40;

2) Proof of successful completion of the examination required in Section Certification of successful completion of the Professional Examination Service Environmental Health Proficiency Exam or its equivalent;

3) A complete work history; 4) The required fee set forth in Section 1247.75; and

4) Certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation, or the relevance or
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Environmental Health Practitioners Board (Board) to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 32 Ill. Reg. ______, effective ___________)

Section 1247.70 Renewal

a) Every license issued under the Act shall expire on April 30 of even-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the fee required by Section 1247.75 and meeting the continuing education requirements set forth in Section 1247.100.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 32 Ill. Reg. ______, effective ___________)

Section 1247.75 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees

1) The fee for application for a license as an environmental health practitioner is $100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's
application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application as a continuing education sponsor is $500. State colleges, universities, and State agencies are exempt from payment of this fee.

3) The fee for an application for an environmental health practitioner in training license shall be $50.

b) Renewal Fees

1) The fee for the renewal of a license shall be calculated at the rate of $75 per year.

2) The fee for renewal of continuing education sponsor approval is $250 for the renewal period (see Section 1247.100(c)(7)).

3) The fee for an extension of an environmental health practitioner in training license shall be $35.

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees, not to exceed $600.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination administered by the Division reviewed and verified is $20, plus any fee charged by the testing service.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as environmental health practitioners in this State shall be the actual cost of producing the roster.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1247.80 Inactive Status

a) A licensed environmental health practitioner who notifies the Division, on forms provided by the Division, may place the license on inactive status and shall be excused from paying renewal fees until he/she notifies the Division in writing of the intention to resume active practice.

b) Any licensed environmental health practitioner seeking restoration from inactive status shall do so in accordance with Section 1247.90.

c) Any environmental health practitioner whose license is on inactive status shall not practice as an environmental health practitioner and shall not use the title "registered" or "licensed" environmental health practitioner in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1247.90 Restoration

a) Any environmental health practitioner whose license expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1247.75 and providing proof of meeting continuing education requirements set forth in Section 1247.100 during the 2 years prior to restoration.

b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms provided by the Division, for review by the Board, together with the fee
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

required by Section 1247.75 and providing proof of meeting continuing education requirements set forth in Section 1247.100 during the 2 years prior to restoration. The applicant shall also submit:

1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee/registrant was authorized to practice during the term of active practice; or

2) An affidavit attesting to military service as provided in Section 27(c) of the Act; or

3) Proof of successful completion of the examination required in Section 1247.30 passage of the environmental Health Proficiency Examination during the period the license was lapsed or on inactive status.

c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 27(c) of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the DivisionDepartment because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) Upon the recommendation of the Board and approval of the Director of the Division of Professional Regulation, with the authority delegated by the Secretary (Director), an applicant shall have the registration restored or be notified in writing of the reason for denying the application.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
Section 1247.100  Continuing Education

a) Continuing Education Hours Requirements

1) In order to renew a license as an environmental health practitioner, a licensee shall be required to complete 20 hours of continuing education (CE) relevant to the practice of environmental health.

2) A prerenewal period is the 24 months preceding April 30 of each even-numbered year.

3) One CE hour shall equal 60 minutes of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.

4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

5) Environmental health practitioners licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

6) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

b) Approved Continuing Education (CE)

1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor meeting the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.

2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor meeting the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of environmental health related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

4) CE credit may be earned for verified teaching in the field of environmental health in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 2 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.

5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of environmental health. The preparation of each published paper, book chapter or professional presentation dealing with environmental health may be claimed as 5 hours of credit. A presentation must be before an audience of professionals. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

A) American Association of Safety Engineers

B) American Public Health Association

C) American Society of Safety Engineers

D) Associated Illinois Milk, Food and Environmental Sanitarians

E) Association of Food and Drug Officials

F) Conference for Food Protection
NOTICE OF PROPOSED AMENDMENTS

F) Illinois Association of Local Environmental Health Administrators

G) Illinois Association of Ground Water Professionals

H) Illinois Association of Public Health Administrators

I) Illinois Environmental Health Association and Affiliates

J) Illinois Public Health Association

K) International Association of Food Protection-IAFP Milk, Food, and Environmental Sanitarians

L) Interstate Shellfish Shippers Conference

M) National Conference of Interstate Milk Shippers

N) National Environmental Health Association and Affiliates

O) National Restaurant Association and Educational Foundation

P) NSF National Sanitation Foundation International

Q) North Central Association of Food and Drug Officials

R) State and federal agencies

S) Any other accredited school, college or university, or any other person, firm, or association, applying pursuant to subsection (c)(2) that below and has been approved and authorized by the Division Department to coordinate and present continuing education courses and programs in conjunction with this Section.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Division Department, along with the application fee specified in Section 1247.75. The application shall include:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

A) Certification:

i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;

ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(8) below;

iii) That, upon request by the Division, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

B) A copy of a sample program, including course materials, syllabi and a list of faculty.

3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of environmental health;

B) Foster the enhancement of general or specialized practice and values of environmental health;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
NOTICE OF PROPOSED AMENDMENTS

4) Each CE program shall provide a mechanism for evaluation of the program and instructor to be completed by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor shall review together the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all licensed environmental health practitioners and not be limited to members of a single organization or group.

7) To maintain approval as a sponsor, each sponsor shall submit to the Department by April 30 of each even-numbered year a renewal application, and the fee specified in Section 1247.75 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

   A) The name, address and license number of the sponsor;

   B) The name and address of the participant;

   C) A brief statement of the subject matter;
NOTICE OF PROPOSED AMENDMENTS

D) The number of hours attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

9) The sponsor shall maintain attendance records for not less than 5 years.

10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Division, after notice to the sponsor and hearing before the Board and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Division receives assurances of compliance with this Section.

12) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a $25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the $25 processing fee plus a $10 per hour late fee not to exceed $150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Division shall restore the license upon payment of the required fee as provided in Section 1247.75.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee set forth in Section 1247.75, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
NOTICE OF PROPOSED AMENDMENTS

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness documented by a statement from a currently licensed physician;

C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or

D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 1247.110 Granting Variances

a) The Director of the Division may grant variances from these rules in individual cases when he/she finds that:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons for granting the variance, at the next meeting of the Board.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _______, effective _____________)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act

2) **Code Citation:** 68 Ill. Adm. Code 1485

3) **Section Numbers:**
   - 1485.10  Amendment
   - 1485.20  Amendment

4) **Statutory Authority:** Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130]

5) **A Complete Description of the Subjects and Issues Involved:** This proposed rulemaking amends Section 1485.10 by adding an additional means of verifying experience to make it consistent with the certification requirements of a certifying body (Liaison Council on Certification for Surgical Technologists) we already accept. The Test of English as a Foreign Language (TOEFL) requirement is also being removed because it is not required by the American Board of Surgical Assistants and all certifying exams are only administered in English. Obsolete language regarding the work history of applicants is also being removed.

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 has no impact on local governments.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may submit written comments to:

    Department of Financial and Professional Regulation
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813  Fax #: 217/557-4451

All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of surgical assistants or surgical technologists.

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

C) Types of professional skills necessary for compliance: Training as a surgical assistant or surgical technologist is necessary for registration.

14) Regulatory Agenda on which this rulemaking was summarized: January 2008

The full text of the Proposed Amendments begins on the next page:
Section 1485.10  Application for Registration as a Surgical Assistant

An applicant for registration as a surgical assistant shall file an application on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), together with:

a) Certification of completion from a medical education program approved by the Division, or has graduated from a United States Military Program that emphasizes surgical assisting. The following applicants are considered from an approved program:

1) Individuals who are graduates of a National Surgical Assistant Association approved program of surgical assisting. The category shall include
INDIANA REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

certificate programs, an associate degree or higher, and formal hospital
based programs for surgical assisting.

2) Individuals with 3 consecutive years experience as a surgical first assistant
with 750 hours per year. The individual must provide a signed and
notarized affidavit from his or her supervisor attesting to his or her
experience and 5 verifiable letters of reference from surgeons he or she
has assisted.

3) Individuals with 2 full years of first assisting experience during the last 4
years with 350 documented surgical cases.

4) Individuals who are graduates of a foreign medical school must submit: a
copy of the diploma or a reference letter from their medical school
(verify surgical training and experience) and a reference letter from a
sponsoring U.S. surgeon who has evaluated the individual's technical
skills and aseptic technique; and proof of having passed the TOEFL (Test
of English as a Foreign Language).

b) A complete work history since completion of the medical education program
Documentation that the applicant has passed a national certifying examination
from the National Surgical Assistant Association on the Certification of Surgical
Assistants; the Liaison Council on Certification for Surgical Technologists as a
certified first assistant; or the American Board of Surgical Assistants;

c) Proof of current certification by one of the following certifying bodies:

1) National Surgical Assistant Association for the certification of surgical
assistants;

2) Liaison Council on Certification for the Surgical Technologist as a
certified first assistant; or

3) American Board of Surgical Assistants;

d) If the applicant has ever been licensed/registered in another state or territory of
the United States (jurisdiction), certification, on forms provided by the Division,
from the jurisdiction applicant was originally licensed and the jurisdiction
applicant predominantly practices and is currently licensed, stating:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) The time during which the applicant was registered in that jurisdiction, including the date of original issuance of the license; and

2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

e) The required fee as specified in Section 1485.80.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 1485.20 Application for Registration as a Surgical Technologist

An applicant for registration as a surgical technologist shall file an application on forms supplied by the Division, together with:

a) Proof of completion of a surgical technologist program approved by the Division;

b) Proof of current certification and successful completion of the Surgical Technologist National Certification Examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency;

c) If the applicant has ever been licensed/registered in another state or territory of the United States, certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently licensed, stating:

1) The time during which the applicant was registered in that jurisdiction, including the date of original issuance of the license; and

2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

d) The required fee as specified in Section 1485.80.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Proposed Action:
   120.530   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: The proposed amendment is necessary to comply with changes to the Medically Fragile Technology Dependent Waiver recently approved by the federal Centers of Medicare and Medicaid (CMMS).

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

   Sections Numbers: Proposed Action:   Illinois Register Citation:
   120.32    Amendment   31 Ill. Reg. 15424; 11/26/07
   120.33    New Section 31 Ill. Reg. 15424; 11/26/07
   120.60    Amendment   31 Ill. Reg. 16629; 12/21/07
   120.384   Amendment   31 Ill. Reg. 16629; 12/21/07
   120.381   Amendment   32 Ill. Reg. 1530; 2/8/08
   120.510   Amendment   32 Ill. Reg. 1530; 2/8/08

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:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 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].

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: Skilled nursing facilities

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 Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD – MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Health Insurance Premium Payment (HIPP) Program
120.325 Health Insurance Premium Payment (HIPP) Pilot Program
120.326 Foster Care Program
120.327 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Child Support and Spousal Maintenance Payments
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts
120.347 Treatment of Trusts
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.363 Earned Income Disregard – MANG(C)
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In-Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Provisions for the Prevention of Spousal Impoverishment
120.380 Assets
120.381 Exempt Assets
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (AABD MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

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

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


NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989;
1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233,
effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for
a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14
amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814,
effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990;
emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150
days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101,
effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at
15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective
16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January
20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582,
effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at
17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21,
1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051,
effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18
Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994;
amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg.
9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931,
effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended
at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective
December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a
maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill.
Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997;
amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg.
1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003,
effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill.
Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective
September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective
October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill.
Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000;
emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days;
amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309,
effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency
amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days;
amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409,
ILLINOIS REGISTER 6338  
08

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT


SUBPART I: SPECIAL PROGRAMS

Section 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21

a) The Department shall administer a home and community-based service (HCBS) waiver program as set forth in 305 ILCS 5/5-2(7) and 305 ILCS 5/5-2.05(a) and pursuant to Section 1915(c) of the Social Security Act (42 USC 1396n(c)) for disabled persons under the age of 21 years who are medically fragile and technology dependent. Individuals under the age of 21 years who require institutionalization solely because of a severe mental or developmental impairment are not eligible to receive services under the waiver.
b) A determination must be made that, except for the provision of in-home care, these individuals would require the level of care provided in a hospital or a skilled nursing facility that is Medicaid certified as an Intermediate Care Facility for the Mentally Retarded and licensed by the Department of Public Health under 77 Ill. Adm. Code 390 as a long term care facility for persons under 22 years of age (SNF/PED).

c) The Division of Specialized Care for Children (DSCC) shall perform operational functions under the HCBS waiver program pursuant to an interagency agreement with the Department.

d) In addition to being eligible for all of the services set forth in 89 Ill. Adm. Code 140.3, individuals covered under the HCBS waiver are eligible for the following waiver services:

1) Respite care;

2) Environmental modifications;

3) Special medical supplies and equipment;

4) Medically supervised day care;

5) Family and nurse training; and

6) Maintenance counseling.

e) The Eligibility is subject to Department shall determine eligibility review. An individual meeting the following criteria shall qualify:

1) The individual is younger than 21 years of age; and has been determined to be disabled as defined in Section 120.314; and

2) The individual is disabled as defined in Section 120.314; A medical needs assessment has been performed by an attending physician and the attending physician has determined that, without home and community-based services, the individual would require the level of care provided by a hospital or SNF/PED and that such level of care can be provided safely.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

in the home and community through the provision of medical support services referenced in subsection (d) of this Section; and

3) The individual scores a minimum of 50 points on the level of care screening described in subsection (h) of this Section;

43) The estimated cost of the individual to the State for in-home care to be paid by the State shall be greater than, as compared to the institutional level of care appropriate to the individual's medical needs (hospital or skilled nursing facility SNF/PED), as determined by the Department cannot exceed:

A) if the appropriate comparable institutional level of care for a ventilator dependent individual is a hospital, the greater of:

   i) 125 percent of the Statewide average per diem expenditure for hospital care for the previous fiscal year; or

   ii) 100 percent of the average per diem expenditure provided in the hospital from which the individual was placed; or

B) if the appropriate comparable institutional level of care for a non-ventilator dependent individual is a hospital, 125 percent of the Statewide average per diem expenditure for hospital care in the previous fiscal year; or

C) if the appropriate comparable institutional level of care for the individual is a skilled nursing facility SNF/PED:

   i) the per diem rate of the geographically closest skilled nursing facility SNF/PED meeting the individual's medical needs; or

   ii) if the individual requires exceptional care services pursuant to 89 Ill. Adm. Code 144.100, an exceptional care rate based on the individual's medical needs; and

54) The individual would be eligible for Medicaid if his or her responsible relative's income and resources were excluded from consideration; and
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

65) A written plan of care has been developed and approved pursuant to subsection (f) of this Section.

f) Plan of Care

1) The Department shall determine, review and approve the level of home and community-based services based on a written plan of care developed in consultation with the individual's attending physician, family or guardian, attending physician and DSCC care coordinator.

2) At a minimum, the plan of care shall identify an appropriate primary residence, must describe the medical and other services to be furnished, the frequency of the services, the type of provider required to render the service and a description of the family's or guardian's active participation, to the fullest extent possible, as caregivers in meeting the individual's medical needs.

3) The Department may, in its discretion, has the authority to approve a cost-effective alternative to services in the plan of care, as long as the alternative services meet the medical needs of the individual.

4) When determining the hours of nursing care necessary to maintain the individual at home, consideration shall be given to the availability of other services, including direct care provided by non-paid caregivers, such as, but not limited to, the individual's family or guardian, that can reasonably be expected to meet the medical needs of the individual.

5) The Department will review and approve the individual's plan of care to determine continued eligibility for participation in the waiver on the following schedule:

A) During the first 18 months of participation in the waiver, a review will be performed every six months.

B) After the first 18 months, the Department will review the plan of care every six months and, depending upon
NOTICE OF PROPOSED AMENDMENT

the individual's medical condition, may approve the plan of care for a period not to exceed 12 months.

C6) Based on the results of the Department's review, a new plan of care may be developed if warranted by a change in the individual's need for medical services or a change in the individual's home environment.

g) Eligibility Denials or Terminations. Failure of a family or guardian to cooperate with the Department, DSCC, or service providers in implementing a plan of care may result in termination of benefits under the HCBS waiver if the Department determines that, as a result of such non-cooperation, a plan of care cannot be implemented and the health and well-being of the individual could be jeopardized.

1) An individual shall not be determined eligible for coverage under the waiver if:

A) The individual requires institutionalization solely because of a severe mental or developmental impairment.

B) The individual does not meet the minimum score required under subsection (e)(3) of this Section.

2) Termination of coverage under the waiver shall be initiated upon the occurrence of any of the following events:

A) Failure of a family or guardian to cooperate with the Department, DSCC, or service providers in implementing a plan of care, if the Department determines that, as a result of that non-cooperation, a plan of care cannot be implemented or the health and well being of the individual could be jeopardized.

B) Upon renewal for continued participation in the waiver, the individual does not meet the minimum score required under subsection (e)(3) of this Section.

C) The individual does not require at least one of the services described under subsection (d).
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

D) The individual attains the age of 21 years of age.

3) A transition period of no more than 60 days, during which the individual will continue to receive services through the waiver, will be provided on terminations resulting from subsections (g)(2)(B) and (C) of this Section.

h) DSCC shall perform a level of care screening for the waiver as follows:

1) The level of care screening will be performed using a Department approved screening tool.

2) The level of care screening will be performed as follows:

A) On all new requests for admission to the waiver;

B) On all renewals for continued participation in the waiver; and

C) Whenever there is a significant change in the participant's status or care needs.

3) The level of care screening will consist of the following elements:

A) Technology needs will be screened to determine the risk of disability or death if the technology is lost, as well as the degree of skill for assessment and judgment needed to operate the technology; and

B) Medical fragility will be screened to determine the frequency and need for skilled care.

(Source: Amended at 32 Ill. Reg. _______, effective ___________)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

3) **Section Numbers:**
   - 140.24 Amendment
   - 140.1001 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:**
   The proposed amendments increase access to practitioners in medical programs. Current restrictions on the types of entities that practitioners can name as alternate payees have prevented some practitioners from enrolling as HFS providers. These changes allow salaried practitioners employed by corporations of other individual practitioners in the same profession to name their employer as alternate payee and will help with enrollment of optometrists, since many optometrists are employed by large chains. Further, the rulemaking allows a nurse practitioner employed by a physician to name the physician as alternate payee.

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 Numbers:** Proposed Action: Illinois Register Citation:
   - 140.6 Amendment 31 Ill. Reg. 13570; October 5, 2007
   - 140.11 Amendment 32 Ill. Reg. 1553; February 8, 2008
   - 140.82 Amendment 32 Ill. Reg. 298; January 11, 2008

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

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 E., 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].

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:** Medicaid funded 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:** This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

NOTICE OF PROPOSED AMENDMENTS

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,
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.20</td>
<td>Suspension or Barring</td>
</tr>
<tr>
<td>140.21</td>
<td>Submittal of Claims</td>
</tr>
<tr>
<td>140.22</td>
<td>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</td>
</tr>
<tr>
<td>140.23</td>
<td>Magnetic Tape Billings (Repealed)</td>
</tr>
<tr>
<td>140.24</td>
<td>Payment of Claims</td>
</tr>
<tr>
<td>140.25</td>
<td>Payment Procedures</td>
</tr>
<tr>
<td>140.26</td>
<td>Overpayment or Underpayment of Claims</td>
</tr>
<tr>
<td>140.27</td>
<td>Payment to Factors Prohibited</td>
</tr>
<tr>
<td>140.28</td>
<td>Assignment of Vendor Payments</td>
</tr>
<tr>
<td>140.29</td>
<td>Record Requirements for Medical Providers</td>
</tr>
<tr>
<td>140.30</td>
<td>Audits</td>
</tr>
<tr>
<td>140.31</td>
<td>Emergency Services Audits</td>
</tr>
<tr>
<td>140.32</td>
<td>Prohibition on Participation, and Special Permission for Participation</td>
</tr>
<tr>
<td>140.33</td>
<td>Publication of List of Sanctioned Entities</td>
</tr>
<tr>
<td>140.34</td>
<td>False Reporting and Other Fraudulent Activities</td>
</tr>
<tr>
<td>140.35</td>
<td>Prior Approval for Medical Services or Items</td>
</tr>
<tr>
<td>140.36</td>
<td>Prior Approval in Cases of Emergency</td>
</tr>
<tr>
<td>140.37</td>
<td>Limitation on Prior Approval</td>
</tr>
<tr>
<td>140.38</td>
<td>Post Approval for Items or Services When Prior Approval Cannot Be Obtained</td>
</tr>
<tr>
<td>140.41</td>
<td>Recipient Eligibility Verification (REV) System</td>
</tr>
<tr>
<td>140.42</td>
<td>Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments</td>
</tr>
<tr>
<td>140.43</td>
<td>Drug Manual (Recodified)</td>
</tr>
<tr>
<td>140.44</td>
<td>Drug Manual Updates (Recodified)</td>
</tr>
</tbody>
</table>

**SUBPART C: PROVIDER ASSESSMENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.80</td>
<td>Hospital Provider Fund</td>
</tr>
<tr>
<td>140.82</td>
<td>Developmentally Disabled Care Provider Fund</td>
</tr>
<tr>
<td>140.84</td>
<td>Long Term Care Provider Fund</td>
</tr>
<tr>
<td>140.94</td>
<td>Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund</td>
</tr>
<tr>
<td>140.95</td>
<td>Hospital Services Trust Fund</td>
</tr>
<tr>
<td>140.96</td>
<td>General Requirements (Recodified)</td>
</tr>
<tr>
<td>140.97</td>
<td>Special Requirements (Recodified)</td>
</tr>
<tr>
<td>140.98</td>
<td>Covered Hospital Services (Recodified)</td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.99</td>
<td>Hospital Services Not Covered (Recodified)</td>
</tr>
<tr>
<td>140.100</td>
<td>Limitation On Hospital Services (Recodified)</td>
</tr>
<tr>
<td>140.101</td>
<td>Transplants (Recodified)</td>
</tr>
<tr>
<td>140.102</td>
<td>Heart Transplants (Recodified)</td>
</tr>
<tr>
<td>140.103</td>
<td>Liver Transplants (Recodified)</td>
</tr>
<tr>
<td>140.104</td>
<td>Bone Marrow Transplants (Recodified)</td>
</tr>
<tr>
<td>140.110</td>
<td>Disproportionate Share Hospital Adjustments (Recodified)</td>
</tr>
<tr>
<td>140.116</td>
<td>Payment for Inpatient Services for GA (Recodified)</td>
</tr>
<tr>
<td>140.117</td>
<td>Hospital Outpatient and Clinic Services (Recodified)</td>
</tr>
<tr>
<td>140.200</td>
<td>Payment for Hospital Services During Fiscal Year 1982 (Recodified)</td>
</tr>
<tr>
<td>140.201</td>
<td>Payment for Hospital Services After June 30, 1982 (Repealed)</td>
</tr>
<tr>
<td>140.202</td>
<td>Payment for Hospital Services During Fiscal Year 1983 (Recodified)</td>
</tr>
<tr>
<td>140.203</td>
<td>Limits on Length of Stay by Diagnosis (Recodified)</td>
</tr>
<tr>
<td>140.300</td>
<td>Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)</td>
</tr>
<tr>
<td>140.350</td>
<td>Copayments (Recodified)</td>
</tr>
<tr>
<td>140.360</td>
<td>Payment Methodology (Recodified)</td>
</tr>
<tr>
<td>140.361</td>
<td>Non-Participating Hospitals (Recodified)</td>
</tr>
<tr>
<td>140.362</td>
<td>Pre July 1, 1989 Services (Recodified)</td>
</tr>
<tr>
<td>140.363</td>
<td>Post June 30, 1989 Services (Recodified)</td>
</tr>
<tr>
<td>140.364</td>
<td>Prepayment Review (Recodified)</td>
</tr>
<tr>
<td>140.365</td>
<td>Base Year Costs (Recodified)</td>
</tr>
<tr>
<td>140.366</td>
<td>Restructuring Adjustment (Recodified)</td>
</tr>
<tr>
<td>140.367</td>
<td>Inflation Adjustment (Recodified)</td>
</tr>
<tr>
<td>140.368</td>
<td>Volume Adjustment (Repealed)</td>
</tr>
<tr>
<td>140.369</td>
<td>Groupings (Recodified)</td>
</tr>
<tr>
<td>140.370</td>
<td>Rate Calculation (Recodified)</td>
</tr>
<tr>
<td>140.371</td>
<td>Payment (Recodified)</td>
</tr>
<tr>
<td>140.372</td>
<td>Review Procedure (Recodified)</td>
</tr>
<tr>
<td>140.373</td>
<td>Utilization (Repealed)</td>
</tr>
<tr>
<td>140.374</td>
<td>Alternatives (Recodified)</td>
</tr>
<tr>
<td>140.375</td>
<td>Exemptions (Recodified)</td>
</tr>
<tr>
<td>140.376</td>
<td>Utilization, Case-Mix and Discretionary Funds (Repealed)</td>
</tr>
<tr>
<td>140.390</td>
<td>Subacute Alcoholism and Substance Abuse Services (Recodified)</td>
</tr>
<tr>
<td>140.391</td>
<td>Definitions (Recodified)</td>
</tr>
<tr>
<td>140.392</td>
<td>Types of Subacute Alcoholism and Substance Abuse Services (Recodified)</td>
</tr>
<tr>
<td>140.394</td>
<td>Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)</td>
</tr>
<tr>
<td>140.396</td>
<td>Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.400</td>
<td>Payment to Practitioners</td>
</tr>
<tr>
<td>140.402</td>
<td>Copayments for Noninstitutional Medical Services</td>
</tr>
<tr>
<td>140.405</td>
<td>SeniorCare Pharmaceutical Benefit (Repealed)</td>
</tr>
<tr>
<td>140.410</td>
<td>Physicians' Services</td>
</tr>
<tr>
<td>140.411</td>
<td>Covered Services By Physicians</td>
</tr>
<tr>
<td>140.412</td>
<td>Services Not Covered By Physicians</td>
</tr>
<tr>
<td>140.413</td>
<td>Limitation on Physician Services</td>
</tr>
<tr>
<td>140.414</td>
<td>Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians</td>
</tr>
<tr>
<td>140.416</td>
<td>Optometric Services and Materials</td>
</tr>
<tr>
<td>140.417</td>
<td>Limitations on Optometric Services</td>
</tr>
<tr>
<td>140.418</td>
<td>Department of Corrections Laboratory</td>
</tr>
<tr>
<td>140.420</td>
<td>Dental Services</td>
</tr>
<tr>
<td>140.421</td>
<td>Limitations on Dental Services</td>
</tr>
<tr>
<td>140.422</td>
<td>Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists</td>
</tr>
<tr>
<td>140.425</td>
<td>Podiatry Services</td>
</tr>
<tr>
<td>140.426</td>
<td>Limitations on Podiatry Services</td>
</tr>
<tr>
<td>140.427</td>
<td>Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry</td>
</tr>
<tr>
<td>140.428</td>
<td>Chiropractic Services</td>
</tr>
<tr>
<td>140.429</td>
<td>Limitations on Chiropractic Services (Repealed)</td>
</tr>
<tr>
<td>140.430</td>
<td>Independent Clinical Laboratory Services</td>
</tr>
<tr>
<td>140.431</td>
<td>Services Not Covered by Independent Clinical Laboratories</td>
</tr>
<tr>
<td>140.432</td>
<td>Limitations on Independent Clinical Laboratory Services</td>
</tr>
<tr>
<td>140.433</td>
<td>Payment for Clinical Laboratory Services</td>
</tr>
<tr>
<td>140.434</td>
<td>Record Requirements for Independent Clinical Laboratories</td>
</tr>
<tr>
<td>140.435</td>
<td>Advanced Practice Nurse Services</td>
</tr>
<tr>
<td>140.436</td>
<td>Limitations on Advanced Practice Nurse Services</td>
</tr>
<tr>
<td>140.438</td>
<td>Imaging Centers</td>
</tr>
<tr>
<td>140.440</td>
<td>Pharmacy Services</td>
</tr>
<tr>
<td>140.441</td>
<td>Pharmacy Services Not Covered</td>
</tr>
<tr>
<td>140.442</td>
<td>Prior Approval of Prescriptions</td>
</tr>
<tr>
<td>140.443</td>
<td>Filling of Prescriptions</td>
</tr>
<tr>
<td>140.444</td>
<td>Compounded Prescriptions</td>
</tr>
<tr>
<td>140.445</td>
<td>Legend Prescription Items (Not Compounded)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
140.465 Speech and Hearing Clinics (Repealed)
140.466 Rural Health Clinics (Repealed)
140.467 Independent Clinics
140.469 Hospice
140.470 Eligible Home Health Providers
140.471 Description of Home Health Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Illinois Healthy Women
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
140.495 Psychological Services
140.496 Payment for Psychological Services
140.497 Hearing Aids
140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered By Department Payment
140.512 Utilization Control
140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
140.515 Management of Recipient Funds – Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds – Local Office Responsibility
140.521 Room and Board Accounts
140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.524 Cessation of Payment Due to Loss of License
140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 County Contribution to Medicaid Reimbursement
140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports – Filing Requirements
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs Updates
140.552 Nursing and Program Costs
140.553 General Administrative Costs Updates
140.554 Component Inflation Index (Repealed)
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Kosher Kitchen Reimbursement
140.566 Out-of-State Placement
140.567 Level II Incentive Payments (Repealed)
140.568 Duration of Incentive Payments (Repealed)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.569 Clients With Exceptional Care Needs
140.570 Capital Rate Component Determination
140.571 Capital Rate Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Rates for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)
140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements (Repealed)
140.581 Qualifying as Mandated Capital Improvement (Repealed)
140.582 Cost Adjustments
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643 In-Home Care Program
140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647 Description of Developmental Training (DT) Services
140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.850</td>
<td>Reimbursement of Administrative Expenditures</td>
</tr>
<tr>
<td>140.855</td>
<td>Administrative Claim Review and Reconsideration Procedure</td>
</tr>
<tr>
<td>140.860</td>
<td>County Owned or Operated Nursing Facilities (Repealed)</td>
</tr>
<tr>
<td>140.865</td>
<td>Sponsor Qualifications (Repealed)</td>
</tr>
<tr>
<td>140.870</td>
<td>Sponsor Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.875</td>
<td>Department Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.880</td>
<td>Provider Qualifications (Repealed)</td>
</tr>
<tr>
<td>140.885</td>
<td>Provider Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.890</td>
<td>Payment Methodology (Repealed)</td>
</tr>
<tr>
<td>140.895</td>
<td>Contract Monitoring (Repealed)</td>
</tr>
<tr>
<td>140.896</td>
<td>Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)</td>
</tr>
<tr>
<td>140.900</td>
<td>Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)</td>
</tr>
<tr>
<td>140.901</td>
<td>Functional Areas of Needs (Recodified)</td>
</tr>
<tr>
<td>140.902</td>
<td>Service Needs (Recodified)</td>
</tr>
<tr>
<td>140.903</td>
<td>Definitions (Recodified)</td>
</tr>
<tr>
<td>140.904</td>
<td>Times and Staff Levels (Repealed)</td>
</tr>
<tr>
<td>140.905</td>
<td>Statewide Rates (Repealed)</td>
</tr>
<tr>
<td>140.906</td>
<td>Reconsiderations (Recodified)</td>
</tr>
<tr>
<td>140.907</td>
<td>Midnight Census Report (Recodified)</td>
</tr>
<tr>
<td>140.908</td>
<td>Times and Staff Levels (Recodified)</td>
</tr>
<tr>
<td>140.909</td>
<td>Statewide Rates (Recodified)</td>
</tr>
<tr>
<td>140.910</td>
<td>Referrals (Recodified)</td>
</tr>
<tr>
<td>140.911</td>
<td>Basic Rehabilitation Aide Training Program (Recodified)</td>
</tr>
<tr>
<td>140.912</td>
<td>Interim Nursing Rates (Recodified)</td>
</tr>
</tbody>
</table>

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.920</td>
<td>General Description</td>
</tr>
<tr>
<td>140.922</td>
<td>Covered Services</td>
</tr>
<tr>
<td>140.924</td>
<td>Maternal and Child Health Provider Participation Requirements</td>
</tr>
<tr>
<td>140.926</td>
<td>Client Eligibility (Repealed)</td>
</tr>
<tr>
<td>140.928</td>
<td>Client Enrollment and Program Components (Repealed)</td>
</tr>
<tr>
<td>140.930</td>
<td>Reimbursement</td>
</tr>
<tr>
<td>140.932</td>
<td>Payment Authorization for Referrals (Repealed)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program
   (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section
140.990 Primary Care Case Management Program
140.991 Primary Care Provider Participation Requirements
140.992 Populations Eligible to Participate in the Primary Care Case Management Program
140.993 Care Management Fees
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.994 Panel Size and Affiliated Providers
140.995 Mandatory Enrollment
140.996 Access to Health Care Services
140.997 Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section
140.1001 Registration Conditions for Alternate Payees
140.1002 Participation Requirements for Alternate Payees
140.1003 Recovery of Money for Alternate Payees
140.1004 Conditional Registration for Alternate Payees
140.1005 Revocation of an Alternate Payee

140.TABLE A Medichek Recommended Screening Procedures (Repealed)
140.TABLE B Geographic Areas
140.TABLE C Capital Cost Areas
140.TABLE D Schedule of Dental Procedures
140.TABLE E Time Limits for Processing of Prior Approval Requests
140.TABLE F Podiatry Service Schedule
140.TABLE G Travel Distance Standards
140.TABLE H Areas of Major Life Activity
140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J HSA Grouping (Repealed)
140.TABLE K Services Qualifying for 10% Add-On (Repealed)
140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services


DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS


SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller.

b) All providers of medical services must designate a payee when enrolling in the Department's Medical Assistance Program.

1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address, the designated address of the provider's corporate or partnership office, or a designated address that will accept and forward the remittance advice to the business entity.

2) Providers enrolled as individual practitioners are allowed to have more
NOTICE OF PROPOSED AMENDMENTS

than one payee. An individual practitioner is defined as an individual person licensed by an authorized State agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following addresses that will accept and forward the remittance advice to the individual practitioner:

A) The provider's service address; or

B) The provider's residence; or

C) The provider's designated address; or

D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section; or

E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).

c) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.

d) Individual practitioners may request the Department to designate an alternate payee. The Department may permit such a request if the Department determines that such designation is consistent with the provision of medical services to eligible recipients. The alternate payee must be registered as an alternate payee pursuant to Subpart J and:

1) The individual practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school. A professional school is defined as a college or university offering a degree to qualify individuals for licensure to perform medical services; or

2) The individual practitioner has a contractual/salary arrangement with or is employed by a practitioner owned group practice. The practitioner owned group practice must be owned by three or more full-time licensed
NOTICE OF PROPOSED AMENDMENTS

individual practitioners who are eligible to participate in the Medical Assistance Program; or

3) The individual practitioner is a partner in a partnership and has a partnership arrangement that requires fees to be turned over to the partnership. The partnership must be solely-owned by two or more practitioners who are eligible to participate in the Medical Assistance Program; or

4) The individual practitioner has a contractual/salary arrangement or is employed by a governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity; or

5) The individual practitioner has a contractual/salary arrangement or is employed by a community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132. The community mental health agency must be enrolled as a provider in the Medical Assistance Program; or

6) The individual practitioner has a contractual/salary arrangement or is employed by a Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program; or

7) The individual practitioner has a contractual/salary arrangement or is employed by a hospital affiliate, as defined by the Hospital Licensing Act [210 ILCS 85]; or

8) The individual practitioner is employed by a corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America; or

9) The individual practitioner "employer" requires an employee, as a condition of employment, to turn over his or her fees to the employer. The employer must be eligible to participate in the Medical Assistance Program and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65].

e) The Department will not permit the designation of a payee or alternate payee that appoints, employs, or contracts with any person as an owner, officer, director, or individual with management or advisory responsibility who is terminated, suspended, or barred or has voluntarily withdrawn as a result of a settlement agreement, from any state or federal healthcare program.

f) If a practitioner designates an alternate payee, the practitioner and the alternate payee shall be jointly and severally liable to the Department for payments made to the alternate payee.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section 140.1001 Registration Conditions for Alternate Payees

a) In order to participate, alternate payees must meet the following conditions:

1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical entities;

2) Be certified for participation in the Title XVIII Medicare program when federal or State rules and regulations require such certification for Title XIX participation;

3) Be certified for Title XIX when federal or State rules and regulations so require;

4) Qualify as:

A) Hospital be a hospital or a hospital affiliate as defined by the Hospital Licensing Act [210 ILCS 85];
NOTICE OF PROPOSED AMENDMENTS

B) Professional school that offers a degree to qualify individuals for licensure to perform medical services;

C) Group practice solely owned by three or more full-time licensed individual practitioners who are eligible to participate in the Medical Assistance Program;

D) Partnership that requires fees of its partners to be turned over to the partnership and all partners are eligible to participate in the Medical Assistance Program;

E) Individual practitioner "employer" who requires an employee, as a condition of employment, to turn over his or her fees to the employer. The employer must be eligible to participate in the Medical Assistance Program and, except as provided below, must be licensed in the same profession as the practitioners in his or her employ who have designated the employer as the alternate payee. The employer may only qualify as a payee for a total of four individual practitioners, including the employer. Practitioners may designate an employer who is a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] if the practitioner is an advanced practice nurse licensed under the Nurse Practice Act [225 ILCS 65];

F) Corporation registered with the Illinois Secretary of State's Office to do business in the State of Illinois and whose shares of ownership are publicly traded in a recognized stock exchange within the United States of America;

G) Governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity;

H) Community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132 and is enrolled as a provider in the Medical Assistance Program; or
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) A Federally Qualified Health Center, Rural Health Center or Encounter Rate Clinic that is enrolled as a provider in the Medical Assistance Program;

5) Provide registration information to the Department, in the prescribed format;

6) Notify the Department, in writing, immediately whenever there is a change in any information that the alternate payee has previously submitted;

7) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to public assistance recipients and alternate payee relationships; and

8) Have a current alternate payee registration on file with the Department.

b) Approval of a corporate entity such as a group practice, a partnership, hospital, or professional school as an alternate payee in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure, and location. Therefore, an alternate payee's registration in the Medical Assistance Program is not transferable.

c) For purposes of administrative efficiency, the Department may periodically require classes of alternate payees to re-register in the Medical Assistance Program. Under such a re-registration, the Department shall request classes of alternate payees to submit updated information. Failure of an alternate payee to submit such information within the requested time frames may result in cancellation of the alternate payee registration from the Program. Such cancellation shall have no effect on the future eligibility of the alternate payee to participate in the Program and is intended only for purposes of the Department's efficient administration of the Program.

d) For purposes of this Section, an alternate payee whose alternate payee investor ownership has changed by 50 percent or more from the date the alternate payee was initially approved for registration as an alternate payee in the Medical
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Assistance Program shall be required to submit a new application for registration. All such applications must meet the requirements for registration.

(Source: Amended at 32 Ill. Reg. _______, effective _____________)

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
   - 132.25 Amend
   - 132.30 Amend
   - 132.42 Amend
   - 132.44 Amend
   - 132.45 Amend
   - 132.50 Amend
   - 132.60 Amend
   - 132.70 Amend
   - 132.91 Amend
   - 132.100 Amend
   - 132.142 Amend
   - 132.145 Amend
   - 132.148 Amend
   - 132.150 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 is necessary for the following reasons: to provide clarity regarding recent rule changes based on questions received from providers and other stakeholders; to remove Comprehensive Mental Health and Short-term Diagnostic and Mental Health services (Federal CMMS is requiring that these services sunset June 30, 2008); to continue to focus on consumer involvement in the recovery process; to include provisions for the involvement of an Administrative Services Organization for DHS/DMH; and to incorporate language from the federal CMMS’ proposed rules for rehabilitative services.

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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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.

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

   Tracie Drew, Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue East
   Harris Building, 3rd Floor
   Springfield, 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:** January 2008

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section 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)
132.40 Certification for Additional Medicaid Community Mental Health Services and/or
New Site(s) (Repealed)
132.42 Post-Payment Review
132.44 Appeal of Post-Payment Review Findings
132.45 Compliance with Certification Requirements
132.50 Revocation of Certification
132.55 Appeal of Certification Decisions
132.60 Rate Setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.65 Organizational Requirements
132.70 Personnel and Administrative Recordkeeping
132.75 Program Evaluation (Repealed)
132.80 Fiscal Requirements
132.85 Recordkeeping
132.90 Provider Sites
132.91 Accreditation
132.95 Utilization Review
132.100 Clinical Records
132.105 Continuity and Coordination of Services (Repealed)
132.110 Availability of Services (Repealed)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

132.115 Provisions (Repealed)
132.120 Service Needs Evaluation (Repealed)
132.125 Treatment Plan Development and Modification (Repealed)
132.130 Psychiatric Treatment (Repealed)
132.135 Crisis Intervention (Repealed)
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].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 132.10  Purpose

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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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 at 32 Ill. Reg. ______, effective ____________)

Section 132.25 Definitions

For the purposes of this Part, the following terms are defined:

- **Admission Note** - A written report of an initial assessment and treatment plan that initiates Rule 132 services for clients who are admitted to a specialized substitute care living arrangement or for the client who does not have a completed mental health assessment and is admitted to ACT services or a residential facility designated by the public payer for the purpose of stabilizing a crisis.

"Adult" - An individual who is 18 years of age or older or a person who is emancipated pursuant to the Emancipation of Mature Minors Act [750 ILCS 30].

"Applicant" - An entity that seeks certification to provide Medicaid community mental health services under this Part.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Certified Recovery Support Specialist or CRSS - An individual who is certified and in good standing as a Recovery Support Specialist by the Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. (IAODAPCA).

“Certifying State Agency” - Departments responsible for determining and monitoring compliance with this Part: Department of Healthcare and Family Services, Department of Human Services, Department of Children and Family Services or the Department of Corrections.


“Client” - An individual who is Medicaid-eligible and is receiving Medicaid community mental health services.

“CMMS” - Centers for Medicare and Medicaid Services. A federal agency within the U.S. Department of Health and Human Services with responsibility for Medicare, Medicaid, State Children's Health Insurance (SCHIP), Health Insurance Portability and Accountability Act (HIPAA), and Clinical Laboratory Improvement Amendments (CLIA).

“Collateral” - A person with a relationship to a client and who is important in the treatment or recovery goals of the client or who is a resource to assist the client in meeting treatment or recovery goals.

“Confidentiality Act” - The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

“Contract” - For purposes of this Part, a written agreement between the applicant/provider and a public payer.

“Co-occurring” - Co-existing mental health and substance use disorders or developmental disabilities. Individuals eligible to receive services under this Part must have a diagnosis of mental illness.

“Day” - A calendar day unless otherwise indicated.

“DCFS” - The Illinois Department of Children and Family Services.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"DHS." - The Illinois Department of Human Services.

"DOC." - The Illinois Department of Corrections.


"Enrollment." - The official enrollment of a provider in the medical assistance program by HFS on determination of compliance with 89 Ill. Adm. Code 140.11.

"Family." - A basic unit or constellation of one or more adults and children, foster or adoptive parents and children, and private individual guardians.

Family Resource Developer - A parent or care-giver who has navigated multiple child serving systems on behalf of a child or adolescent with Severe Emotional Disturbance (SED) as a consumer of the mental health system. The individual has a high school diploma or equivalency and has demonstrated the ability to work collaboratively with families, children, agency staff and other providers in the community.

"GAF." - The Global Assessment of Functioning Scale contained in the DSM-IV.

"Guardian." - The court-appointed guardian or conservator of the person under the Probate Act of 1975 [755 ILCS 5] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement in accordance with the applicable interstate compact. (The Juvenile Court Act of 1987 [705 ILCS 405]; Interstate Compact on the Placement of Children [45 ILCS 15])


"HIPAA." - The Health Insurance Portability and Accountability Act (42 USC 1320 et seq.) (45 CFR 160 and 164 (2003)).

"ICD-9-CM." - International Classification of Diseases, 9th Revision, Clinical
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Modification (Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244-1850 (2003)).

"ITP." – Individual treatment plan.

"Level of Role Functioning." – Refers to the client's abilities in critical areas such as vocational, educational, independent living, self-care, and social and family relationships. To assess the severity of the impairment in role functioning, scales approved for use include, but are not limited to, the GAF Scale or the CGAS Scale.

"Licensed Clinician." – An individual who is either a licensed practitioner of the healing arts (LPHA); a licensed social worker (LSW) possessing at least a master's degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services; a licensed professional counselor (LPC) possessing at least a master's degree and licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] with specialized training in mental health services or with at least two years experience in mental health services; a registered nurse (RN) licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or who possesses a master's degree in psychiatric nursing; or an occupational therapist (OT) licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting.

"Licensed Practitioner of the Healing Arts or healing arts (LPHA)." – An Illinois licensed health care practitioner who, within the scope of State law, has the ability to independently make a clinical assessment, certify a diagnosis and recommend treatment for persons with a mental illness and who is one of the following: a physician; an advanced practice nurse with psychiatric specialty licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15]; a licensed clinical social worker (LCSW) licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; a licensed clinical professional counselor (LCPC) licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]; or a licensed marriage and family therapist (LMFT) licensed under the Marriage and
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS


“Medicaid” - Medical assistance authorized by HFS under the provisions of the Illinois Public Aid Code [305 ILCS 5/Art. V], the Children's Health Insurance Program Act [215 ILCS 106] and Titles XIX and XXI of the Social Security Act (42 USCA 1396 and 1397aa).

Medical Necessity or Medically Necessary - A mental health intervention is medically necessary if:

- the individual has a diagnosis of mental illness or serious emotional disorder as defined in ICD-9-CM or DSM-IV;
- mental health services are identified as appropriate to the individual's needs as identified in a mental health assessment; and
- the intervention could not have been omitted without adversely affecting the individual's functioning.

The LPHA shall recommend that medical or remedial services are necessary to reduce the physical or mental disability of an individual and to restore an individual to the maximum possible functioning level. A service is not medically necessary if it is provided solely for the convenience of the individual, his or her family or the provider.

“Mental Health Professional or (MHP),” - An individual who provides services under the supervision of a qualified mental health professional and who possesses: a bachelor's degree; a practical nurse license under the Nurse Practice Act Nursing and Advanced Practice Nursing Act [225 ILCS 65]; a certificate of psychiatric rehabilitation from a DHS-approved program plus a high school diploma plus 2 years experience in providing mental health services; a recovery support specialist certified and in good standing with the Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc., plus one year experience in providing mental health services; an occupational therapy assistant licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of experience in a mental health setting; or a minimum of 5 years supervised experience in mental health or human services. Any individual meeting the minimum credentials for an LPHA or QMHP under this Part is deemed to also meet the credentialing requirements of an MHP.
"Mental Illness" - A mental or emotional disorder diagnosis contained in the DSM-IV or ICD-9-CM, authorized by the public payer funding the services under this Part and the condition that will be the main focus of treatment for services under this Part. Mental illness does not include organic disorders such as dementia and those associated with known or unknown physical conditions such as hallucinosis, amnestic disorder and delirium; psychoactive substance induced organic mental disorders; and mental retardation or psychoactive substance use disorders.

Natural Setting - A setting where an individual not identified as mentally ill typically spends time, including home, school, work, churches, community centers, libraries, parks, recreation centers, etc. These sites are not licensed, certified or accredited as a treatment setting nor typically identified as treatment sites.

"Off-site." - Locations other than a certified provider site as described in Section 132.90 provider sites, as described in this Part, where community mental health services are provided and that require the staff to travel from their usual office base in order to deliver the service. A place of residence that is owned or leased operated by a provider and occupied by a client also will be considered an off-site location unless there is a certified site connected to the residence an office on site that is the usual office base of the staff delivering the services.

On-site - Location that is a certified provider site as described in Section 132.90.

"Part 132 Services." - The community mental health services described in this Part.


"Provider." - An entity certified to provide Medicaid community mental health services in accordance with this Part.

"Public Payer." - HFS, a State agency or a unit of local government that is responsible for payment for services under this Part provided to a client pursuant to a contract with the provider.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Qualified Mental Health Professional" or "QMHP." - One of the following:

- A licensed social worker (LSW) possessing at least a master's degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services or with at least 2 years experience in mental health services;

- A licensed professional counselor possessing at least a master's degree and licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] with specialized training in mental health services or with at least two years experience in mental health services;

- A registered nurse (RN) licensed under the Nurse Practice Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or who possesses a master's degree in psychiatric nursing;

- An occupational therapist (OT) licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;

- An individual possessing at least a master's degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, or family therapy or related field, who has successfully completed a practicum or internship that included a minimum of 1,000 hours of supervised direct service, or who has one year of clinical experience under the supervision of a QMHP.

Any individual meeting the minimum credentials for an LPHA under this part is deemed to also meet the credentialing requirements of a QMHP.

"Rehabilitative Services Associate or RSA" - An RSA must be at least 21 years of age, have demonstrated skills in the field of services to adults or children, have demonstrated the ability to work within the provider's structure and accept supervision, and have demonstrated the ability to work constructively with clients, treatment resources and the community. Beginning July 1, 2010, an RSA must have successfully completed 40 hours of State agency
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

approved training and 40 hours of QMHP supervised on-the-job training per State agency approved protocols. Any individual meeting the minimum credentials for an MHP, MPH, QMHP or LPHA under this Part is deemed to also meet the credentialing requirements of an RSA.

"SASS." - A program of intensive mental health services provided by an agency certified to provide Part 132 services and under contract to provide screening, assessment and support services to children with a mental illness or emotional disorder who are at risk for psychiatric hospitalization.

"Specialized Substitute Living Arrangement substitute care living arrangement." - A living arrangement providing services to a client supervised by a provider licensed under the Child Care Act of 1969 [225 ILCS 10] or any comparable Act in another state when the provider is under contract to the State agency.

"State Agency" - Department of Healthcare and Family Services, Department of Juvenile Justice, Department of Human Services, Department of Children and Family Services or the Department of Corrections.

"Unit of Local Government" - A county, municipal corporation, or other local government entity organized under the laws of the State of Illinois that, pursuant to an executed intergovernmental agreement with HFS, has agreed to pay for Medicaid community mental health services.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.30 Application, Certification and Recertification Processes

a) A State agency, subject to an executed interagency agreement with HFS in its capacity as the Medicaid State agency for Illinois, is authorized to perform the functions ascribed under this Part.

b) Any entity having a contract with a State agency for the provision of mental health services, other than hospital inpatient or hospital outpatient psychiatric services, with DCFS for the provision of child welfare services, with DCFS or DHS for the provision of youth services, or with DOC for the provision of youth treatment, rehabilitative or transitional services may apply for certification as a provider. Applicants who meet the requirements of this Part will be certified by one of the State agencies and enrolled as a provider in the Illinois medical
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

assistance program by HFS pursuant to 89 Ill. Adm. Code 140.11. Providers will be certified by, and subject to, Medicaid certification review by only one State agency. Providers who are certified to provide comparable Medicaid services in other states may apply to a State agency for reciprocity consideration and enrollment. Providers applying for reciprocity consideration and enrollment will be subject to the same standards as those providers applying for certification under this Part.

c) Applications may be obtained by submitting a request in writing to:

   Illinois Department of Human Services
   Bureau of Accreditation, Licensure and Certification
   401 North Fourth Street
   Springfield, Illinois 62702

   or

   Illinois Department of Children and Family Services
   Office of Medicaid Certification
   406 East Monroe Street
   Springfield, Illinois 62701

   or

   Illinois Department of Corrections
   Office of Medicaid Certification
   1301 Concordia Court
   Springfield, Illinois 62794-9277

d) The applicant shall submit to DHS, DCFS or DOC a completed "Application for Certification of Medicaid Community Mental Health Services Programs" with all of the required accompanying components, as specified on the application form. An applicant shall submit its application to the Certifying State Agency that it intends to contract with for Part 132 services.

   1) If an applicant intends to contract for Part 132 services with more than one State agency, the applicant shall submit its application to the State agency that provides the most funding for those Medicaid community mental health services.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) If the funding from the Certifying State Agencies is equal, the applicant shall submit the application to DHS.

3) The application shall request information including, but not limited to:

A) Applicant name and corporate status;

B) List of services the applicant is requesting be certified;

C) Description of how each service to be certified fits into the programs of the applicant and other evidence of compliance with specific service definitions (see Section 132.150):
   i) For Psychosocial Rehabilitation, the applicant must submit a work week schedule for each site, demonstrating 25 hours of available PSR and the name of the staff at each location who has co-occurring training or experience;
   ii) For Assertive Community Treatment, the applicant must submit the names of staff on each team, indicating their credentials and their role on the team, e.g., person in recovery, experience in co-occurring disorders, and the time worked each week; and
   iii) For Community Support Team, the applicant must submit the names of staff on each team, indicating their credentials and their role on the team, and the amount of time that each staff works on the team weekly;

D) List of sites to be certified and the services to be provided at each site;

E) Fire, electrical and plumbing clearances for each site, pursuant to Section 132.90;

F) The address of all accessible sites;

G) A staffing roster including staff qualifications and supervisory
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

responsibilities for each of the sites;

H) Policies on confidentiality and third-party payments;

I) Utilization review plan; and

J) Medicare certification status.

e) If the application form and all of the required components are in compliance with this Part, the State agency shall issue to the provider a certificate for the Medicaid community mental health services program.

1) An applicant that submits an application that is not in compliance with this Part shall receive a Notice of Deficiencies. The Certifying State Agency shall issue the Notice of Deficiencies within 30 days after receiving the application. If the applicant intends to proceed with applying for Medicaid certification, the applicant shall submit corrected documentation to address all of the deficiencies. The applicant shall submit the corrected documentation to the Certifying State Agency that received the application and issued the Notice of Deficiencies.

2) The State agency shall issue the certificate within 30 days after the Certifying State Agency receives the completed application and all required components, including corrected documentation, if applicable. The effective date of certification shall be the date that the application or, if required, corrected documentation was approved. The Certifying State Agency shall also send the Medicaid enrollment forms to the provider. The provider shall complete the enrollment forms for each certified site to enroll those sites in the Illinois medical assistance program.

f) Certification shall be for a 3-year period.

1) A provider shall deliver only mental health services under this Part for which it is certified. Any changes during the certification period that affect the ability of the provider to deliver services in compliance with the requirements of this Part shall be reported to the Certifying State Agency.

2) Any changes during the certification period that affect the ability of the provider to deliver services in compliance with the requirements of this
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Part shall be reported to the Certifying State Agency. A provider shall deliver only mental health services under this Part for which it is certified.

3) A provider is expected to provide Psychosocial Rehabilitation (PSR), Assertive Community Treatment (ACT), Community Support Residential (CSR) and Community Support Team (CST) services within 90 days after being notified of certification for the services. If the service is not implemented within 90 days, the provider must show compliance with the requirements in subsection (p) before the Part 132 services can be provided.

4) If a provider has been certified for PSR, ACT, CSR or CST and decides to no longer provide the services, the provider shall notify the Certifying State Agency at least 60 days prior to discontinuing the services. The service may be subject to removal from the certificate. Prior to discontinuing the service, the provider shall provide a plan for transitioning consumers to other services or to other providers.

5) The provider shall submit team rosters for ACT and CST upon public payer request.

g) Within 12 months after the date of initial certification, the Certifying State Agency shall conduct a review.

1) At the review, the Certifying State Agency shall evaluate the provider's compliance with this Part.

2) If no deficiencies are noted at the review, the Certifying State Agency shall notify the provider of the results within 30 days after the completion of the review. Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period.

3) If deficiencies are noted at the review, the Certifying State Agency shall report those deficiencies to the provider during an exit conference. The Certifying State Agency shall also issue a Notice of Deficiencies, return receipt requested, to the provider within 30 days after the completion of the review.

4) If the Certifying State Agency issues a Notice of Deficiencies to the
provider, the provider shall respond with a Plan of Correction pursuant to Section 132.45(a). The Plan of Correction shall address all of the deficiencies listed on the Notice of Deficiencies. The Plan of Correction must identify the actions that have been, or will be, taken to comply with this Part and the timeframes for implementing the corrective actions. Unless otherwise specified, the timeframes for implementing corrective actions must follow the requirements specified in Section 132.45. The provider must submit this Plan of Correction to the Certifying State Agency within 30 days after the return receipt of the Notice of Deficiencies.

A) Providers that submit a Plan of Correction approved by the Certifying State Agency shall be notified of the approval. The Certifying State Agency shall notify the provider of the approval within 30 days after the Certifying State Agency receives the provider's Plan of Correction. The Certifying State Agency shall verify the provider's implementation of the Plan of Correction at the next review. If a Plan of Correction was required, the next review shall occur within 12 months after the date the Plan of Correction was approved.

i) If the findings at the next review indicate that a provider has failed to implement a Plan of Correction, the Certifying State Agency may revoke the provider's certification.

ii) Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period.

B) If a provider submits a Plan of Correction that does not address the deficiencies noted during a review pursuant to subsection (g)(4), the Certifying State Agency shall notify the provider within 30 days after receipt of the provider's Plan of Correction. The provider shall submit a revised Plan of Correction that addresses the deficiencies within 10 days after receiving notification. The Certifying State Agency may revoke the provider's certification if the provider fails to submit an acceptable revised Plan of Correction within 10 days after the return receipt date.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

C) The Certifying State Agency may revoke a provider's certification if the provider fails to submit a Plan of Correction for deficiencies noted during a review within 30 days after receipt of the Notice of Deficiencies.

h) Compliance reviews for recertification shall be conducted on or about the expiration date of the current certification period. If the Certifying State Agency fails to conduct a compliance review for certification before the expiration of the current certification period, the certification shall remain valid until completion of the compliance review. Subsequent compliance reviews shall follow the process outlined in subsection (g).

i) The Certifying State Agency, HFS, or their respective agents, shall be granted access to all provider sites. All records shall be made available to the Certifying State Agency, HFS, or their respective agents, on request during the initial certification review, recertification reviews and any other compliance reviews for services delivered under this Part. Access to records shall occur in accordance with the Confidentiality Act.

j) An applicant/provider who has been decertified by Medicare shall not be eligible for certification under this Part.

k) When a decision is made to deny certification of an applicant or recertification of a provider, the applicant/provider may appeal the decision and request a hearing in accordance with Section 132.55 of this Part and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].

l) If an applicant/provider has been denied certification or recertification, or if the provider's certification has been revoked, the applicant/provider may not reapply for certification under this Part for at least one year after the date of the final decision, including any appeals regarding certification, recertification or revocation.

m) Following a review, a provider shall be notified of its level of compliance with this Part as specified in Section 132.45.

n) The findings from a review shall be placed in one of the levels of compliance as described in Section 132.45.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

o) Providers that seek certification for new sites shall submit the following documentation to the Certifying State Agency:

1) A clearance letter from the Office of the State Fire Marshal or approved local fire authority, dated within the preceding 12 months, stating that each additional site complies with local and State fire safety ordinances and codes pursuant to Section 132.90. For providers certified by DHS, the clearance letter must come from the Office of the State Fire Marshal only.

2) A signed statement from a licensed plumber or licensed architect, dated within the preceding 12 months, stating that each additional site complies with applicable plumbing codes pursuant to Section 132.90.

3) A signed statement from an electrician or licensed architect, dated within the preceding 12 months, stating that each additional site complies with applicable electrical codes pursuant to Section 132.90.

4) A signed statement from the provider, dated within the preceding 12 months, attesting to compliance with requirements of physical accessibility standards pursuant to Section 132.90.

5) A list of the Part 132 services that will be provided at the site.

p) Providers that seek certification for additional Part 132 services shall submit a description of the additional services, including evidence of compliance with specific service definitions in this Part, and the sites where the services will be delivered. Providers requesting to add Part 132 services whose standards are changed as a result of revisions to Sections 132.150 and 132.165 are expected to show compliance with standards as adopted. The description shall state how the additional services will be provided within the provider’s program and shall include a listing of the LPHAs and QMHPs who will be responsible for directing the services. The provider shall submit the documentation for certification of additional services to the Certifying State Agency.

q) Additional sites or services must be approved by the Certifying State Agency before the additional sites or services may be considered for certification.

r) The provider’s application for certification of additional sites or services shall be processed by the Certifying State Agency according to the provisions outlined in
subsubsection (e).—Approved additional sites or services shall be indicated on a revised certificate. If additional sites are certified, the provider shall enroll those sites in the Illinois medical assistance program. The addition of sites or services will not alter the expiration date of the certificate.

s) The Certifying State Agency shall survey any additional sites or services for compliance with this Part during the next review.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.42 Post-Payment Review

The State agency may conduct on-site post-payment reviews to determine compliance with requirements of this Part and to determine amounts subject to recoupment.

a) The State agency shall compare billed services to those listed on the ITP or Admission Note in effect at the time service was provided. The State agency will determine that the following are unsubstantiated:

1) Billings for services without a completed ITP or Admission Note being in effect, except for mental health assessment; ITP development, review and modification; crisis intervention; transition linkage and aftercare; or mental health case management pursuant to Section 132.165(a)(1);

2) Billings for services that the provider is not certified to provide;

3) Billings for services not listed on the ITP or Admission Note, except for mental health assessment; ITP development, review and modification; crisis intervention; transition linkage and aftercare; or mental health case management pursuant to Section 132.165(a)(1); or

4) Billings that do not comply with the requirements of this Part.

b) The post-payment review must verify compliance with the documentation requirements identified in subsection (a) of this Section.

c) The State agency will report its findings to the provider through an Initial Notice of Unsubstantiated Billings.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) The initial notice will be sent to the provider within 30 days after the completion of the on-site review.

2) The provider will have 30 days after the receipt of the initial notice to submit documentation that was not available during the on-site review. Documentation submitted may not include anything produced following the on-site review.

   A) The State agency will review the additional documentation within 14 days after receipt to determine if it meets the requirements of this Part.

   B) Adjustments will be made to the State agency's findings if the additional documentation meets the requirements of this Part.

d) The State agency will report the final outcome to the provider through a Final Notice of Unsubstantiated Billings or a Notice of Suspension from Billing.

   1) When a provider receives a Notice of Suspension from Billing, the provider will immediately stop submitting bills for Medicaid community mental health services under this Part.

   2) The provider will have 90 days to make corrections to its documentation processes to bring them into compliance with this Part.

   3) When the provider notifies the State agency in writing that they have made the necessary corrections, the State agency will review them for compliance with this Part within 14 days.

   4) If compliant, the provider will be notified by mail and may resume billing.

   5) The provider may submit bills that have the required documentation for services provided during the suspension.

   6) If corrections are not made within 90 days, the State agency shall revoke the provider's certification.

e) If the State agency finds evidence of suspected Medicaid fraud or abuse, the State
agency shall refer such evidence to HFS, Office of Inspector General for further action.

f) HFS, in its capacity as the Medicaid single state agency for Illinois, may conduct on- or off-site reviews of payments made by any and all public payers to a provider.

g) The provider may appeal the State agency's intent to recover funds as specified in Section 132.44.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 132.44 Appeal of Post-Payment Review Findings

a) If the State agency determines that the provider is not in compliance with the billing documentation requirements of this Part pursuant to a post-payment review conducted in accordance with Section 132.42, the State agency shall notify the provider in writing of its findings. The notice shall include:

1) The reason for the State agency's findings;

2) A statement of the provider's right to request a hearing within 20 days after the provider's receipt of the written notice;

3) A statement of the legal authority and jurisdiction under which the hearing is to be held; and

4) The address where a request for hearing may be filed.

b) If a provider chooses to appeal the State agency's findings, the provider shall submit a written request for a hearing to the State agency within 20 days after the date of receipt of the written notice.

c) The sole issue at the hearing shall be whether the provider is in compliance with billing documentation requirements set forth in this Part.

d) The request for hearing shall be filed with, and received by, the State agency within 20 days after the date of the receipt of the written notice to the provider.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) Hearing process

1) HFS's hearing rules for medical vendor hearings at 89 Ill. Adm. Code 104.200 shall apply, except that the following Sections do not apply to these hearings: 104.204, 104.206, 104.208, 104.210, 104.216, 104.217, 104.221, 104.260, 104.272, 104.273 and 104.274.

2) The State agency shall, within 5 days after receiving the appeal, send a copy of the appeal to the Illinois Department of Healthcare and Family Services Vendor Hearings Section, 401 South Clinton, 6th Floor, Chicago, Illinois 60607.

3) The appellant shall direct all subsequent communications relevant to the hearing to the HFS Vendor Hearings Section.

4) An administrative law judge appointed by HFS shall conduct the hearing.

5) A recommended decision shall be submitted to the Director of Healthcare and Family Services and copies mailed to the parties, in accordance with the provisions of 89 Ill. Adm. Code 104.290. A copy shall also be mailed to the State agency that referred the matter to HFS.

f) Final administrative decision

The Director of Healthcare and Family Services shall issue a final administrative decision in accordance with the provisions of 89 Ill. Adm. Code 104.295.

g) Judicial review

The final administrative decision shall be subject to judicial review exclusively as provided in the Administrative Review Law [735 ILCS 5/Art. III].

h) A provider shall be liable for reimbursement of claims submitted from the date of the final administrative decision pursuant to this Section if such decision results in an adverse finding for the provider.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

Section 132.45 Compliance with Certification Requirements
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) Medicaid community mental health service providers shall be recognized according to levels of compliance with standards as set forth in this Part. Providers with findings of Level 1 and 2 will be considered to be in good standing with the State agency. The levels of compliance are:

1) Level 1 – Compliant: No written Plan of Correction will be required of the provider (90-100% compliance).

2) Level 2 – Substantial compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the identified deficiencies. Within 12 months after the date that a Plan of Correction is approved, the Certifying State Agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frame, the Certifying State Agency may revoke the provider's certification to provide services pursuant to this Part (75-89% compliance).

3) Level 3 – Minimal compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the identified deficiencies. After 90 days from the date that a Plan of Correction is approved, the Certifying State Agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. The provider's level of compliance must reach at least Level 2 to demonstrate implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frame, the Certifying State Agency may revoke the provider's certification to provide services pursuant to this Part (50-74% compliance).

4) Level 4 – Unsatisfactory compliance: A Notice of Deficiencies is issued. The provider shall submit a written Plan of Correction to address the cited deficiencies. After 60 days from the date that a Plan of Correction is approved, the Certifying State Agency shall conduct a review to evaluate the provider's implementation of the Plan of Correction. The provider's level of compliance must reach at least Level 3 to demonstrate implementation of the Plan of Correction. If the provider fails to submit and implement a Plan of Correction within the designated time frame, the Certifying State Agency may revoke the provider's certification to provide services pursuant to this Part (50-74% compliance).
Correction within the designated time frames, the Certifying State Agency may revoke the provider's certification to provide services pursuant to this Part (under 50% compliance).

b) When a written Plan of Correction is required, the provider shall submit the Plan of Correction within 30 days after receipt of the Notice of Deficiencies.

c) In the event that all contracts between the provider and a State agency for the provision of services under this Part are terminated, certification of the provider shall likewise be revoked and HFS will be advised of this by the State agency. The provider is solely liable for the cost of services provided after a contract has been terminated or certification has been revoked.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.50 Revocation of Certification

a) The Certifying State Agency shall issue a written notice revoking certification during a certification period for any of the following:

a1) Provider meeting any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16; or

b2) Provider discontinuing delivery of all Medicaid community mental health services for which the provider has been certified; or

c3) Provider being convicted of defrauding the medical assistance program under Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA].

b) In the event that all contracts between the provider and a State agency for the provision of services under this Part are terminated, certification of the provider shall likewise be revoked and HFS will be advised of this by the State agency. The provider is solely liable for the cost of services provided after a contract has been terminated or certification has been revoked.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.60 Rate Setting
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) The State agency shall compute rates of reimbursement for services under this Part. The rates will be effective only after approval by HFS in its capacity as the Medicaid single state agency. Providers and the public shall be informed of any changes in the methods and standards of determining payment rates for services funded under this Part pursuant to 42 CFR 447.205 (2003).

b) Rate calculation

1) For services authorized by this Part to be reimbursed at fractions of or multiples of service hours, the State agency shall calculate rates on an hourly basis. Rates shall be calculated for each of the direct care staff classifications (RSAs, MHPs, QMHPs, and RNs) as the sum of average annual direct care wages and salaries (including paid benefits) and annual per person overhead and administrative costs necessary for direct care staff divided by billable annual direct care staff hours.

2) Average annual direct care wages and salaries shall be obtained for each of the 4 direct care staff classifications from the most recent State of Illinois Consolidated Financial Reports, as submitted to meet the requirements in Section 132.80(b). Annual per person overhead and administrative costs necessary for direct care staff shall be calculated from a model of reasonable and efficient operation and include consideration of the cost of administrative staff, support staff, clinical supervisory staff, and site operation. Billable annual direct care staff hours shall be calculated from a model of reasonable and efficient operation and include the consideration of direct care staffing activities necessary to produce billable services that are not themselves billable, such as training, travel, documentation, and missed appointments.

A) Hourly crisis service rates shall be calculated in the manner described in subsection (b)(1) and multiplied by a factor of 1.6 to compensate for availability of 24 hours per day, 7 days per week.

B) Hourly rates for services that may be provided for groups of clients shall be calculated in the manner described in subsection (b)(2) and divided by the maximum allowable group size as specified in Section 132.150, with an allowance for incomplete attendance or participation.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

c) Mental health services described in Subpart C of this Part may be integrated into a comprehensive array and billed on a per diem basis and defined on an individual specialized substitute care provider basis by the State agency using the factors enumerated in subsection (b) of this Section.

(Source: Amended at 32 Ill. Reg. _____, effective ____________)

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.70 Personnel and Administrative Recordkeeping

a) The provider shall have a comprehensive set of personnel policies and procedures that include, but are not limited to:

1) Job descriptions and qualifications and documentation of current licensure and certification for all staff, including those on contract with the provider or with an entity subcontracting with the provider. The provider shall also maintain job descriptions for volunteers and unpaid personnel;

2) Documentation that staff providing or supervising services pursuant to this Part meet the staff qualifications defined in this Part, and that their individual performance is evaluated no less frequently than once every 12 months; and

3) Documentation that the provider has written personnel policies concerning hiring, evaluating, disciplining and terminating staff.

b) The provider must show documentation indicating that staff have engaged in professional development and continuing education activities. Acceptable documentation may include, but is not limited to, training approval forms, reimbursement/payments for training, training calendars, outlines of training activities, or a list of notifications or training events.

c) A provider certified or funded by DHS shall not employ a person in any capacity until the provider has inquired of the Department of Public Health as to information in the Health Care Worker Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the provider shall not employ him or her in any capacity.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

d) Each provider shall develop, implement and maintain a plan for clinical supervision of QMHPs, MHPs and RSAs, all non-licensed staff who perform Part 132 services. A LPHA or QMHP must provide the supervision for a minimum of one hour per month through face-to-face, teleconference or videoconference. Supervision must be documented in a written record. Supervision of staff as noted in this subsection must be for a minimum of one hour per month through face-to-face, teleconference or videoconference.

1) QMHPs must be supervised by an LPHA.
2) MHPs and RSAs must be supervised by, at a minimum, a QMHP.
3) LPHAs are not required to have clinical supervision under this Section.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.91 Accreditation

a) The Certifying State Agency shall grant deemed status to providers having a contract with the State agency and demonstrating current accreditation status under any of the standards of the following accrediting organizations:

1) 2006 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 2006);
2) 2006-2007 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 2006);
3) 2005-2006 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 2006);
4) Council on Accreditation Standards, Eighth Edition (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 2006); COA Standards
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

and Self Study Manual, 7th Edition (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 2001);

5) Quality Outcomes 2005 (The Council on Quality Leadership, 100 West Road, Suite 406, Towson, Maryland 21204, 2005);

6) Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 2008 2006); or


b) "Deemed status" means that if a provider has been accredited by any of the accrediting organizations identified in subsections (a)(1) through (a)(7) of this Section, the Certifying State Agency shall deem the provider to be in compliance with the following Sections of this Part:

1) Section 132.65;

2) Section 132.70(a) and (b);

3) Section 132.85(a)(1) through (a)(6) and (a)(8), (b)(e); and

4) Section 132.95 (a) and (d) through (f) and (h);

5) Section 132.100(a) through (h) and (k) through (m); and

6) Section 132.145(f).

c) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Certifying State Agency.

d) If the provider's accreditation status changes for any reason, the provider shall notify the Certifying State Agency of that change within 30 days after the
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective date of the change. A provider who fails to notify the Certifying State Agency of a change in accreditation may have its certification revoked pursuant to Section 132.50.

e) Deemed status may be nullified by a finding by the Certifying State Agency that the provider is non-compliant with one or more of the Sections identified in subsections (b)(1) through (b)(6) of this Section.

f) If a provider offering only non-residential services is accredited and is in compliance with Section 132.90 at the time of recertification, on-site inspections will not be required for recertification purposes. Sites offering residential services are subject to an on-site inspection for recertification. All new sites shall be required to undergo on-site inspections.

g) If a certified site is licensed by DCFS as a child care institution or group home, an on-site inspection of that site may not be required for recertification purposes. The site must be in good standing with DCFS and must be in compliance with Section 132.90 at the time of recertification. All new sites shall be required to undergo on-site inspection.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

Section 132.100 Clinical Records

The client's clinical record shall contain, but is not limited to the following:

a) Identifying information, including client's name, Medicaid recipient identification number, address and telephone number, gender, date of birth, primary language or method of communication (e.g., Spanish, American Sign Language, communication board), name and phone number of emergency contact, date of initial contact and initiation of mental health services, third party insurance coverage, marital status, and source of referral;

b) Documentation of consent for or refusal of mental health services;

c) Assessment and reassessment reports;

d) A single consolidated ITP within a provider organization. The ITP must be current;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) Admission Note, if applicable;

f) Documentation concerning the prescription and administration of psychotropic medication as specified in Section 132.150(d)(1);

g) Documentation of missed appointments;

h) Documentation of client referral or transfer during any active service period to or from the provider's programs or to or from other providers;

i) Documentation to support services provided for which reimbursement is claimed shall be in the format specified by the public payer, shall be legible and shall include, but not be limited to, the following elements:

1) The specific service, including whether the service was rendered in a group, individual or family setting and a note in the periodic report indicating the specific Part 132 mental health services billed by name or code;

2) The date the service was provided;

3) The start time and duration for each service;

4) The name and credential of the staff providing the service;

5) The specific provider site or off-site location setting where services were rendered; and

6) Written documentation describing the interaction that occurred during service delivery, including the client's response to the clinical interventions and progress toward attainment of in relation to the goals in the ITP.

j) Comprehensive mental health services and short-term diagnostic mental health services shall be documented:

1) According to subsection (i) of this Section; and
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) On a daily basis by completion of shift treatment summaries and other service documentation.

   A) Shift treatment summaries may only be used to document community support residential services;

   B) Shift treatment summaries shall be completed according to subsection (i); and

   C) Shift treatment summaries shall include the client's general level of role functioning over the period being documented;

   jk) ITP reviews describing the client's overall progress;

   kl) A written record of the client's major accidents or incidents that occur at the site with regard to a specific client, whether self-reported or observed, and resulting in an adverse change in the client's physical or mental functioning; and

   lm) Discharge summary documenting the outcome of treatment and, as necessary, the linkages for continued services.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

SUBPART C: MENTAL HEALTH SERVICES

Section 132.142 Clients' Rights

To assure that a client's rights are protected and that all services provided to clients comply with the law, providers shall ensure that:

   a) A client's rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

   b) The right of a client to confidentiality shall be governed by the Confidentiality Act and the Health Insurance Portability and Accountability Act of 1996.

   c) Justification for restriction of a client's rights under the statutes cited in subsections (a) and (b) shall be documented in the client's clinical record. In addition, the client affected by such restriction, his or her parent or guardian and
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

any agency designated by the client pursuant to subsection (d)(2) shall be notified of the restriction.

d) Staff shall inform the client prior to evaluation services of the following:

1) The rights in accordance with subsections (a), (b) and (c);

2) The right to contact the Guardianship and Advocacy Commission and Equip for Equality, Inc. Staff shall offer assistance to a client in contacting these groups, giving each client the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.;

3) The right to be free from abuse, neglect, and exploitation;

4) The right to be provided mental health services in the least restrictive setting;

5) The right or the guardian's right to present grievances up to and including the provider's executive director or comparable position. The client or guardian will be informed on how his or her grievances will be handled at the provider level. A record of such grievances and the response to those grievances shall be maintained by the provider. The executive director's decision on the grievance shall constitute a final administrative decision (except when such decisions are reviewable by the provider's governing board, in which case the governing board's decision is the final authority at the provider level);

6) The right not to be denied, suspended or terminated from services or have services reduced for exercising any rights; and

7) The right to contact the public payer or its designee and to be informed of the public payer's process for reviewing grievances.

e) The information in subsection (d) shall be explained using language or a method of communication that the client understands and documentation of such explanation shall be placed in the clinical record.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
Section 132.145 General Provisions

A provider shall comply with the following:

a) A provider shall, at a minimum, directly provide mental health assessment, ITP development, review, modification (see Section 132.148(c)) and at least one additional Part 132 mental health service. Directly provided means that the QMHP and LPHA who signed the mental health assessment and ITP are employed by or contractual employees of the provider. The public payer may waive the requirement of at least one additional Part 132 mental health service if it deems that such waiver increases the availability of mental health services to Medicaid-eligible clients.

b) A provider may subcontract for services authorized by this Part. All subcontractors must be certified to participate in the Illinois Medical Assistance program and enrolled as a provider with HFS. There shall be a written agreement between the provider and the subcontractor that defines their contractual agreement and assures the subcontractor's compliance with applicable service provisions of Subpart C. All subcontractors must be certified to participate in the Illinois Medicaid program and enrolled as a provider with HFS. All subcontracts must be approved by and on file with the State agency and, when applicable, the public payer. For purposes of this subsection, an employee or contractual employee or an individual on contract is not considered to be a subcontractor.

c) Unless specified otherwise, services under this Part shall be provided to clients with a diagnosis of mental illness as defined in Section 132.25 and whose level of role functioning, in the absence of treatment or medication, is impaired. The provision of mental health services is expected to result in an improvement or prevention of regression in the client's existing condition.

d) Consent

1) Prior to the initiation of mental health services, the provider shall obtain written or oral consent from the client and the client's parent or guardian, as applicable.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) Consent must be given by the parent or guardian for a child under 12 years of age, except a child 12 through 17 years of age can consent to treatment for 5 outpatient sessions of no more than 45 minutes in duration.

3) If the client is determined to be in need of crisis intervention services, or if the assessment is court ordered for the client, consent is not required.

4) Legally competent adults who participate in treatment services are deemed to have consented.

5) Oral consent shall also be documented in the record.

e) An LPHA shall provide the clinical direction and recommend medically necessary services as documented by his or her dated signature on the mental health assessment and ITP. The public payer, or his or her designee, may provide additional clinical direction in determining whether services are medically necessary.

f) When discharging a client from services, the provider shall ensure the continuity and coordination of services as provided in the client's ITP. The provider shall:

1) Communicate, consistent with the requirements of Section 132.142, relevant treatment and service information prior to or at the time that the client is transferred to a receiving program of the provider or is terminated from service and referred to a program operated by another service provider, if the client, or parent or guardian, as appropriate, provides written authorization; and

2) Document in the client's record the referrals to other human service providers and follow-up efforts to link the clients to services.

g) Services provided under this Part are subject to the provisions of an executed contract between the provider and the public payer. The public payer is not required to reimburse services under this Part not enumerated in the contract.

(Source: Amended at 32 Ill. Reg. _______, effective ____________)

Section 132.148 Evaluation and Planning
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) Mental health assessment is a formal process of gathering information regarding a client's mental and physical status and presenting problems through face-to-face, video conference or telephone contact with the client and collaterals, resulting in the identification of the client's mental health service needs and recommendations for service delivery. A diagnosis of mental illness is not required prior to beginning a mental health assessment.

1) A mental health assessment is required prior to the development and implementation of an ITP. A mental health assessment is not required prior to the initiation of crisis services described in Section 132.150(b) and case management services described in Section 132.165(a)(1).

2) The provider shall complete a mental health assessment report within 30 days after the first face-to-face contact. When a client is hospitalized for crisis services, the first face-to-face contact shall be the initial contact following discharge from the hospital.

3) A written mental health assessment report shall be a compilation of the following:

A) Identifying information: name, gender, date of birth, primary method of communication;

B) Extent, nature, and severity of presenting problems;

C) DSM-IV or ICD-9-CM diagnosis;

D) Family history, including the history of mental illness in the family;

E) Mental status evaluation, including, at a minimum, attention, memory, information, attitudes, perceptual disturbances, thought content, speech, affect, suicidal or homicidal ideation, and an estimation of the ability and willingness to participate in treatment;

F) Client preferences relating to services and desired treatment outcomes;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

G) Personal history, including mental illness and mental health treatment;

H) History of abuse/trauma (childhood sexual or physical abuse, intimate partner violence, sexual assault or other forms of interpersonal violence);

I) Present level of functioning, including social adjustment and daily living skills;

J) Legal history and status, including guardianship and current court involvement;

K) Assessment of risk, including the identification of factors that may endanger either the client or the client's family and other immediate threats to the client's personal safety (e.g., gang involvement, domestic violence, elder abuse);

L) Education, specialized training, and vocational skills;

M) Employment history;

N) Interests, activities and hobbies;

O) History of current alcohol or other substance use, abuse or dependence;

P) Name and contact information of the client's primary care physician;

Q) Previous and current psychotropic medications, including date of most recent psychiatric evaluation;

R) General physical health, including date of last physical examination, any known symptoms or complaints, and current medications not noted in subsection (a)(2)(Q), including over-the-counter medications;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

S) Resources such as family, community, living arrangements, religion, and personal client strengths; and

T) Summary analysis, conclusions and recommendations for specific Part 132 services.

43) An admission note may be used to initiate services prior to the completion of a mental health assessment for a client who is admitted to a specialized substitute care living arrangement; a residential facility designated by the public payer for the purpose of stabilizing a crisis; or ACT prior to the completion of a comprehensive assessment as required in Section 132.150(i)(2)(A). An Admission Note must be completed within 24 hours after a client's admission and is effective for a maximum of 30 days.

A) The Admission Note is a written report of an initial assessment and treatment plan and shall include the following:

   i) Identifying information: name, gender, date of birth, primary language or method of communication, date of initiating assessment;

   ii) Client's current mental health functioning level;

   iii) Provisional diagnosis;

   iv) Pertinent history;

   v) Precautions (e.g., suicidal risk, homicidal risk, flight risk) and special programming to meet the client's needs;

   vi) Initial treatment plan, including a list of Part 132 services that will be provided and the staff responsible for those services; and

   vii) Other relevant information.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) An Admission Note shall be completed by at least an MHP following a face-to-face or video conference meeting with the client.

C) A QMHP shall be responsible for approving the completed Admission Note as documented by the QMHP's dated signature on the Admission Note.

4) For comprehensive mental health services or short-term diagnostic and mental health services, a mental health assessment report shall be completed within 30 days after a client's admission. The provider shall complete a mental health assessment report within 30 days after a client's admission to comprehensive mental health services or short-term diagnostic and mental health services when an admission note was completed to initiate services. For all other Part 132 services, the provider shall complete a mental health assessment report within 30 days after the first face-to-face contact.

5) A QMHP who has had, at a minimum, one face-to-face or video conference contact with the client shall be responsible for the completed mental health assessment report as documented by his/her dated signature on the mental health assessment. MHPs may participate in the mental health assessment.

6) The client's family or guardian may participate in the mental health assessment during which the family will be given the opportunity to provide pertinent information or support. Participation by the family and other interested persons must be in accordance with the Confidentiality Act and HIPAA.

7) The mental health assessment report shall be reviewed and approved by the LPHA as documented by the LPHA's dated signature on the mental health assessment. The LPHA shall determine in writing if any additional evaluations are required to assess the client's functioning or service needs.

8) The mental health assessment shall be updated annually by the QMHP who has, at a minimum, one face-to-face contact with the client prior to the completion of the updated mental health assessment. The annual update must occur within 12 months after the LPHA’s signature on the
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

mental health assessment report or the previous update. The QMHP shall be responsible for the completed update as documented by his or her dated signature on the updated mental health assessment. The LPHA shall review and approve the assessment as documented by the LPHA's dated signature on the updated mental health assessment. MHPs may participate in the mental health assessment update.

9) For services initiated by an Admission Note, the provider shall complete a mental health assessment report or a comprehensive assessment for an ACT client within 30 days after the client's admission.

10 The annual update of the mental health assessment shall minimally include all requirements specified under subsection (a)(3) with the exception of requirements listed under subsections (a)(3)(A), (D), (G) and (H). Providers may include requirements under subsections (a)(3)(A), (D), (G) and (H) as medically necessary and clinically indicated as part of the mental health assessment update. Providers may also indicate "no change" where applicable on the mental health assessment update if there has been no change in status.

b) A psychological evaluation, if recommended, shall:

1) Be conducted within 90 days after completion of the ITP and documented by the provider consistent with the Clinical Psychologist Licensing Act [225 ILCS 15] using nationally standardized psychological assessment instruments; a master's level professional may assist;

2) Be conducted face-to-face or video conference with the client; and

3) Result in a written report that includes a formulation of problems, tentative diagnosis and recommendations for treatment or services.

c) Treatment plan development, review and modification is a process that results in a written ITP, developed with the participation of the client and the client's parent/guardian, as applicable, and is based on the mental health assessment report and any additional evaluations. The ITP is also known as a rehabilitation treatment plan or a recovery treatment plan. Active participation by the client and/or persons of the client's choosing, which may include a parent/guardian, is required for all ITP development, whether it is the initial ITP
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

or subsequent reviews and modifications shall be documented by the client's or parent's/guardian's signature on the ITP. Participation by the client or parent/guardian shall be documented by the client's or parent's/guardian's signature on the ITP. In the event that a client or a client's parent/guardian refuses to sign the ITP, the LPHA, QMHP or MHP shall document the reason for refusal and indicate by his or her dated signature on a progress note that the ITP was reviewed with the client and that the client or his or her parent/guardian refused to sign the ITP.

1) The initial ITP shall be completed within 45 days after the completion of the mental health assessment as documented by the LPHA's dated signature on the ITP. When Providers of comprehensive mental health services or short-term diagnostic and mental health services must complete an ITP within 30 days after a client’s admission to the program when an Admission Note was completed to initiate services, the ITP shall be completed, following a completed mental health assessment, within 30 days after the client's date of admission.

2) A written ITP is a compilation of the following:

A) The goals/anticipated outcomes of services;

B) Intermediate objectives to achieve the goals;

C) The specific Part 132 mental health services to be provided;

D) The amount, frequency and duration of Part 132 services to be provided; and

E) Staff responsible for delivering services.

3) The ITP shall include a definitive diagnosis that has been determined for all five axes in the DSM-IV or the ICD-9-CM. If the diagnosis cannot be determined by the time the ITP is completed or a rule out diagnosis is given, the client's clinical record must contain documentation as to what evaluations will occur in order to provide a definitive diagnosis in the ITP. A diagnosis shall be determined within 90 days and the ITP shall be modified to reflect the diagnosis, as necessary.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

4) Responsibility for development, review and modification of the ITP shall be assumed by a QMHP as documented by his/her dated signature on the ITP. MHPs may participate in the development of the ITP. An LPHA shall provide the clinical direction of mental health services identified in the ITP as documented by his/her dated signature on the ITP.

5) The LPHA and the QMHP shall review the ITP no less than once every 6 months to determine if the goals set forth in the ITP are being met and whether each of the services described in the plan has contributed to meeting the stated goals. The ITP shall be modified if it is determined that there has been no measurable reduction of disability or restoration of functional level, and modify the ITP as necessary, as documented by their dated signatures.

6) The ITP review shall include continuity of care planning with the client or the client's parent/guardian. The ITP review shall also include an estimated transition or discharge date and identify goals for continuing care.

7) The results of crisis assessments, reassessments or additional evaluations after the client's ITP is completed shall be incorporated into a modified ITP, if appropriate, within 30 days.

8) The provider shall explain to the client and/or persons of the client's choosing, which may include the client's parent/guardian, as applicable and as evidenced by a signed and dated statement by the provider and the client or parent/guardian, the process for the development, review and modification of the contents of the ITP. The ITP shall be developed, reviewed and modified with the participation of the client and the client's parent/guardian, as applicable.

9) The ITP and all its revisions shall be signed by the parent or guardian if the client is under 12 years of age. If the client is 12 through 17 years of age, the ITP shall be signed by the client and by the parent/guardian, as applicable, unless the client is an emancipated minor. A client 18 years of age or older or an emancipated minor shall sign the ITP. If the client is 18 years of age or older and has been adjudicated as legally incapable, the ITP shall be signed by the legally appointed guardian.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

10) A copy of the signed ITP shall be given to the client, if not clinically contraindicated, and the client's parent/guardian, as applicable. The ITP and documentation that the signed ITP has been provided to the client or parent/guardian, or proof of clinical contraindication, shall be incorporated into the client's clinical record.

11) Commencement of Services

A) Mental health services may be provided concurrently with ITP development if:
   i) The mental health assessment report is completed, signed and dated by the LPHA or the Admission Note is signed and dated by the QMHP;
   ii) The service is recommended as medically necessary on the completed mental health assessment; and
   iii) The services provided are included in the completed ITP, signed by an LPHA within the designated time frame.

B) If services are provided prior to completion of the ITP, and the client terminates services before the ITP is completed and signed, the provider must complete the ITP and document that the client terminated services and was unavailable to sign the ITP.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)

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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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).
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) 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.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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 with one exception: Phone consultation is allowed for psychotropic medication monitoring when a client is experiencing adverse symptoms from psychotropic medication, and phone consultation with another professional is necessary.

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 Nurse Practice Act.
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
   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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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.

d) 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

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.

e) Community Support - Individual (CSI)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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;

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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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 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.

f) 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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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
   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.

g) 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) and (f)(2).
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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.

h) Community Support - Team (CST)

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 (d) and (e)(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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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;

F) The CST shall conduct organizational staff meetings at least one time per week at regularly scheduled times, according to a schedule established by the team leader.

4) Eligibility criteria
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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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;

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 team approved by the public payer or its designee;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

BA) 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;

CB) 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;

DC) At least one member of the team who is an individual in recovery from mental illness, preferably a Certified Recovery Support Specialist (CRSS) or Family Resource Developer (FRD). This staff person is a fully integrated CST member who provides consultation to the team and highly individualized services in the community, and who promotes self-determination and decision making. This requirement will go into effect October 1, 2008 to allow for recruitment and training. Preferably, one team member who is an individual in recovery; and

ED) No fewer than 3 full-time equivalent staff meeting the required team components (shall include the team leader) and no more than 6 full-time equivalent staff or 8 different staff.

7) Service exclusions
When a client is receiving CST, CSI and CSR shall not be provided except under the following conditions:

A) In accordance with an ITP to facilitate transition to and from CST services; or

B) While a client is receiving services in a residential facility designated by the public payer for the purpose of stabilizing a crisis, 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.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

i) 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 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) Services that support work and education related recovery goals; 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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

M) Environmental and other support services; and

N) Family psychoeducation.

3) Program requirements

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 in natural settings 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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

iii) Chronic homelessness;

iv) Repeat arrests and incarcerations;

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 be approved by the public payer or its designee.

B) 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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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 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 full-time staff 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.

CB) 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.

DC) At least one of the members of the team shall be an individual in recovery from mental illness, preferably a Certified Recovery Support Specialist (CRSS). 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.

ED) At least one member of the core team shall have special training in rehabilitation counseling, including vocational, work readiness and educational support.

FE) 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
ILLINOIS REGISTER

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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.

7) Case management is an integral part of ACT and shall not be considered a separate service.

78) Service exclusions
When a client is receiving ACT, other Part 132 services shall not be provided except under the following conditions: 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 admitted to a residential facility designated by the public payer for the purpose of stabilizing a crisis for a maximum of 30 days receiving community support residential services to stabilize a crisis.

j) 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, communication, adaptation, problem solving and coping;

ii) Self-management of symptoms or recovery;

iii) Concentration, endurance, attention, direction following, planning and organization, prevocational and work readiness; and

iv) Establishing or modifying habits and routines; prevocational 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;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) Psychosocial rehabilitation services shall be available at least 25 hours per week and on at least 4 days per week. A maximum of 5 hours of the scheduled 25 hours may include non-group, individual activities;

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;

C) The clinical supervisor or program director shall be on-site at least 50 percent of the time. If a provider has multiple sites, the clinical supervisor or program director must be able to document a consistent schedule that includes on-site time at each location;

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 for groups shall not exceed one full-time equivalent staff to 15 clients.

5) Service exclusions
Psychosocial rehabilitation shall not be provided in combination with any of the following services:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

A) ACT;

AB) Intensive Outpatient; or

BC) Hospital-Based Psychiatric Clinic Service Type BA.

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.

l) 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
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

3) Comprehensive mental health services shall be provided by individuals possessing the required qualifications for each discrete service.

m) 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 at 32 Ill. Reg. ______, effective _____________)

(End of Document)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Child Care

2) **Code Citation:** 89 Ill. Adm. Code 50

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

4) **Statutory Authority:** Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

5) **A Complete Description of the Subjects and Issues involved:** This rulemaking increases the income eligibility threshold for child care benefits based on the most current federal poverty level for each family size effective April 1, 2008. As a result, low-income families will remain eligible to receive child care assistance longer and more families will be eligible to receive child care benefits. In addition, it will help to stabilize job retention and allow a parent to accept some raises and promotions without fear of losing their child care assistance.

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?** Yes

   **Section Number:** Proposed Action: Illinois Register Citation:
   50.230 Amendment 31 Ill. Reg. 11018; August 3, 2007

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:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
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: Child care 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: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department with the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment on page 6652 of this issue of the Illinois Register.
NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Income Tax

2) **Code Citation**: 86 Ill. Adm. Code 100

3) **Section Number**
   - 100.2455
   - Proposed Action: New Section

4) **Statutory Authority**: 35 ILCS 5/203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J) and 35 ILCS 5/1401(a)

5) **A Complete Description of the Subjects and Issues Involved**: This rulemaking provides guidance for taxpayers to determine the subtractions they are allowed to take from their taxable income or adjusted gross income under IITA Section 203 for expenses that are not deductible for federal income tax purposes because they are incurred in connection with income that is exempt from federal income tax, but not from Illinois income tax, or with credits allowed for federal income tax purposes, but not for Illinois income tax purposes.

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

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.2406</td>
<td>New Section</td>
<td>31 Ill. Reg. 15240; November 16, 2007</td>
</tr>
<tr>
<td>100.3380</td>
<td>Amendment</td>
<td>32 Ill. Reg 798; January 18, 2008</td>
</tr>
<tr>
<td>100.9700</td>
<td>Amendment</td>
<td>32 Ill. Reg 798; January 18, 2008</td>
</tr>
<tr>
<td>100.5040</td>
<td>Amendment</td>
<td>32 Ill. Reg. 4574; April 4, 2008</td>
</tr>
<tr>
<td>100.3500</td>
<td>Amendment</td>
<td>32 Ill. Reg. 5936; April 4, 2008</td>
</tr>
<tr>
<td>100.9730</td>
<td>New Section</td>
<td>32 Ill. Reg. 5936; April 4, 2008</td>
</tr>
</tbody>
</table>

11) **Statement of Statewide Policy Objective**: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
12) **Time, Place and Manner in which interested persons may comment on this rulemaking:**
Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/524-3951

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** This rulemaking provides guidance helpful to small businesses in determining their Illinois income tax liabilities. Municipalities and not-for-profit corporations are not affected.

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 2008

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

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section
100.2200  Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
100.2210  Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
100.2220  Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
100.2230  Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
100.2250  Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300  Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310  Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320  Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2330  Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2340  Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350  Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2478 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT
APPORTIONMENT OF BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3015 Business Income Election (IITA Section 1501)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section
100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions
100.5070 List of Investors in Potentially Abusive Tax Shelters
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 702)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section
100.7200       Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300       Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310       Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320       Time for Filing Returns (IITA Section 704)
100.7330       Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340       Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000       General Income Tax Procedures (IITA Section 901)
100.9010       Collection Authority (IITA Section 901)
100.9020       Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100       Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200       Assessment (IITA Section 903)
100.9210       Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300       Deficiencies and Overpayments (IITA Section 904)
100.9310       Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320       Limitations on Notices of Deficiency (IITA Section 905)
100.9330       Further Notices of Deficiency Restricted (IITA Section 906)
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section
100.9900 Tax Shelter Voluntary Compliance Program
NOTICE OF PROPOSED AMENDMENT

100. APPENDIX A  Business Income Of Persons Other Than Residents
100. TABLE A  Example of Unitary Business Apportionment
100. TABLE B  Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas


DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT


SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

a) Taxpayers are entitled to subtract from taxable income (adjusted gross income, in the case of an individual), an amount equal to the sum of all amounts disallowed as deductions by sections 171(a)(2) and 265(2) of the Internal Revenue Code of 1954, and all amounts of expenses allocable to interest and disallowed as deductions by section 265(1) of the Internal Revenue Code of 1954, and, for taxable years ending on or after August 13, 1999, sections 171(a)(2), 265, 280C, 291(a)(3) and 832(b)(5)(B)(i) of the Internal Revenue Code. (IITA Section 203)

In order to prevent double deductions, no subtraction is allowed under these provisions for amounts already subtracted because of an exemption from taxation by virtue of Illinois law or the Illinois or U.S. Constitution, or by reason of U.S. treaties or statutes (see Section 100.2470).

b) Section 171 of the Internal Revenue Code requires amortization of premiums paid for a tax-exempt bond over the period between the purchase date and either the maturity date or, if earlier, the first date on which the bond may be called. Section 171(a)(2) of the Internal Revenue Code states that, when the interest of a tax-exempt bond is excludable from gross income, there shall be no deduction for the amortizable bond premium for the taxable year. The IITA allows taxpayers to subtract the bond premium amortization required by section 171 of the Internal Revenue Code for that year to the extent the taxpayer was prohibited from deducting the amortization by section 171(a)(2) of the Internal Revenue Code. Illinois does not provide any adjustment to federal taxable income (adjusted gross income in the case of an individual) related to gains or losses on the sales of bonds. The only subtraction is for the amortization of bond premium that is allocable to that particular tax year. If the bond is called before maturity, then there is no subtraction for periods after the call date.

c) Section 265 of the Internal Revenue Code provides that no deduction shall be allowed from federal taxable income (adjusted gross income in the case of an individual) for expenses relating to tax-exempt income (section 265(a)(1) of the Internal Revenue Code), and for interest relating to tax-exempt income (section 265(a)(2) of the Internal Revenue Code). These expense and interest amounts, determined in a manner consistent with the provisions of the Internal Revenue Code, are allowable subtractions for Illinois income tax purposes.

d) Section 280C(a) of the Internal Revenue Code provides that no deduction shall be allowed for that portion of wages or salaries paid or incurred for the taxable year that is equal to the sum of the credits determined for the taxable year under
sections 45A (the Indian Employment Credit), 51(a) (the Work Opportunity Credit), 1396(a) (the Empowerment Zone Employment Credit), 1400P(b) (employer provided housing for individuals affected by Hurricane Katrina), and 1400R (employee retention by employers affected by hurricanes) of the Internal Revenue Code. Section 280C(b) of the Internal Revenue Code provides that no deduction shall be allowed for that portion of the qualified clinical testing expenses for certain drugs for rare diseases or conditions otherwise allowable as a deduction for the taxable year that is equal to the amount of the credit allowable for the taxable year under section 45(C) of the Internal Revenue Code. Section 280(C)(c) of the Internal Revenue Code provides that no deduction or credit shall be allowed for that portion of the qualified research expenses or basic research expenses otherwise allowable as a deduction or credit for the taxable year that is equal to the amount of the credit determined for such taxable year under section 41(a) of the Internal Revenue Code.

e) Section 291(a)(3) of the Internal Revenue Code provides that the amount allowable as a deduction with respect to certain financial institution preference items shall be reduced by 20%. Illinois provides a subtraction modification for the remaining 20% not deducted federally with respect to those financial institution preference items.

f) Section 835(b)(5)(B)(i) of the Internal Revenue Code provides that the amount of federal deduction for losses incurred on insurance company contracts shall be reduced by an amount equal to 15% of the sum of tax-exempt interest received or accrued during the taxable year. Illinois provides a subtraction modification for the remaining 15% not deducted federally with respect to the tax-exempt interest received or accrued during the taxable year from insurance company contracts.

(Source: Added at 32 Ill. Reg. _____, effective ___________)
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Property Tax Code
2) **Code Citation**: 86 Ill. Adm. Code 110
3) **Section Number**: 110.113  **Proposed Action**: Amendment
4) **Statutory Authority**: 35 ILCS 200/10-350, 10-355, 10-360
5) **A Complete Description of the Subjects and Issues Involved**: This rulemaking is designed to account for statutory changes in Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] concerning a change in date. Other changes are proposed to incorporate language from another section of the Property Tax Code [35 ILCS 200/10-360] that was not enacted when the latest amendment to this rule was made effective in February 2002.
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 a State mandate, nor does it modify any existing State mandates.
12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking**: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

    Robin Gill  
    Associate Counsel – Property Tax  
    Illinois Department of Revenue  
    Legal Services Office  
    101 West Jefferson
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois  62794

217/524-4886

13)  Initial Regulatory Flexibility Analysis:

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

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

   C)  Types of professional skills necessary for compliance:  None

14)  Regulatory Agenda on which this rulemaking was summarized:  January 2008

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

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110
PROPERTY TAX CODE

Section
110.101 Railroads
110.105 Non-carrier Real Estate of Railroads
110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112 Procedures for Assessment of Section 515 Low-income Housing Projects
110.113 Fraternal Organization Assessment Freeze
110.115 Non-Homestead Exemption Proceedings
110.120 Oil Right Lessees and Producers
110.125 Reports to be Filed with the Department
110.130 Hearings and Records of Chief County Assessment Officers
110.135 Review of Assessments – Counties of 3,000,000 or More
110.140 Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141 Farmland Factor Review Procedures (Repealed)
110.145 Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150 Records Reproduction
110.155 Course and Examination Requirements for Board of Review Members
110.160 Multi-township Assessment Districts
110.162 Township and Multi-township Assessor Qualifications
110.165 Farmland Assessment Review Procedures
110.170 Assessors’ Bonus
110.175 Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180 Supervisor of Assessments Examination
110.190 Property Tax Extension Limitation
110.192 Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code
110.ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

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].
NOTICE OF PROPOSED AMENDMENT


Section 110.113 Fraternal Organization Assessment Freeze

   a) Eligibility

      1) Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] provides
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

that, for taxable year 2002 and thereafter, a fraternal organization, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that it satisfies all of the following requirements in either Group A or Group B below:

A) Group A

i) was chartered in the State of Illinois in February 1898, July 1896;

ii) is an exempt entity under Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and

iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

B) Group B

i) had its national headquarters in the State of Illinois on December 31, 1926;

ii) is an exempt entity under Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and

iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

Section 10-350 of the Property Tax Code provides that for taxable year 2001 and thereafter, a fraternal organization chartered by the State of Illinois prior to 1900, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that:

A) the fraternal organization prohibits gambling and the use of alcohol on the property;

B) the fraternal organization is an exempt entity under Section
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

501(c)(10) of the Internal Revenue Code; and

C) the members of the fraternal organization provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation or education.

i) medical care;

ii) drug rehabilitation; or

iii) education.

3) Section 10-360 of the Property Tax Code [35 ILCS 200/10-360] provides that, for the taxable year 2003 and thereafter, a fraternal organization or its affiliated Illinois not for profit corporation chartered prior to 1920 may apply for a Fraternal Organization Assessment Freeze on property it owns or uses, provided that:

A) the fraternal organization is an exempt entity under section 501(c)(2), (c)(8) or (c)(10) of the Internal Revenue Code; and

B) the members of the fraternal organization provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation or education.

b) Applications

An application form (Form No. PTAX-764 for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350], and Form No. PTAX-765 for qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] and Form No. PTAX-766 for qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360]) for a Fraternal Organization Assessment Freeze shall be obtained from the Chief County Assessment Officer in the county in which the property is located. All questions on the application shall be answered completely and the chief presiding officer of the fraternal organization shall sign the form. Fraternal organizations shall annually submit a notarized application form to the Chief County Assessment Officer on or before January 31 of each assessment year in counties with a population of 3,000,000 or more and December 31 of each assessment year in all other counties.
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

c) Documentation
Fraternal organizations shall, at a minimum, attach all required documentation to the initial application form as follows:

1) For qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350] as described under subsection (a)(2), proof of being a qualified fraternal organization, such as a copy of:

A) a charter issued by the State of Illinois prior to 1900;

B) a certification that the fraternal organization was issued an Illinois charter prior to 1900;

C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was issued an Illinois charter prior to 1900; or

D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was issued an Illinois charter prior to 1900.

2) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group A under subsection (a)(1)(A), proof of being a qualified fraternal organization, such as a copy of:

A) a charter for the fraternal organization in the State of Illinois in February 1898; July 1896;

B) a certification that the fraternal organization was chartered in the State of Illinois in February 1898; July 1896;

C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was chartered in the State of Illinois in February 1898; July 1896; or

D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was chartered in the State of Illinois in February 1898; July 1896.
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group B under subsection (a)(1)(B), proof of being a qualified fraternal organization, such as a copy of:

A) historical records or other evidence establishing that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926;

B) a certification that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926; or

C) a certification that the fraternal organization is subordinate to a fraternal organization that had its national headquarters in the State of Illinois on December 31, 1926.

4) For qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360] as described under subsection (a)(3), proof of being a qualified fraternal organization, such as a copy of:

A) a charter issued by the State of Illinois prior to 1920;

B) a certification that the fraternal organization was chartered in Illinois prior to 1920; or

C) a certification that the fraternal organization was affiliated with a qualified fraternal organization that was chartered in Illinois prior to 1920.

5) Proof of having exempt status under section 501(c)(10) of the Internal Revenue Code (26 USC 501(c)(10)) for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350], or under section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)) for qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355], or under section 501(c)(2) of the Internal Revenue Code (26 USC 501(c)(2), (c)(8), (c)(10)) for qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360], such as a copy of:

A) a group exemption letter from the Internal Revenue Service to a
NOTICE OF PROPOSED AMENDMENT

fraternal organization, plus its annual filing to the Internal Revenue Service listing any other fraternal organizations covered by the letter;

B) a U.S. Form 990; or

C) a determination letter issued in response to U.S. Form 1024 by the Internal Revenue Service.

Proof of having ownership or other legal or equitable interest in the property, such as a copy of:

A) a deed;

B) a contract-for-deed;

C) a trust document;

D) a title insurance policy;

E) an organizational agreement;

F) an incorporation document;

G) a court order; or

H) an affidavit of adverse possession.

Copies of leases or contracts concerning the property, if applicable.

d) Verification

The Chief County Assessment Officer of each county may verify information contained on applications for a Fraternal Organization Assessment Freeze by any of the following methods:

1) Requiring each applicant, at the time of filing an application, to produce for inspection by the Chief County Assessment Officer, or a designee, any or all of the documentation specified in subsections (b) and (c);
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2) Establishing uniform audit guidelines and procedures for determining under what circumstances additional documentation will be required from applicants and what procedures will be used to obtain that documentation from applicants;

3) Examining under oath the affiant on the application or any other member of the fraternal organization, chartered fraternal organization, or subordinate fraternal organization; and

4) Examining any public records or conducting an investigation to determine the identity of persons using the property for the assessment year.

(Source: Amended at 32 Ill. Reg. ______, effective ____________)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Licensing of Radioactive Material

2) **Code Citation:** 32 Ill. Adm. Code 330

3) **Section Numbers:**
   - 330.20 Amendment
   - 330.40 Amendment
   - 330.210 Amendment
   - 330.250 Amendment
   - 330.270 Amendment
   - 330.290 Amendment
   - 330.300 Amendment
   - 330.350 Amendment
   - 330.400 Amendment
   - 330.500 Amendment
   - 330.900 Amendment
   - 330.950 New Section
   - 330.APPENDIX F New Section

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

5) **Effective Date of Amendments:** April 7, 2008

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

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

8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

9) **Notice of Proposal Published in the Illinois Register:** 31 Ill. Reg. 13513; October 5, 2007

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:**

   In Section 330.950 a), changed "November 1, 2007" to "April 1, 2008".
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

In Section 330.950 (i), changed "20.227(h)" to "20.2207(h)".

Made several nonsubstantive style changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) **Summary and Purpose of Amendments**: Changing all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or the "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003. In addition, new definitions/requirements are added to provide accountability for all high activity radioactive sources shipped and possessed by licensed facilities. This includes the implementation of a national database that will track these sources from the time of initial manufacture until disposal.

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

   Louise Michels
   Staff Attorney
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, Illinois  62704

   217/785-9876

The full text of the Adopted Amendments begins on the next page:
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
 LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section 330.10 Purpose and Scope
Section 330.15 Incorporations by Reference
Section 330.20 Definitions
Section 330.30 License Exemption - Source Material
Section 330.40 License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses
Section 330.210 General Licenses – Source Material
Section 330.220 General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.240 Filing Applications for Specific Licenses
Section 330.250 General Requirements for the Issuance of Specific Licenses
Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
Section 330.270 Special Requirements for Specific Licenses of Broad Scope
Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
Section 330.290 Requirements for Emergency Plans
Section 330.300 Issuance of Specific Licenses
Section 330.310 Terms and Conditions of Specific and General Licenses
Section 330.320 Renewal Requirements for Specific Licenses
Section 330.325 Termination Requirements for Specific Licenses and Locations of Use
NOTICE OF ADOPTED AMENDMENTS

330.330 Renewal of Licenses
330.340 Amendment of Licenses at Request of Licensee
330.350 Action on Application to Renew or Amend
330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400 Transfer of Material
330.500 Modification and Revocation of Licenses
330.900 Reciprocal Recognition of Licenses
330.950 Nationally Tracked Sources

SUBPART D: TRANSPORTATION (Repealed)

Section
330.1000 Transportation of Radioactive Materials (Repealed)

330.APPENDIX A Exempt Concentrations
330.APPENDIX B Exempt Quantities
330.APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A Group I (Repealed)
330.TABLE B Group II (Repealed)
330.TABLE C Group III (Repealed)
330.TABLE D Group IV (Repealed)
330.TABLE E Group V (Repealed)
330.TABLE F Group VI (Repealed)
330.APPENDIX D Limits for Broad Licenses (Section 330.270)
330.APPENDIX E List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007
330.APPENDIX F Nationally Tracked Source Thresholds Schedule F (Repealed)
330.APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 330.20 Definitions

"Authorized nuclear pharmacist" means a pharmacist who:

Meets the requirements in Section 330.260(c)(18) and (c)(19) of this Part; or

Is identified as an authorized nuclear pharmacist on:

A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or
Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with Section 330.260(c)(16) of this Part.

"General license" means a license, as set forth in this Part and 32 Ill. Adm. Code 341, which is effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material [420 ILCS 40/4(d)], although the filing of a certificate with the Agency may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix F. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded in a solid form and is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Protective actions" means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radiation-protective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, radioactive materials [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code: Chapter II, as well as any limitations specified in the licensing document.
Section 330.40 License Exemption - Radioactive Materials Other Than Source Material

a) Exempt Concentrations

1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Section 330. Appendix A of this Part provided they have been distributed pursuant to a license as described in subsection (a)(2) of this Section. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.

2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) of this Section or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14), an Agreement State or a Licensing State, except in accordance with a specific license issued pursuant to Section 330.280(a) of this Part or the general license provided in Section 330.900 of this Part.

b) Exempt Quantities

1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Section 330. Appendix B of this Part provided they have been distributed pursuant to a license as described in subsection (b)(3) of this Section.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for “in-vivo” diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.
This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Section 330, Appendix B of this Part, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Agency Department pursuant to Section 330.280(b) of this Part, which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are
exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

i) 925 MBq (25 mCi) of tritium per timepiece;

ii) 185 MBq (5 mCi) of tritium per hand;

iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);

iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;

v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;

vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber: for wrist watches, 1 \text{microGy}\mu\text{Gy} (100 microrad) per hour at 10 centimeters from any surface; for pocket watches, 1 \text{microGy}\mu\text{Gy} (100 microrad) per hour at 1 centimeter from any surface; for any other timepiece, 2 \text{microGy}\mu\text{Gy} (200 microrad) per hour at 10 centimeters from any surface; or

viii) 37 kBq (1 microCi) of radium-226 per timepiece in timepieces acquired prior to May 1, 1974.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

B) Lock illuminators containing not more than 555 MBq (15 mCi) of tritium or not more than 74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 10 microGy (1 mrad) per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

C) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part.

D) Automobile shift quadrants containing not more than 925 MBq (25 mCi) of tritium.

E) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas.

F) Thermostat dials and pointers containing not more than 925 MBq (25 mCi) of tritium per thermostat.

G) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:

   i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;

   ii) 37 kBq (1 microCi) of cobalt-60;

   iii) 185 kBq (5 microCi) of nickel-63;

   iv) 1.11 MBq (30 microCi) of krypton-85;

   v) 185 kBq (5 microCi) of cesium-137; or

   vi) 1.11 MBq (30 microCi) of promethium-147;
NOTICE OF ADOPTED AMENDMENTS

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 \( \text{microGy} \) (1 mrad) per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(G) of this Section, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

i) Each source contains no more than one exempt quantity set forth in Section 330, Appendix B of this Part; and

ii) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Section 330, Appendix B of this Part, provided that the sum of such fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(H) of this Section, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

I) Spark gap irradiators containing not more than 37 kBq (1 microCi) of cobalt-60 per spark gap irradiator for use in electrically-ignited fuel oil burners having a firing rate of at least 11.4 liters (3 gallons) per hour.

2) Self-Luminous Products Containing Radioactive Material
NOTICE OF ADOPTED AMENDMENTS

A) Tritium, Krypton-85 or Promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Radium-226. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 which were acquired prior to May 1, 1974.

3) Gas and Aerosol Detectors Containing Radioactive Material

A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 or a Licensing State pursuant to Section 330.280(c) of this Part, which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device,
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device and provided further that they meet the requirements of Section 330.280(c) of this Part.

C) Gas and aerosol detectors containing naturally-occurring or accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(c) of this Part.

4) Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR 32.17 published January 1, 1997, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)
Section 330.210 General Licenses – Source Material

a) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and State and local government agencies to use, possess and transfer not more than 6.82 kilograms (15 pounds) of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use, possess or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilograms (150 pounds) of source material in any 1 calendar year.

b) Persons who receive, possess, use or transfer source material pursuant to the general license issued in subsection (a) are exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this Part.

c) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.

d) Depleted Uranium in Industrial Products and Devices

1) A general license is hereby issued to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (d)(2) through (5), depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

2) The general license in subsection (d)(1) applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to Section 330.280(l) of this Part or in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes manufacture of the products or devices for distribution to persons generally licensed by the
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

U.S. Nuclear Regulatory Commission or an Agreement State.

3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by subsection (d)(1) shall:

A) File the form, "Registration Certificate - Use of Depleted Uranium Under General License," with the Department. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on the form "Registration Certificate – Use of Depleted Uranium Under General License," the following information:

i) Name and address of the registrant;

ii) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in subsection (d)(1) and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

iii) Name and/or title, address and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in subsection (d)(3)(A)(ii).

B) Report in writing to the Agency any changes in information furnished by the registrant in the form, "Registration Certificate - Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

4) A person who receives, acquires, possesses or uses depleted uranium pursuant to the general license established by subsection (d)(1):

A) Shall not introduce such depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
NOTICE OF ADOPTED AMENDMENTS

B) Shall not abandon such depleted uranium;

C) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of Section 330.400 of this Part. In the case where the transferee receives the depleted uranium pursuant to the general license established by subsection (d)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate – Use of Depleted Uranium Under General License". In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's regulation 10 CFR 40.25(a) or Agreement State's regulation equivalent to subsection (d)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License", accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this Part;

D) Within 30 days after any transfer, shall report in writing to the Agency the name and address of the person receiving the depleted uranium pursuant to such transfer; and

E) Shall not export such depleted uranium except in accordance with a license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 110.

5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by subsection (d)(1) is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the depleted uranium covered by that general license.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.250 General Requirements for the Issuance of Specific Licenses
NOTICE OF ADOPTED AMENDMENTS

a) A license application or a request for an amendment to an existing license will be approved only if the Agency Department determines that:

1) The applicant's Radiation Safety Officer and authorized users are qualified by reason of training and experience to use the material in question for the purpose requested in such a manner as to minimize danger to health and safety or property;

2) The applicant's proposed equipment, facilities and procedures are adequate to minimize danger to health and safety or property;

3) The issuance of the license will not be inimical to the health and safety of the public; and

4) The applicant satisfies any applicable special requirements in 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

b) Environmental Report, Commencement of Construction

1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity which the Agency Department determines will significantly affect the quality of the environment, a license application shall be reviewed and approved by the Agency Department before commencement of construction of the plant or facility in which the activity will be conducted. Issuance of the license shall be based upon a consideration by the Agency Department of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives and a determination that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values;

2) Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this subsection (b) the term "commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to
c) Licensees must satisfy applicable financial assurance requirements specified in 32 Ill. Adm. Code 326.

d) Long-Term Care Requirements

1) A license application will be approved only if the Agency Department determines that a long-term care fund for monitoring and maintenance has been established by the waste handling applicant prior to the issuance of the license; or

2) The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.

AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause situations that significantly affect health and safety, or the environment by reason of exposure to radiation or radioactive materials.

e) Emergency Plan

1) Except as exempted by subsection (e)(2) of this Section, each application to possess radioactive materials in excess of the quantities in Appendix C of this Part in unsealed form or sealed in glass or on foils or plated sources shall contain either:

   A) An evaluation showing that the maximum dose to an individual offsite due to a release of radioactive materials would not exceed 10 mSv (1 rem) total effective dose equivalent or 50 mSv (5 rem) effective dose equivalent to the thyroid; or

   B) An emergency plan, as described in Section 330.290 of this Part, for responding to a release of radioactive material.

2) The requirements of this subsection (e) do not apply to licensees that possess only radioactive waste packaged in Type B containers.
3) In evaluating the maximum dose to an individual pursuant to subsection (e)(1)(A) of this Section, the applicant may take into account whether:

A) The radioactive material is physically separated so that only a portion could be involved in an accident;

B) All or part of the radioactive material is not subject to release during an accident due to the method of storage or packaging;

C) The release fraction in the respirable size range is predicted to be lower than the release fraction shown in Appendix C of this Part due to the chemical or physical form of the material;

D) The solubility of the radioactive material is predicted to reduce the dose received;

E) Facility design or engineered safety features in the facility are predicted to cause the release fraction to be lower than shown in Appendix C of this Part; or

F) Operating restrictions or procedures are predicted to prevent a release fraction as large or larger than that shown in Appendix C of this Part.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This Section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of those licenses.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

a) The different types of broad scope licenses are set forth below:
1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in multiples of gigabecquerels or curies.

2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330.Appendix D, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I of Section 330.Appendix D. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I of Section 330.Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330.Appendix D, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II of Section 330.Appendix D. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column II of Section 330.Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

b) An application for a Type A specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;
2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

3) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

   i) The Committee shall meet at least once each calendar quarter.

   ii) To establish a quorum and to conduct business, at least one-half of the Committee membership must be in attendance and shall include, at a minimum, the management's representative, an authorized user and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided the designee has been given a written report. The report shall include all information necessary for that meeting, such as the minutes of the previous Committee meeting and reports by the Radiation Safety Officer. Reports by the Radiation Safety Officer shall include reports of investigations and information necessary for the reviews. To maintain membership on the Committee, a member must attend at least one-half of the meetings held in any year.

   iii) The minutes of each Radiation Safety Committee meeting shall include:

       • The date of the meeting;

       • Members in attendance;
NOTICE OF ADOPTED AMENDMENTS

• Members absent;

• Summary of deliberations and discussions;

• Recommended actions and the results of all votes; and

• Documentation of the radiation protection program review required by 32 Ill. Adm. Code 340.110(c).

iv) The Committee shall provide each member with a copy of the meeting minutes before the next meeting and retain one copy for 5 years from the meeting date.

B) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters.

C) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with subsection (b)(3)(C)(ii) prior to use of the radioactive material: and.

4) The applicant or its predecessor has been a specific licensee of the Agency for 5 years.

c) An application for a Type B specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

330.250; and

2) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The nomination of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

B) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with subsection (c)(2)(B)(ii) prior to use of the radioactive material.

d) An application for a Type C specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences or in engineering; and
NOTICE OF ADOPTED AMENDMENTS

B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation pertinent to the type and forms of radioactive material to be used; and

3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting and management review necessary to assure safe operations.

e) Specific licenses of broad scope are subject to the following conditions:

1) Unless specifically authorized, persons licensed pursuant to this Section shall not:

   A) Conduct tracer studies in the environment involving direct release of radioactive material;

   B) Receive, acquire, own, possess, use or transfer devices containing 3.7 PBq (100 kCi) or more of radioactive material in sealed sources used for irradiation of materials;

   C) Conduct activities for which a specific license issued by the Agency under Section 330.260 or 330.280 is required; or

   D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.

3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of,
NOTICE OF ADOPTED AMENDMENTS

individuals approved by the licensee's Radiation Safety Officer.

4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (d).

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.290 Requirements for Emergency Plans

a) An emergency plan for responding to a release of radioactive material submitted under Section 330.250(e) of this Part shall include the following information:

1) Facility Description. A brief description of the applicant's facility and area near the site.

2) Types of Accidents. An identification of each type of radioactive materials accident for which actions may be needed to protect members of the public.

3) Classification of Accidents. A method for classifying accidents as alerts or site area emergencies as defined below:

A) "Alert" means a condition in which events may occur, are in progress, or have occurred that could lead to a release of radioactive material but in which the release is not expected to require a response by offsite response organizations to protect individuals offsite.

B) "Site area emergency" means a condition in which events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material that could require a response by offsite response organizations to protect individuals offsite.

4) Detection of Accidents. Identification of the means of detecting each type of accident in a timely manner.
Illinois Emergency Management Agency

Notice of Adopted Amendments

5) Mitigation of Consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

6) Assessment of Releases. A brief description of the methods and equipment to assess releases of radioactive materials.

7) Responsibilities

A) The names and titles of the applicant's personnel responsible for developing, maintaining and updating the plan.

B) A brief description of the responsibilities of the applicant's personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations, including the Agency.

C) A list of offsite response organizations and a description of their responsibilities and anticipated actions.

8) Notification and Coordination

A) A brief description of the means, in the event of a classified accident, of promptly notifying and, if necessary, requesting assistance from the offsite response organizations listed pursuant to subsection (a)(7)(C) of this Section. The assistance requested may include, but need not be limited to, medical treatment of contaminated or injured onsite workers.

B) A description or drawing of locations designated as locations from which control and assessment of an accident would be exercised (i.e., control points).

C) Provisions for arranging notification and coordination so that unavailability of some personnel, parts of the facility, or some equipment will not prevent notification and coordination.

9) Information to be Communicated. A brief description of the information
NOTICE OF ADOPTED AMENDMENTS

to be provided to offsite response organizations, including the Agency, in the event of a classified accident. The types of information to be provided shall include the status of the facility, a description of radioactive releases, the names and telephone numbers of onsite personnel designated as points of contact and recommendations for protective actions.

10) Training

A) A brief description of the performance objectives and plans for annual training that the applicant will provide workers on how to respond to an emergency, including any special instructions and orientation tours that the applicant will provide for fire, police, medical and other emergency personnel.

B) Provisions for familiarizing personnel with site-specific emergency procedures.

C) Provisions for preparing site personnel for their responsibilities for a range of accident scenarios for the specific site, including the use of drills, exercises and team training for such scenarios.

11) Safe Shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

12) Exercises. Provisions for:

A) Conducting quarterly communications checks with offsite response organizations that include the verification and updating of all necessary phone numbers.

B) Inviting offsite response organizations to participate in biennial exercises.

AGENCY NOTE: Participation of offsite response organizations in biennial exercises, although recommended, is not required.

C) Using accident scenarios postulated as most probable for the specific site.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

D) Ensuring that accident scenarios are not known to exercise participants.

E) Providing critiques of each exercise by individuals who have no direct implementation responsibility for the plan.

b) The applicant shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the applicant’s emergency plan before submitting it to the Agency. Significant amendments to the plan should also be provided to offsite agencies for comment before submission to the Agency. The applicant shall provide any comments received within the 60 days to the Agency with the emergency plan.

c) Hazardous Chemicals. The applicant shall certify to the Agency that it has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, title III, P.L. 99-499 (42 USC 11001 et seq.), if applicable to the applicant's activities at the proposed place of use of the radioactive material.

d) The licensee shall:

1) Comply with the provisions and descriptions of the emergency plan submitted pursuant to this Section;

2) Review and update the emergency plan:

A) At intervals not to exceed 1 year;

B) Whenever the facility license is revised;

C) Whenever the existing contingency plan fails when actually applied;

D) Whenever the facility changes in a way that materially increases the potential for fires, explosions or releases of waste or waste constituents (e.g., a change of manufactured materials used, a change in facility design) or changes the response necessary in the event of an emergency;

E) Whenever the list of emergency coordinators changes; or
F) Whenever the list of emergency equipment changes.

3) If the contingency plan is amended to comply with subsection (d)(2)(A), (B), (C) or (D) of this Section, the complete plan, as amended, shall be distributed to those entities identified in subsection (d)(4) of this Section. If the plan is amended to comply with subsection (d)(2)(E) or (F) of this Section, only the revised lists need be distributed. Distribution shall be within 30 days after the update is completed.

4) Ensure copies of the contingency plan and all revisions to the plan are:

A) Maintained at the facility;

B) Submitted to the Agency; and

C) Submitted to all local police agencies, fire agencies, hospitals and State and local emergency response teams that might be called upon to provide emergency services.

5) Obtain Agency Departmental approval before implementing changes to the plan, except for updates to names, titles and telephone numbers;

6) Provide training at intervals not to exceed 1 year for all personnel with responsibilities for responding to accidents postulated as most probable for the specific site;

7) Conduct biennial onsite exercises to test the response to simulated emergencies;

8) Perform critiques of drills and exercises and ensure that such critiques evaluate the appropriateness of the emergency plan, emergency procedures, facilities, equipment, training of personnel and overall effectiveness of the response;

9) Correct deficiencies noted in critiques of drills and exercises; and

10) Notify offsite response organizations, including the Agency, immediately after the licensee declares an alert or site area emergency.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: The reporting requirement of subsection (d)(10) of this Section does not supersede or relieve licensees from complying with the requirements of the Emergency Planning and Community Right-to-Know Act of 1986, Title III, P.L. 99-499 (42 USC 11001 et seq.) or other State or federal reporting requirements.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.300 Issuance of Specific Licenses

a) Upon a determination that an application meets the requirements of the Act and the regulations of the Agency, the Agency will issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

b) The Agency may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to this Part as it deems appropriate or necessary in order to:

1) Minimize danger to public health and safety or property;

2) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and

3) Prevent loss or theft of material subject to this Part.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.350 Agency Action on Application to Renew and Amend

In considering an application by a licensee to renew or amend the license, the Agency will apply the criteria set forth in this Part and 32 Ill. Adm. Code: Chapter II, Subchapters b and d, as applicable.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)
Section 330.400  Transfer of Material

a) No licensee shall transfer radioactive material except as authorized pursuant to this Section.

b) Except as otherwise provided in his license and subject to the provisions of subsections (c) and (d) below, any licensee may transfer radioactive material:

1) To the Agency Department if prior approval has been granted by the Agency Department;

2) To the U.S. Department of Energy;

3) To any person exempt from the regulations in this Part to the extent permitted under such exemption;

4) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Agency Department, an Agreement State or a Licensing State; or

5) As otherwise authorized by the Agency Department in writing.

c) Before transferring radioactive material to a specific licensee of the Agency Department, or to a general licensee who is required to register with the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the radionuclide, form and activity of radioactive material to be transferred.

d) The following methods for the verification required by subsection (c) above are acceptable:

1) The transferor may possess a current copy of the transferee's specific
NOTICE OF ADOPTED AMENDMENTS

license or registration certificate authorizing the transferee to receive the radionuclide, form and activity of radioactive material to be transferred;

2) The transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the radionuclide, form and activity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the radionuclide, form and activity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date; provided, that the oral certification is confirmed in writing within 10 days;

4) The transferor may obtain other information compiled by a reporting service from official records of the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State regarding the identity of licensees and the scope and expiration dates of licenses and registration; or

5) When none of the methods of verification described in subsections (d)(1) through (4) above are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that the transferee is licensed to receive the radioactive material.

e) Shipment and transport of radioactive material shall be in accordance with the provisions of 32 Ill. Adm. Code 341.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.500 Modification and Revocation of Licenses

a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification or the license may be suspended or revoked by reason of
NOTICE OF ADOPTED AMENDMENTS

amendments to the Act, or by reason of rules, regulations, and orders issued by the Agency in accordance with 32 Ill. Adm. Code 200.

b) In accordance with 32 Ill. Adm. Code 200, any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means that would warrant the Agency to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation, or order of the Agency.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.900 Reciprocal Recognition of Licenses

a) Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or another state is hereby granted a general license to conduct the activities authorized in such licensing document within this State, in areas not under exclusive federal jurisdiction, for a period not in excess of 180 days in any 12-month period, provided that:

1) A current copy of the licensing document is on file with the Agency and activities authorized by the document are not limited to specified installations or locations.

2) The out-of-state licensee notifies the Agency by telephone, facsimile, or letter prior to engaging in such activities. Notification shall indicate the following:

A) Contact person

B) Phone number of contact

C) Company name and address

D) Company contact person on-site

E) License number of applicant or registrant
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

F) Licensing authority

G) Expiration date of applicant's or registrant's license

H) Dates of work at temporary job site

I) Client or facility name and address

K) Client or facility contact person and phone number

L) Proposed use and names of authorized users, their social security numbers or other unique identification that can be independently verified (e.g., driver's license number, employee ID, work permit number, etc.)

M) Device manufacturer, model, radionuclide, source model, and activity.

3) If initial notification was by telephone or telegraph, the out-of-state licensee shall submit to the Agency, within 10 days following notification, a letter containing the information specified in subsection (a)(2). Upon receipt from the out-of-state licensee of a written request containing a schedule of activities to be conducted within Illinois, the Agency shall waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in this Section.

4) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any terms and conditions that may be inconsistent with 32 Ill. Adm. Code: Chapter II.

5) The out-of-state licensee supplies other information as the Agency may request to show compliance with 32 Ill. Adm. Code: Chapter II.

6) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section, except by transfer to a person:

A) Specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission or another state to receive such material; or

B) Exempt from the requirements for a license for such material under Section 330.40(a) of this Part.

b) In addition to the provisions of subsection (a) of this Section, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or another state authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220(b)(1) of this Part within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service the device in this State, provided that:

1) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or another state;

2) The person shall assure that any labels required to be affixed to the device under regulations of the authority that licensed manufacture of the device bear a statement that "Removal of this label is prohibited".

c) The Agency Department may withdraw, limit or qualify its acceptance of any specific license issued by the U.S. Nuclear Regulatory Commission or another state, or any product distributed pursuant to the license, if the Agency determines that had the person been licensed in Illinois by the Agency, the license would have been subject to action under Section 330.500 of this Part or 32 Ill. Adm. Code 310.90.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

Section 330.950 Nationally Tracked Sources

a) Each licensee who manufactures a nationally tracked source after April 1, 2008 shall assign a unique serial number to each nationally tracked source. Serial numbers shall be composed only of alpha-numeric characters.
b) Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report shall include the following information:

1) The name, address and license number of the reporting licensee;
2) The name of the individual preparing the report;
3) The manufacturer, model and serial number of the source;
4) The radioactive material in the source;
5) The initial source strength in becquerels (curies) at the time of manufacture; and
6) The manufacture date of the source.

c) Each licensee who transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report shall include the following information:

1) The name, address and license number of the reporting licensee;
2) The name of the individual preparing the report;
3) The name and license number of the recipient facility and the shipping address;
4) The manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;
5) The radioactive material in the source;
6) The initial or current source strength in becquerels (curies);
7) The date for which the source strength is reported;
8) The shipping date;
NOTICE OF ADOPTED AMENDMENTS

9) The estimated arrival date; and

10) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

d) Each licensee who receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report shall include the following information:

1) The name, address and license number of the reporting licensee;

2) The name of the individual preparing the report;

3) The name, address and license number of the person who provided the source;

4) The manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;

5) The radioactive material in the source;

6) The initial or current source strength in becquerels (curies);

7) The date for which the source strength is reported;

8) The date of receipt; and

9) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

e) Each licensee who disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report shall include the following information:

1) The name, address and license number of the reporting licensee;

2) The name of the individual preparing the report;
NOTICE OF ADOPTED AMENDMENTS

3) The manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;

4) The radioactive material in the source;

5) The initial or current source strength in becquerels (curies);

6) The date for which the source strength is reported; and

7) The disassembly date of the source.

f) Each licensee who disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report shall include the following information:

1) The name, address and license number of the reporting licensee;

2) The name of the individual preparing the report;

3) The waste manifest number;

4) The container identification with the nationally tracked source;

5) The date of disposal; and

6) The method of disposal.

g) The reports discussed in subsections (b) through (f) shall be submitted by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports shall be submitted to the National Source Tracking System by using:

1) The on-line National Source Tracking System;

2) Electronic submission in a computer-readable format;

3) Facsimile;
NOTICE OF ADOPTED AMENDMENTS

4) Mail to the address on the National Source Tracking Transaction Report Form (NRC Form 748); or

5) Telephone with follow up by facsimile or mail.

h) Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within 5 business days after discovery of the error or missed transaction. Such errors may be detected by a variety of methods, such as administrative reviews or physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee’s data in the National Source Tracking System. The reconciliation shall be conducted during January of each year. The reconciliation process shall include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified by subsections (b) through (f). By January 31 of each year, each licensee shall submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

i) Each licensee who possesses Category 1 and/or Category 2 nationally tracked sources shall report its initial inventory of Category 1 and/or Category 2 nationally tracked sources to the National Source Tracking System in accordance with the schedule specified in 10 CFR 20.2207(h) of the U.S. Nuclear Regulatory Commission regulations. The information may be submitted by using any of the methods identified by subsection (g)(1) through (g)(4). The initial inventory report must include the following information:

1) The name, address and license number of the reporting licensee;

2) The name of the individual preparing the report;

3) The manufacturer, model and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;

4) The radioactive material in the sealed source;

5) The initial or current source strength in becquerels (curies); and

6) The date for which the source strength is reported;
AGENCY NOTE: Reports and inventories must be sent to the U.S. Nuclear Regulatory Commission National Source Tracking System and not to the Illinois Emergency Management Agency, Division of Nuclear Safety. If the U.S. Nuclear Regulatory Commission does not have the National Source Tracking System established and available to receive incoming reports, then the licensee shall make such reports at a later date specified by the U.S. Nuclear Regulatory Commission on its website.

(Source: Added at 32 Ill. Reg. 6462, effective April 7, 2008)
Section 330. Appendix F  Nationally Tracked Source Thresholds

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only and are rounded after conversion.

<table>
<thead>
<tr>
<th>Radioactive material</th>
<th>Category 1 (TBq)</th>
<th>Category 1 (Ci)</th>
<th>Category 2 (TBq)</th>
<th>Category 2 (Ci)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actinium-227</td>
<td>20</td>
<td>540</td>
<td>0.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Americium-241</td>
<td>60</td>
<td>1,600</td>
<td>0.6</td>
<td>16</td>
</tr>
<tr>
<td>Americium-241/Be</td>
<td>60</td>
<td>1,600</td>
<td>0.6</td>
<td>16</td>
</tr>
<tr>
<td>Californium-252</td>
<td>20</td>
<td>540</td>
<td>0.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Cobalt-60</td>
<td>30</td>
<td>810</td>
<td>0.3</td>
<td>8.1</td>
</tr>
<tr>
<td>Curium-244</td>
<td>50</td>
<td>1,400</td>
<td>0.5</td>
<td>14</td>
</tr>
<tr>
<td>Cesium-137</td>
<td>100</td>
<td>2,700</td>
<td>1</td>
<td>27</td>
</tr>
<tr>
<td>Gadolinium-153</td>
<td>1,000</td>
<td>27,000</td>
<td>10</td>
<td>270</td>
</tr>
<tr>
<td>Iridium-192</td>
<td>80</td>
<td>2,200</td>
<td>0.8</td>
<td>22</td>
</tr>
<tr>
<td>Plutonium-238</td>
<td>60</td>
<td>1,600</td>
<td>0.6</td>
<td>16</td>
</tr>
<tr>
<td>Plutonium-239/Be</td>
<td>60</td>
<td>1,600</td>
<td>0.6</td>
<td>16</td>
</tr>
<tr>
<td>Polonium-210</td>
<td>60</td>
<td>1,600</td>
<td>0.6</td>
<td>16</td>
</tr>
<tr>
<td>Promethium-147</td>
<td>40,000</td>
<td>1,100,000</td>
<td>400</td>
<td>11,000</td>
</tr>
<tr>
<td>Radium-226</td>
<td>40</td>
<td>1,100</td>
<td>0.4</td>
<td>11</td>
</tr>
<tr>
<td>Selenium-75</td>
<td>200</td>
<td>5,400</td>
<td>2</td>
<td>54</td>
</tr>
<tr>
<td>Strontium-90</td>
<td>1,000</td>
<td>27,000</td>
<td>10</td>
<td>270</td>
</tr>
<tr>
<td>Thorium-228</td>
<td>20</td>
<td>540</td>
<td>0.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Thorium-229</td>
<td>20</td>
<td>540</td>
<td>0.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Thulium-170</td>
<td>20,000</td>
<td>540,000</td>
<td>200</td>
<td>5,400</td>
</tr>
<tr>
<td>Ytterbium-169</td>
<td>300</td>
<td>8,100</td>
<td>3</td>
<td>81</td>
</tr>
</tbody>
</table>

(Source: Added at 32 Ill. Reg. 6462, effective April 7, 2008)
1) **Heading of the Part**: Real Estate License Act of 2000

2) **Code Citation**: 68 Ill. Adm. Code 1450

3) **Section Number**: Adopted Action: 1450.140 Amendment

4) **Statutory Authority**: Real Estate License Act of 2000 [225 ILCS 454]

5) **Effective Date of Amendment**: April 2, 2008

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) **Date Notice of Proposal Published in Illinois Register**: January 4, 2008; 32 Ill. Reg. 3

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 agreement letter issued by JCAR?** Yes

13) **Will this amendment replace any emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendment**: This amendment is the result of an agreement based upon a legal settlement with the Department concerning this particular Section. Section 1450.140 was amended previously to clarify what constitutes "misleading advertising". The purpose of this amendment is to further clarify that advertising likely to create confusion regarding the permitted use of a property is misleading under the Real Estate License Act of 2000.

16) **Information and questions regarding this adopted amendment shall be directed to**: 

---

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois  62786

217/785-0813   Fax: 217/557-4451

The full text of the Adopted Amendment begins on the next page:
NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450
REAL ESTATE LICENSE ACT OF 2000

SUBPART A: DEFINITIONS

Section 1450.10 Definitions

SUBPART B: LEASING AGENT RULES

Section 1450.15 Leasing Agent General Provisions
1450.20 Leasing Agent Examination Requirement
1450.25 Sponsor Card for Leasing Agents
1450.30 Issuance of Leasing Agent License
1450.35 Termination of Employment of Leasing Agent
1450.40 120 Day Leasing Agent Permit
1450.50 Continuing Education Requirement for Leasing Agents
1450.55 Approved Courses, Schools and Instructors for Leasing Agents

SUBPART C: LICENSING AND EDUCATION

Section 1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License
1450.65 Salesperson and Broker Examinations
1450.70 Applications for Salesperson's and Broker's Licenses by Examination
1450.75 Sponsor Cards for Brokers and Salespersons
1450.80 Branch Offices
1450.85 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships
1450.90 Assumed Name
1450.95 Fees
1450.100 Nonresident Licensure by Reciprocity
1450.105 Renewals
1450.110 Change of Information
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

1450.115 Continuing Education
1450.120 Rental Finding Services

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section
1450.125 Managing Broker Responsibilities
1450.130 Supervision
1450.135 Discrimination
1450.140 Advertising
1450.145 Internet Advertising
1450.150 Office Identification Signs
1450.155 Display of Licenses
1450.160 Employment Agreements
1450.165 Unlicensed Assistants
1450.170 Corporation for Indirect Payment
1450.175 Special Accounts
1450.180 Record Keeping
1450.185 Disclosure of Compensation
1450.190 Disclosure of Licensee Status
1450.195 Brokerage Agreements and Listing Agreements
1450.200 Written Agreements
1450.205 Referral Fees and Affinity Relationships

SUBPART E: AGENCY RELATIONSHIPS

Section
1450.207 Confidentiality
1450.210 Failure to Disclose Information Not Affecting Physical Condition
1450.215 Licensee Serving as a Dual Agent in a Transaction Where a Licensee is a Party to the Transaction

SUBPART F: DISCIPLINE RULES AND PROCEDURES

Section
1450.220 Unprofessional Conduct
1450.225 Suspension or Denial for Failure to Pay Taxes, Child Support or Any Illinois-Guaranteed Student Loan
1450.230 Temporary Suspension
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

1450.235 Otherwise Discipline
1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers
1450.245 Inspections and Audits
1450.246 Audits of Special Funds by Outside Auditors
1450.250 Case File Review Committee
1450.255 Hearings
1450.260 Real Estate Recovery Fund
1450.265 Automatic Termination Upon Order to Payout from the Real Estate Recovery Fund
1450.266 Advisory Letters

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION RULES

Section
1450.270 Definition of Schools and School Branch (Repealed)
1450.275 Pre-License Schools
1450.276 Curriculum for Pre-License Schools
1450.277 Expiration Date and Renewal Period for Pre-License Schools
1450.278 Pre-License Instructors
1450.280 Expiration Date and Renewal Period for Pre-License Instructors
1450.285 Continuing Education Schools
1450.286 Curriculum for Continuing Education Schools and Course Registration Process
1450.287 Expiration Date and Renewal Period for Continuing Education Schools
1450.288 Continuing Education Instructors
1450.290 Expiration Date and Renewal Period for Continuing Education Instructors
1450.295 Distance Education Courses
1450.300 Class Attendance Requirements (Repealed)
1450.305 Recruitment at Test Center
1450.310 Withdrawal of Approval of Schools (Repealed)
1450.315 Discipline of Schools or Instructors

SUBPART H: GRANTING VARIANCES

Section
1450.320 Granting Variances

SUBPART J: TRANSITION RULES
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

Section
1450.335  Continuing Education – Transition Provisions

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].


SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section 1450.140  Advertising
NOTICE OF ADOPTED AMENDMENT

a) Deceptive and misleading advertising includes, but is not limited to, the following:

1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker;

2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement;

3) advertising a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required; and

4) advertising a property in a manner that creates a reasonable likelihood of confusion regarding the permitted use of the property. Examples of such advertising would be advertising a property zoned single family as appropriate for multi-dwelling use by using shall be deemed to be likely to confuse a buyer regarding the permitted use of the property where the advertising contains words or phrases suggesting multi-dwelling use, including but not limited to "apartment", "two units", or "separate living arrangement", unless such use is permitted by the zoning ordinance, a variance from the zoning ordinance, a conditional permitted use or an existing legal non-conforming use "related living", "in-law arrangement", or "related apartment".

b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.

c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.

d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general advertising of
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

the sponsoring broker.

(Source: Amended at 32 Ill. Reg. 6503, effective April 2, 2008)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: Adopted Action:
   160.70 Amendment

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

5) Effective Date of Amendment: March 31, 2008

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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 21, 2007; 31 Ill. Reg. 16651

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version:

   1) In Section 160.70, deleted subsection (a) (1) and (2).

   2) In Section 160.70 (b), changed "b) Income Withholding" to subsection "a) Income Withholding".

   3) In 160.70(c), changed "c) Federal and State Income Tax Refunds and Other Payments" to "b) Federal and State Income Tax Refunds and Other Payments".


   5) In subsection (c)(2)(A)(ii), deleted the word "qualified" twice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

7) In subsection 160.70(c)(10), changed "(c)" to "(b)" and "(c)(3)" to "(b)(3)".

8) In subsection 160.70(c)(11)(A), changed "(c)" to "(b)".

9) In Section 160.70(d), changed "d) Unemployment Insurance Benefits" to "c) Unemployment Insurance Benefits".

10) In Section 160.70(e), changed "e) Contempt of Court and Other Legal Proceedings" to "d) Contempt of Court and Other Legal Proceedings".

11) In subsection 160.70(e)(1), changed "(e)(2)" to "(d)(2)".

12) In Section 160.70(f), changed "f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support" to "e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support".

13) In Section 160.70(g), changed "g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support" to "f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support".

14) In subsection 160.70(g)(1)(C), changed "(g)" to "(f)".

15) In subsection 160.70(g)(2)(C), changed "(g)(2)(B)" to "(f)(2)(B)".

16) In subsection 160.70(g)(2)(D), changed "(g)(2)(C)(iv)" to "(f)(2)(C)(iv)".

17) In subsection 160.70(g)(2)(E), changed "(g)" to "(f)".

18) In subsection 160.70(g)(2)(J), changed subsection "(g)" to "(f)".

19) In subsection 160.70(h), changed "h) Security, Bond or Other Guarantee of Payment" to "g) Security, Bond or Other Guarantee of Payment".

20) In subsection 160.70(h)(1), changed "(h)(2)" to "(g)(2)".
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

21) In Section 160.70(i), changed "i) Past-Due Support Information to Consumer Reporting Agencies" to "h) Past-Due Support Information to Consumer Reporting Agencies".

22) In subsection 160.70(i)(1), changed "(c)(2)(A)" to "(b)(2)(A)".

23) In Section 160.70(j), changed "j) High-Volume Automated Administrative Enforcement in Interstate Cases" to "j) High-Volume Automated Administrative Enforcement in Interstate Cases".

24) In subsection 160.70(j)(3), added "to municipalities" after the words "Illinois Department of Revenue".

25) In Section 160.70(k), changed "k) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State" to "j) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State".

26) In Section 160.70(l), changed "l) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports" to "k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports".

27) In Section 160.70(m), changed "m) List of Responsible Relatives" to "l) List of Responsible Relatives".

28) In subsection 160.70(m)(1), changed reference to subsection "(m)" to "(l)".

29) Added new subsection "m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension".

30) In subsection 160.70(m)(2)(F), added "or by entering into a repayment plan satisfactory to the Department." after the words "amount in full".

31) In Section 160.70(o), changed "o) Debit Authorization for Obligors Who Are Not Subject to Income Withholding" to "n) Debit Authorization for Obligors Who Are Not Subject to Income Withholding".
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

32) In Section 160.70(p), changed "p) Other Remedies" to "o) Other Remedies".

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 these rulemaking replace any emergency rulemaking currently in effect? Yes

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

15) Summary and Purpose of Amendment: This amendment is necessary for the Department to be in compliance with statutory changes to Public Act 95-685. Public Act 95-685, specifically the administrative driver's license suspension portion that was implemented in January 2008, allows the Department's certification of past due support to the Illinois Secretary of State to administratively suspend driver's licenses. In excess of 32,000 Illinois cases may be eligible for the driver's license suspension process with the potential of $10 million in annual collections. It also authorizes the Department to work with municipalities by means of ordinances to immobilize and impound vehicles for non-payment of child support. Further deletes the definition "qualified" as it relates to a child; as stated in the federal Deficit Reduction Act of 2005, states may submit for offset any past-due support owed to any child, whether or not the child is a minor.

16) Information and questions regarding this adopted 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 Adopted Amendment begins on the next page.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
160.1 Incorporation by Reference
160.5 Definitions
160.10 Child Support Enforcement Program
160.12 Administrative Accountability Process
160.15 Fees for IV-D Non-TANF Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause for Failure to Cooperate with Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64 Compromise of Assigned Obligations
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Section
160.70 Enforcement of Support Orders
160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry
160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

160.150  Department Review of Distribution of Child Support for TANF Recipients
160.160  Department Review of Distribution of Child Support for Former AFDC or TANF Recipients


SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

1) The definitions contained in Section 160.60(a) are incorporated herein by reference.

2) "Qualified child" means a child who is a minor or who, while a minor, was determined to be disabled under Title II or XVI of the Social Security Act, and for whom a support order is in effect.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
Federal and State Income Tax Refunds and Other Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:

i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than $150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of $150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (be)(2)(A)(i) may not be combined with amounts under subsection (be)(2)(A)(ii) to reach the minimum amounts required for submittal; and

ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than $500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of $500; however, amounts under this subsection (be)(2)(A)(ii) may not be combined with amounts under subsection (be)(2)(A)(i) to reach the minimum amounts required for submittal.
NOTICE OF ADOPTED AMENDMENT

B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:

i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or $150, whichever is less;

ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and

iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for intercept;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:

i) a redetermination by the Department or, after such redetermination,

ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

A) a hearing by the Department within 30 days from the date of mailing of the notice; or

B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;

B) the Department of Health and Human Services of any deletion of
NOTICE OF ADOPTED AMENDMENT

an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;

C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and

D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (be) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (be)(3) of this Section and shall promptly apply:

A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.

11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

   A) amounts intercepted under this subsection (be) will be applied in accordance with Section 160.130;

   B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

Unemployment Insurance Benefits

1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.

2) The Department shall take the following action:

   A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.

   B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.

   C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:

      i) the amount of the income withholding order; or

      ii) fifty percent of the Unemployment Insurance Benefit.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

D) receive amounts deducted direct from DES.

E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

F) post each collection to the Department's payment record.

G) apply each collection to the current support obligation, then to past-due obligations.

H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

3) The Department of Employment Security shall take the following action:

A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

B) pay all amounts deducted direct to the Department.

d(e) Contempt of Court and Other Legal Proceedings

1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d(e)(2) of this Section.

2) Contempt proceedings shall not be used in the following instances:

A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

i) receiving public assistance;
NOTICE OF ADOPTED AMENDMENT

ii) mentally or physically disabled;

iii) incarcerated;

iv) out-of-the-country;

v) deceased; or

vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

A) establish the amount of past-due support;

B) obtain a judgment for purposes of:
   i) imposition of a lien against real estate,
   ii) levy upon real estate and personal property, or
   iii) registration in another state;

C) secure an order for lump sum or periodic payment of the past-due support or judgment;

D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;

E) obtain full or partial payment of past due support through incarceration;

F) ascertain the responsible relative's source and amount of income or location and value of assets;
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;

H) secure other enforcement relief; and

I) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].

5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

e4) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support

1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
A) the past-due amount is at least $3,500; and
B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than $3,500 in excess of any statutory exemption.
i) the name and address of the responsible relative;

ii) a legal description of the real estate to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and

v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.

C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (fg).

D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than $3,500 in excess of any statutory exemption.

2) Liens against personal property

A) The Department shall impose liens against personal property of
NOTICE OF ADOPTED AMENDMENT

responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

i) the amount of past-due support is at least $1,000;

ii) the responsible relative has an interest in personal property against which a lien may be claimed; and

iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least $300.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:

i) the name and address of the responsible relative;

ii) a description of the account or personal property to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;

v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount
of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and

vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:

i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];

ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;

iii) state that the financial institution may charge the responsible relative's account a fee of up to $50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and

iv) include a form, Response to Notice of Lien or Levy, to be
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.

D) The form for the response to Notice of Lien or Levy provided for under subsection (fg)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

i) the amount of assets in the responsible relative's account;

ii) the amount of the fee to be deducted from the account;

iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;

iv) the name and address of any joint owners of the account; and

v) the amount of assets surrendered and remitted to the Department.

E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (fg).

F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.

H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.

I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (fg).

gh) Security, Bond or Other Guarantee of Payment

1) Except as provided in subsections (gh)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].

2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible
NOTICE OF ADOPTED AMENDMENT

relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

hi) Past-Due Support Information to Consumer Reporting Agencies

1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (be)(2)(A) of this Section:

   A) the name, last known address and Social Security Number of the responsible relative; and

   B) the terms and amount of past-due support that has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

   A) the IV-D case name and identification number;

   B) the past-due support amount that will be reported;

   C) the date past-due support will be reported; and

   D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
   A) a request for:
      i) a redetermination, or
      ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
   B) payment in full of the amount of the past-due support stated in the:
      i) advance notice, or
      ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

ij) High-Volume Automated Administrative Enforcement in Interstate Cases

1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.

2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.

3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

support order. The request shall:

A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.

B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.

4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.

5) The Department shall maintain records of:

A) The number of such requests for assistance received by the Department.

B) The number of cases for which the Department collected support in response to such a request and the actual amount of such support collected.

jk) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State

1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.

2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the
following conditions exist:

A) past-due support is owed for a child or for a child and the parent with whom the child is living;

B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for collection;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and

D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due amount;

C) the amount of current child support obligations; and
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

A) name;

B) Social Security Number;

C) IV-D identification number; and

D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.

7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

k1) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports

1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds $2,500:

A) the name, last known address and Social Security Number of the responsible relative; and

B) the terms and amount of past-due support that has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be certified;
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

C) the date past-due support will be certified; and

D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:

A) a request for:
   i) a redetermination, or
   ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the:
   i) advance notice, or
   ii) notice of redetermination or hearing results.

6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

List of Responsible Relatives

1) Any list of responsible relatives owing past-due support to be disclosed
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (l).

2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing $5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:

   A) the name of the responsible relative;

   B) the responsible relative’s last known address; and

   C) the amount of past-due support as of a given date, expressed within a range (for example, $50,000-$100,000), that has accumulated under the support order.

3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.

4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:

   A) the IV-D case name and identification number;

   B) the past-due support amount as of a given date;

   C) the earliest date by which past due support information will be published;

   D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and

   E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.

5) Factors for a satisfactory payment plan will include, but are not limited to:

A) the amount of past-due support owed;
B) the amount to be paid toward the past-due support;
C) the amount of the current support obligation(s); and
D) the responsible relative’s ability to pay.

6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.

7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:

A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.

m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension

1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:

A) the amount of past-due support is at least $2500;
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

B) the responsible relative has not made a voluntary payment in the last 90 days.

2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:

A) the name and address of responsible relative;

B) the responsible relative's Recipient Identification Number;

C) the responsible relative's Driver's License Number;

D) the amount of past-due support, including interest;

E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;

F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or by entering into a repayment plan satisfactory to the Department or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.

3) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

n) Debit Authorization for Obligors Who Are Not Subject to Income Withholding

1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.

2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.

3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.

4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.

5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.

6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.

o) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 32 Ill. Reg. 6511, effective March 31, 2008)
NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Issuance of Licenses

2) **Code Citation:** 92 Ill. Adm. Code 1030

3) **Section Number:** 1030.65   **Adopted Action:** Amendment

4) **Statutory Authority:** 625 ILCS 5/6-103 and 625 ILCS 5/6-521

5) **Effective Date of Amendment:** April 4, 2008

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:** 32 Ill. Reg. 134; January 2, 2008

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** The main source note was changed to read "emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days," rather than "amendment at 32 Ill. Reg. 134, effective January 2, 2008, for a maximum of 150 days. Other technical, non-substantive changes were made as requested by JCAR.

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?** Yes

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendment:** This rulemaking is to clarify a statutory requirement in the context of the Illinois Vehicle Code [625 ILCS 5/6-103], which requires that a student be "enrolled in an approved driver education course" in addition to
NOTICE OF ADOPTED AMENDMENT

other requirements, to become eligible for an instruction permit issued by the Office of the Illinois Secretary of State.

16) Information and questions regarding this adopted amendment shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

The full text of the Adopted Amendment begins on the next page:
# NOTICE OF ADOPTED AMENDMENT

**TITLE 92: TRANSPORTATION**  
**CHAPTER II: SECRETARY OF STATE**

**PART 1030**  
**ISSUANCE OF LICENSES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1030.10</td>
<td>What Persons Shall Not be Licensed or Granted Permits</td>
</tr>
<tr>
<td>1030.11</td>
<td>Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License</td>
</tr>
<tr>
<td>1030.13</td>
<td>Denial of License or Permit</td>
</tr>
<tr>
<td>1030.15</td>
<td>Cite for Re-examination</td>
</tr>
<tr>
<td>1030.16</td>
<td>Physical and Mental Evaluation</td>
</tr>
<tr>
<td>1030.17</td>
<td>Errors in Issuance of Driver's License/Cancellation</td>
</tr>
<tr>
<td>1030.18</td>
<td>Medical Criteria Affecting Driver Performance</td>
</tr>
<tr>
<td>1030.20</td>
<td>Classification of Drivers – References</td>
</tr>
<tr>
<td>1030.30</td>
<td>Classification Standards</td>
</tr>
<tr>
<td>1030.40</td>
<td>Fifth Wheel Equipped Trucks</td>
</tr>
<tr>
<td>1030.50</td>
<td>Bus Driver's Authority, Religious Organization and Senior Citizen Transportation</td>
</tr>
<tr>
<td>1030.55</td>
<td>Commuter Van Driver Operating a For-Profit Ridesharing Arrangement</td>
</tr>
<tr>
<td>1030.60</td>
<td>Third-Party Certification Program</td>
</tr>
<tr>
<td>1030.63</td>
<td>Religious Exemption for Social Security Numbers</td>
</tr>
<tr>
<td>1030.65</td>
<td>Instruction Permits</td>
</tr>
<tr>
<td>1030.70</td>
<td>Driver's License Testing/Vision Screening</td>
</tr>
<tr>
<td>1030.75</td>
<td>Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses</td>
</tr>
<tr>
<td>1030.80</td>
<td>Driver's License Testing/Written Test</td>
</tr>
<tr>
<td>1030.81</td>
<td>Endorsements</td>
</tr>
<tr>
<td>1030.82</td>
<td>Charter Bus Driver Endorsement Requirements</td>
</tr>
<tr>
<td>1030.83</td>
<td>Hazardous Material Endorsement</td>
</tr>
<tr>
<td>1030.84</td>
<td>Vehicle Inspection</td>
</tr>
<tr>
<td>1030.85</td>
<td>Driver's License Testing/Road Test</td>
</tr>
<tr>
<td>1030.86</td>
<td>Multiple Attempts - Written and/or Road Tests</td>
</tr>
<tr>
<td>1030.88</td>
<td>Exemption of Facility Administered Road Test</td>
</tr>
<tr>
<td>1030.89</td>
<td>Temporary Driver's Licenses and Temporary Instruction Permits</td>
</tr>
<tr>
<td>1030.90</td>
<td>Requirement for Photograph and Signature of Licensee on Driver's License</td>
</tr>
<tr>
<td>1030.91</td>
<td>Disabled Person/Handicapped Identification Card</td>
</tr>
<tr>
<td>1030.92</td>
<td>Restrictions</td>
</tr>
<tr>
<td>1030.93</td>
<td>Restricted Local Licenses</td>
</tr>
<tr>
<td>1030.94</td>
<td>Duplicate or Corrected Driver's License or Instruction Permit</td>
</tr>
</tbody>
</table>
NOTICE OF ADOPTED AMENDMENT

1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Commercial Driver's License
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents


NOTICE OF ADOPTED AMENDMENT


Section 1030.65 Instruction Permits

a) For purposes of this Section, the following definitions shall apply:

"Applicant" – a person applying for an instruction permit.

"Approved Driver Education Course" –

*a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8], or

*a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education, or

*a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state. [625 ILCS 5/1-103]

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in Art. IV of the Illinois Driver License Law (Commercial Driver Training Schools) [625 ILCS 5/Ch. 6, Art. IV] and 92 Ill. Adm. Code 1060.

"Class D Instruction Permit" – a permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross
NOTICE OF ADOPTED AMENDMENT

combination weight rating is less than 26,001 pounds.

"Class L Instruction Permit" – a permit to operate a motor driven cycle with less than 150 cc displacement.

"Class M Instruction Permit" – a permit to operate any motorcycle or any motor driven cycle.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code.

"Commercial Driver Instruction Permit" – a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1, 6-507(a) and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1, 6-507(a) and 6-508].

"Competent Medical Specialist" – a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).

"Driving Evaluation" – an assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.
"Enrolled in a Driver Education Course" – active participation in and the 30 days immediately preceding the start of regularly scheduled classroom instruction of an approved driver education course.

"Favorable Medical Report" – a current medical report that has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Illinois Medical Restriction Card" – a card that specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113].

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties, and authority.

"Instruction Permit" – a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].

"Medical Report" – a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement
NOTICE OF ADOPTED AMENDMENT

as defined in Section 1030.16, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.

"Minor" – a person under 18 years of age.

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Temporary Visitor's Instruction Permit" – a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].

b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

c) Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected Secretary of State Driver Services facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and who is occupying a seat beside the driver.

d) An instruction permit issued to any foreign national shall only be in a Class D, L or M as established in Section 1030.30.
NOTICE OF ADOPTED AMENDMENT

e) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].

f) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of such enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

g) A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided the minor:

1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and Section 6-103(1) of the Illinois Vehicle Code [625 ILCS 5/6-103(1)] and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and

2) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.
h) An instruction permit issued to a minor under subsection (g) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.

i) The minor who is not legally emancipated by marriage or court order shall have the application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

j) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.

k) An Illinois instruction permit issued to a minor may be cancelled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.

l) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.

m) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit the required fee as provided in Section 6-118(a) of the Illinois Vehicle Code [625
ILCS 5/6-118(a)]. Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

n) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.

o) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.

p) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.

q) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to that classification of permit being renewed.

(Source: Amended at 32 Ill. Reg. 6544, effective April 4, 2008)
NOTICE OF EMERGENCY RULES

1) **Heading of the Part:** Electric Interconnection of Distributed Generation Facilities

2) **Code Citation:** 83 Ill. Adm. Code 466

3) **Section Numbers:**
   - 466.10 New Section
   - 466.20 New Section
   - 466.30 New Section
   - 466.40 New Section
   - 466.50 New Section
   - 466.60 New Section
   - 466.70 New Section
   - 466.80 New Section
   - 466.90 New Section
   - 466.100 New Section
   - 466.110 New Section
   - 466.120 New Section
   - 466.130 New Section
   - 466.140 New Section
   - 466.APPENDIX A New Section
   - 466.APPENDIX B New Section
   - 466.APPENDIX C New Section
   - 466.APPENDIX D New Section
   - 466.APPENDIX E New Section
   - 466.APPENDIX F New Section
   - 466.APPENDIX G New Section

4) **Statutory Authority:** Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101].

5) **Effective Date of Rules:** April 1, 2008

6) **If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire:** These emergency rules will expire at the end of the 150 day period, or upon adoption of permanent rules, whichever comes first.

7) **Date Filed with the Index Department:** March 28, 2008
NOTICE OF EMERGENCY RULES

8) A copy of the emergency emergency rules, including any material incorporated by reference, is on file in the Commission's office in Springfield and is available for public inspection.

9) **Reason for Emergency**: On August 24, 2007, P.A. 95-0420 became effective, adding Section 16-107.5 to the Public Utilities Act [220 ILCS 5/16-107.5] (Net Metering Statute). Net meters are used by persons or entities that interconnect to the electric power grid. The Net Metering Statute requires electricity providers to offer net meters to the public by no later than April 1, 2008. The Net Metering Statute also directs this Commission to establish standards for net metering and for "interconnection of eligible renewable generating equipment to the utility system". [220 ILCS 5/16-107.5(h)]. The Commission has already proposed 83 Ill. Adm. Code 465 to establish the standards for net metering, in compliance with the statutory mandate in Section 16-107.5. It is necessary to adopt by emergency action the standards for interconnection of net meters to the electric power grid to assure that there are adequate safety standards for interconnection to protect both persons and the integrity of the transmission equipment.

10) **A Complete Description of the Subjects and Issues Involved**: Persons utilizing net metering under Section 16-107.5 of the Public Utilities Act and 83 Ill. Adm. Code 465 must interconnect with the electric power grid. Part 466 sets out the standards for equipment to be used in interconnection. The rules also set out the various levels of interconnection based on the capacity of the generating equipment, the application requirements for the individual levels of interconnection, and the contract requirements for the levels of interconnection. The review procedures are set out, as are the dispute procedures.

11) Are there any proposed amendments to this Part pending? No

12) **Statement of Statewide Policy Objectives**: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

13) **Information and questions regarding these emergency rules shall be directed to**:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701
NOTICE OF EMERGENCY RULES

Phone: 217/785-3922
Fax: 217/524-9280

The full text of the Emergency Rules appears on the next page.
ILLINOIS COMMERCCE COMMISSION
NOTICE OF EMERGENCY RULES
TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES
PART 466
ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

Section
466.10 Scope
EMERGENCY
466.20 Interconnection Requirement
EMERGENCY
466.30 Definitions
EMERGENCY
466.40 Technical Standards
EMERGENCY
466.50 Interconnection Requests
EMERGENCY
466.60 General Requirements
EMERGENCY
466.70 Lab-Certified Equipment
EMERGENCY
466.80 Determining the Review Level
EMERGENCY
466.90 Level 1 Expedited Review
EMERGENCY
466.100 Level 2 Expedited Review
EMERGENCY
466.110 Level 3 Expedited Review
EMERGENCY
466.120 Level 4 Review
EMERGENCY
466.130 Disputes
EMERGENCY
466.140 Records
EMERGENCY
466.APPENDIX A Level 1 Application and Contract
EMERGENCY
466.APPENDIX B Certificate of Completion
NOTICE OF EMERGENCY RULES

EMERGENCY
466.APPENDIX C  Levels 2 to 4 Contract
EMERGENCY
466.APPENDIX D  Levels 2 to 4 Application
EMERGENCY
466.APPENDIX E  Interconnection Feasibility Study Agreement
EMERGENCY
466.APPENDIX F  Interconnection System Impact Study Agreement
EMERGENCY
466.APPENDIX G  Interconnection Facilities Study Agreement
EMERGENCY


SOURCE: Emergency rules adopted at 32 Ill. Reg. 6556, effective April 1, 2008, for a maximum of 150 days.

Section 466.10 Scope
EMERGENCY

The Illinois Distributed Generation Interconnection Standard applies to generation facilities operated in parallel with an electric public utility distribution company in Illinois and meeting the following criteria:

a) The nameplate capacity of the distributed generation facility is equal to or less than 10 MW; and

b) The distributed generation facility is not subject to the interconnection requirements of either the Federal Energy Regulatory Commission (FERC) or the applicable Regional Transmission Organization (RTO) (either Midwest Independent Transmission System Operator, Inc. (MISO) or PJM Interconnection, LLC (PJM)).

Section 466.20 Interconnection Requirement
EMERGENCY
a) Each electric distribution company shall offer interconnection to generation facilities, within the scope of this Part, on just and reasonable terms and conditions.

b) For the purposes of compliance with subsection (a), the procedures set forth in Sections 466.30 through Appendix G are just and reasonable. Any just and reasonable deviation from the procedures set forth in Sections 466.30 through Appendix G shall not be interpreted as a violation of this Part. For reporting purposes only, each electric distribution company shall disclose by filing on the Illinois Commerce Commission (Commission) website and subsequently posting on its website its rationale for utilizing an alternative procedure or practice than those set forth in Sections 466.30 through Appendix G.

Section 466.30 Definitions

EMERGENCY

Terms defined in Section 16-102 of the Public Utilities Act (Act) [220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 16-102 of the Act, unless further defined in this Part. The following words and terms, when used in this Part, have the following meanings unless the context indicates otherwise:

"Adverse system impact" means a negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

"Affected system" means an electric system not owned or operated by the electric distribution company reviewing the interconnection request that could suffer an adverse system impact from the proposed interconnection.

"Applicant" means a person (or entity) who has submitted an interconnection request to interconnect a distributed generation facility to an EDC's electric distribution system.

"Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas.
"Business day" means Monday through Friday, excluding State and federal holidays.

"Calendar day" means any day, including Saturdays, Sundays and State and federal holidays.

"Certificate of completion" means a certificate, in a form approved by the Commission, that contains information about the interconnection equipment to be used, its installation and local inspections (see Appendix B).

"Commissioning test" means tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified in Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 Section 5.4 "Commissioning tests."

"Distributed generation facility" means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, a prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or local electric power system.

"Distribution upgrade" means a required addition or modification to the electric distribution system to accommodate the interconnection of the distributed generation facility. Distribution upgrades do not include interconnection facilities.

"Draw-out type circuit breaker" means a switching device capable of making, carrying and breaking currents under normal and abnormal circuit conditions such as those of a short circuit. A draw-out circuit breaker can be physically removed from its enclosure creating a visible break in the circuit. The draw-out circuit breaker shall be capable of being locked in the open, draw-out position.

"Electric distribution company" (EDC) means any electric utility subject to the jurisdiction of the Commission.

"Electric distribution system" means the facilities and equipment owned and operated by the EDC and used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission
networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally operate at less than 100 kilovolts of electricity. "Electric distribution system" has the same meaning as the term "Area EPS," as defined in Section 3.1.6.1 of IEEE Standard 1547.

"Fault current" is the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Often, a fault current is several times larger in magnitude than the current that normally flows through a circuit.

"IEEE Standard 1547" is the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997, Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems." This incorporation does not include any later amendments or editions

"IEEE Standard 1547.1" is the IEEE Standard 1547.1 (2005) "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems." This incorporation does not include any later amendments or editions

"Interconnection customer" means a person or entity that interconnects a distributed generation facility to an electric distribution system.

"Interconnection equipment" means a group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric power system as that term is defined in Section 3.1.6.2 of IEEE Standard 1547 or with the electric distribution system. Interconnection equipment comprises all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

"Interconnection facilities" means facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility's interconnection equipment and the
ILLINOIS REGISTER

08

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

point of interconnection, including any modifications, additions, or upgrades necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

"Interconnection request" means an applicant's request, in a form approved by the Commission, for interconnection of a new distributed generation facility or to change the capacity or other operating characteristics of an existing distributed generation facility already interconnected with the electric distribution system.

"Interconnection study" is any study described in Sections 466.120.

"Lab certified" means a designation that the interconnection equipment meets the requirements set forth in Section 466.70.

"Line section" is that portion of an electric distribution system connected to an interconnection customer's site, bounded by automatic sectionalizing devices and/or the end of the distribution line.

"Local electric power system" means facilities that deliver electric power to a load that is contained entirely within a single premises or group of premises. Local electric power system has the same meaning as that term has as defined in Section 3.1.6.2 of IEEE Standard 1547.

"Nameplate capacity" is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and usually indicated on a nameplate physically attached to the power production equipment.

"Nationally recognized testing laboratory" or "NRTL" means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. (See 29 CFR 1910.7, et al. (July 31, 2000).) This incorporation does not include any later amendments or editions. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in its NRTL program.

"Parallel operation" or "parallel" means a distributed generation facility is connected electrically to the electric distribution system for longer than 100 milliseconds.
"Point of interconnection" means the point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in Section 3.1.13 of IEEE Standard 1547.

"Primary line" means an electric distribution system line operating at greater than 600 volts.

"Queue position" means, for each distribution circuit or line section, the order of a completed interconnection request relative to all other pending completed interconnection requests on that distribution circuit or line section. It is established by the date that the EDC receives the completed interconnection request.

"Radial distribution circuit" means a circuit configuration in which independent feeders branch out radially from a common source of supply.

"Scoping meeting" means a meeting between representatives of the applicant and EDC conducted for the purpose of discussing interconnection issues and exchanging relevant information.

"Secondary line" means an electric distribution system line, sometimes referred to as a service line, operating at 600 volts or less.

"Shared transformer" means a transformer that supplies secondary voltage to more than one customer.

"Spot network" means a type of electric distribution system that uses two or more inter-tied transformers to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers. Spot network has the same meaning as the term "spot network" defined in Section 4.1.4 of IEEE Standard 1547.

"Standard distributed generation interconnection agreement" means a standard interconnection agreement applicable to interconnection requests for distributed generation facilities. (see Appendices A and C).
"UL Standard 1741" means the standard titled "Inverters Converters, and Controllers for Use in Independent Power Systems," November 7, 2005 edition, as used by Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096. This incorporation does not include any later amendments or editions.

"Witness test" means a verification either by an on-site observation or review of documents that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been performed. For interconnection equipment that has not been lab certified, the witness test shall also include verification of the on-site design tests as required by IEEE Standard 1547 Section 5.1 and verification of production tests required by IEEE Standard 1547 Section 5.2. All tests verified are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

Section 466.40  Technical Standards
EMERGENCY

The technical standard to be used in evaluating interconnection requests governed by the Illinois Distributed Generation Interconnection Standard is IEEE Standard 1547.

Section 466.50  Interconnection Requests
EMERGENCY

a) Applicants seeking to interconnect a distributed generation facility shall submit an interconnection request to the EDC that owns the electric distribution system to which interconnection is sought. Applicants shall use interconnection request forms approved by the Commission.

b) EDCs shall specify the fee by level that the applicant shall remit to process the interconnection request. The fee shall be specified in the interconnection request forms.

c) Interconnection requests may be submitted electronically if agreed to by the parties.

Section 466.60  General Requirements
EMERGENCY
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

a) When an interconnection request for a distributed generation facility includes multiple energy production devices at a site for which the applicant seeks a single point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate nameplate capacity of the multiple devices.

b) When an interconnection request is for an increase in capacity for an existing distributed generation facility, the interconnection request shall be evaluated on the basis of the new total nameplate capacity of the distributed generation facility.

c) EDCs shall designate a point of contact and provide contact information on its website. The point of contact shall be able to direct applicant questions concerning interconnection request submissions and the interconnection request process to knowledgeable individuals within the EDC.

d) The information that the EDC makes available to potential applicants can include previously existing EDC studies that help applicants understand whether it is feasible to interconnect a distributed generation facility at a particular point on the EDC's electric distribution system. However, the EDC can refuse to provide the information to the extent that providing it violates security requirements or confidentiality agreements, or it is contrary to law or State or federal regulations. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of this information.

e) When an interconnection request is deemed complete, any modification that is not agreed to by the EDC requires submission of a new interconnection request.

f) When an applicant is not currently a customer of the EDC at the proposed site, the applicant shall provide, upon EDC request, proof of site control evidenced by the applicant's name on a property tax bill, deed, lease agreement or other legally binding contract.

g) To minimize the cost to interconnect multiple distributed generation facilities, the EDC or the applicant may propose a single point of interconnection for multiple distributed generation facilities located at an interconnection customer site that is on contiguous property. If the applicant rejects the EDC's proposal for a single point of interconnection, the applicant shall pay any additional cost to provide a separate point of interconnection for each distributed generation facility. If the EDC, without written technical explanation, rejects the customer's proposal for a
single point of interconnection, the EDC shall pay any additional cost to provide separate points of interconnection for each distributed generation facility.

h) EDCs can require that distributed generation facilities have the capability to be isolated from the EDC. For distributed generation facilities interconnecting to a primary line, the isolation shall be by means of a lockable, visible-break isolation device accessible by the EDC. For distributed generation facilities interconnecting to a secondary line, the isolation shall be by means of a lockable isolation device whose status is indicated and is accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the distributed generation facility and located electrically between the distributed generation facility and the point of interconnection. A draw-out type circuit breaker accessible to the EDC with a provision for padlocking at the draw-out position satisfies the requirement for an isolation device.

i) The interconnection customer shall allow the EDC to isolate the distributed generation facility. An interconnection customer may elect to provide the EDC access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise accessible to the EDC by installing a lockbox provided by the EDC that allows ready access to the isolation device. The lockbox shall be in a location determined by the EDC to be accessible by the EDC. The interconnection customer shall permit the EDC to affix a placard in a location of its choosing that provides instructions to EDC operating personnel for accessing the isolation device. If the EDC needs to isolate the distribution generation facility, the EDC shall not be held liable for any damages resulting from the actions necessary to isolate the generation facility.

j) Any metering required for a distributed generation interconnection shall be installed, operated, and maintained in accordance with applicable EDC tariffs and agreements. Any such metering requirements shall be identified in the standard distributed generation interconnection agreement executed between the interconnection customer and the EDC.

k) EDC monitoring and control of distributed generation facilities are permitted only when the nameplate rating is greater than 2 MW. Monitoring and control requirements shall be consistent with the EDC’s published requirements and shall be clearly identified in the interconnection agreement between the interconnection customer and the EDC. Transfer trip shall not be considered EDC monitoring and
control when required and installed to protect the electric distribution system or an affected system against adverse system impacts.

l) The EDC can require a witness test after the distributed generation facility is constructed. The applicant shall provide the EDC at least 15 business days notice of the planned commissioning test for the distributed generation facility. The applicant and EDC shall schedule the witness test at a mutually agreeable time. If the witness test is not acceptable to the EDC, the applicant shall be granted 30 business days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the applicant prior to the end of the 30 business days. An initial request for extension shall not be denied by the EDC; subsequent requests may be denied. If the applicant fails to address and resolve the deficiencies to the EDC’s satisfaction, the interconnection request shall be deemed withdrawn. Even if the EDC or an entity approved by the EDC does not witness a commissioning test, the applicant remains obligated to satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547 Section 5. The applicant shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

Section 466.70 Lab-Certified Equipment
EMERGENCY

An interconnection request may be eligible for expedited interconnection review under Section 466.90 if the distributed generation facility uses interconnection equipment that is lab-certified. Interconnection equipment shall be deemed to be lab certified upon establishment of the following:

a) The interconnection equipment has been successfully tested in accordance with IEEE Standard 1547.1, and it complies with the appropriate codes and standards referenced in Section 466.70(f) as demonstrated by any NRTL recognized by OSHA to test and certify interconnection equipment; and

b) The interconnection equipment has been labeled and is publicly listed by such NRTL at the time of the interconnection application; and

c) The NRTL testing the interconnection equipment makes all test standards and procedures that it used to perform equipment certification available, and, with applicant approval, the test data itself. The NRTL may make this information
readily available by publishing it on its web site and by encouraging it to be included in the manufacturer’s literature accompanying the equipment; and

d) The applicant's use of the interconnection equipment falls within the use or uses for which the interconnection equipment was labeled and listed by the NRTL; and

e) The generator, other electric sources, and/or interface components being utilized are compatible with the interconnection equipment and are consistent with the testing and listing specified by the NRTL for this type of interconnection equipment; and

f) To meet the requirements for lab certification, interconnection equipment shall be evaluated by a NRTL in accordance with the following codes and standards:

1) IEEE 1547 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity);

2) UL 1741 Inverters, Converters, and Controllers and Interconnection System Requirement with Distributed Energy Resources; and

3) 2008 National Electrical Code, National Fire Protection Agency (2008), 1 Batterymarch Park, Quincy, MA 02169-7471. This incorporation does not include any later amendments or editions.

g) Lab certified interconnection equipment shall not require further design testing or production testing, as specified by IEEE Standard 1547 Sections 5.1 and 5.2, or additional interconnection equipment modification to meet the requirements for expedited review; however, nothing herein shall preclude the need for an interconnection installation evaluation, commissioning tests or periodic testing as specified by IEEE Standard 1547 Sections 5.3, 5.4 and 5.5 or for a witness test conducted by an EDC.

Section 466.80 Determining the Review Level

EMERGENCY

An EDC shall determine whether an interconnection request should be processed under the Level 1, 2, 3 or 4 procedures by using the following screens:
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

a) An EDC shall use Level 1 procedures to evaluate all interconnection requests to connect an inverter-based distributed generation facility when:

1) The applicant filed a Level 1 application; and
2) The distributed generation facility has an nameplate capacity of 10 kW or less; and
3) The customer interconnection equipment proposed for the distributed generation facility is lab certified; and
4) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.

b) An EDC shall use Level 2 procedures for evaluating interconnection requests when:

1) The applicant filed a Level 2 application; and
2) The nameplate capacity rating is 2 MW or less; and
3) The interconnection equipment proposed for the distributed generation facility is lab certified; and
4) The proposed interconnection is to a radial distribution circuit; and
5) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility; or

An EDC shall use Level 3 review procedures for evaluating interconnection requests to area networks and radial distribution circuits where power will not be exported based on the following criteria. For interconnection requests to the load side of an area network the following criteria shall be satisfied to qualify for a Level 3 expedited review:

1) The applicant filed a Level 3 application; and
2) The nameplate capacity of the distributed generation facility is less than or equal to 50kW; and
3) The proposed distributed generation facility uses a lab certified inverter-based equipment package; and

4) The distributed generation facility uses reverse power relays and/or other protection functions that prevent the export of power into the area network; and

5) The aggregate of all generation on the area network does not exceed the lower of 5% of an area network’s maximum load or 50kW; and

6) No construction of facilities by the EDC shall be required to accommodate the distributed generation facility.

d) For interconnection requests to a radial distribution circuit, the following criteria shall be satisfied to qualify for a Level 3 expedited review:

1) The applicant filed a Level 3 application; and

2) The aggregated total of the nameplate capacity of all of the generators on the circuit, including the proposed distributed generation facility, is 10 MW or less; and

3) The distributed generation facility will use reverse power relays or other protection functions that prevent power flow onto the electric distribution system; and

4) The distributed generation facility is not served by a shared transformer; and

5) No construction of facilities by the EDC on its own system shall be required to accommodate the distributed generation facility.

e) An EDC shall use the Level 4 study review procedures for evaluating interconnection requests when:

1) The applicant filed a Level 4 application; and
2) The nameplate capacity of the small generation facility is 10 MW or less; and

3) Not all interconnection equipment or distributed generation facilities being used for the application is lab-certified.

Section 466.90 Level 1 Expedited Review

EMERGENCY

An EDC shall use the Level 1 interconnection review procedure for an interconnection request that meets the requirements specified in Section 466.80(a). An EDC may not impose additional requirements on Level 1 reviews not specifically authorized under this Section unless the applicant agrees.

a) The EDC shall evaluate the potential for adverse system impacts using the following screens which shall be satisfied:

1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 50% of the minimum load normally supplied by the distribution circuit. If minimum load values for the distribution circuit are not available, then the total generation on the distribution circuit, including the proposed distribution generation facility, may not exceed 15% of the maximum load normally supplied by the distribution circuit.

2) For interconnection of a proposed distributed generation facility to the load side of spot network protectors, the proposed distributed generation facility shall utilize an inverter-based equipment package. The interconnection equipment that the applicant proposes to use for the distributed generation facility shall be lab certified. When aggregated with other generation, the interconnection equipment shall not exceed 5% of the spot network's maximum load or 50 kVA, whichever is less.

3) When a proposed distributed generation facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, shall not exceed 20 kVA.
4) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

5) The EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.

b) The Level 1 interconnection shall use the following procedures.

1) The applicant submits an interconnection request using the appropriate form along with the Level 1 application fee (see Appendix A).

2) Within 7 business days after receipt of the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) Within 15 business days after the EDC notifies the applicant that its interconnection request is complete, the EDC shall verify whether or not the distributed generation facility passes all the relevant Level 1 screens.

4) If the EDC determines and demonstrates that a distributed generation facility does not pass all relevant Level 1 screens, the EDC will provide a letter to the applicant explaining the reasons.

5) Otherwise, the EDC shall approve the interconnection request and provide to the applicant a signed version of the "Conditional Agreement to Interconnect Distributed Generation Facility" in Appendix A subject to the following conditions:

A) The distributed generation facility has been approved by local or municipal electric code officials with jurisdiction over the interconnection;
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

B) A certificate of completion (see Appendix B) has been returned to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities;

C) The witness test has been successfully completed if required by the EDC or if the witness test has been waived according to Appendix A(2)(c)(ii); and

D) The applicant has signed a standard distributed generation interconnection agreement (see Appendix A). When an applicant does not sign the agreement within 30 business days after receipt of the agreement from the EDC, the interconnection request is deemed withdrawn unless the applicant requests to have the deadline extended for no more than 15 business days. An initial request for extension shall not be denied by the EDC; but subsequent requests may be denied.

6) If a distributed generation facility is not approved under a Level 1 review, and the EDC's reasons for denying Level 1 status are not subject to dispute, the applicant may submit a new interconnection request for consideration under Level 2, Level 3 or Level 4 procedures.

Section 466.100  Level 2 Expedited Review

EMERGENCY

An EDC shall use the Level 2 review procedure for interconnection requests that meet the Level 2 criteria in Section 466.80(b). An EDC may not impose additional requirements for Level 2 reviews not specifically authorized under this Section unless the applicant agrees.

a) The EDC shall evaluate the potential for adverse system impacts using the following screens which shall be satisfied:

1) For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 50% of the minimum normal load that is supplied to the distribution circuit when the EDC's distribution circuit is configured in a normal manner. If minimum load values for the EDC's distribution circuit are not available, then the total generation on the EDC's distribution
ILLINOIS REGISTER 6576

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

circuit, including the proposed distribution generation facility, may not exceed 15% of the maximum load supplied to the distribution circuit.

2) For interconnection of a proposed distributed generation facility to the load side of spot network protectors, the proposed distributed generation facility shall utilize an inverter-based equipment package. The customer interconnection equipment proposed for the distributed generation facility must be lab certified and, when aggregated with other generation, may not exceed 5% of a spot network's maximum load.

3) The proposed distributed generation facility, in aggregation with other generation on the distribution circuit, may not contribute more than 25% to the distribution circuit's maximum fault current at the point on the primary line nearest the point of interconnection.

4) The proposed distributed generation facility, in aggregate with other generation on the distribution circuit, shall not cause any distribution protective devices and equipment including substation breakers, fuse cutouts, and line reclosers, or other customer equipment on the electric distribution system to be exposed to fault currents exceeding 90% of their short circuit interrupting capability. The interconnection may not occur under Level 2 if equipment on the EDC's distribution circuit is already exposed to fault currents of between 90% and 100% of the EDC's equipment short circuit interrupting capability. However, if fault currents exceed 100% of the EDC's equipment short circuit interrupting capability even without the distributed generation being interconnected, then the EDC shall replace the equipment at its own expense, and interconnection may proceed under Level 2.

5) When a customer-generator facility is to be connected to 3-phase, 3-wire primary EDC distribution lines, a 3-phase or single-phase generator shall be connected phase-to-phase.

6) When a customer-generator facility is to be connected to 3-phase, 4-wire primary EDC distribution lines, a 3-phase or single phase generator shall be connected line-to-neutral and shall grounded.

7) When the proposed distributed generation facility is to be interconnected on single-phase shared secondary line, the aggregate generation capacity
ILLINOIS COMMERCCE COMMISSION

NOTICE OF EMERGENCY RULES

on the shared secondary line, including the proposed distributed generation facility, may not exceed 20 kW.

8) When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

9) A distributed generation facility, in aggregate with other generation interconnected to the distribution side of a substation transformer feeding the circuit where the distributed generation facility proposes to interconnect, may not exceed 10 MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity.

10) Except as permitted by additional review in Section 466.100(f), the EDC shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.

b) The Level 2 interconnection shall use the following procedures:

1) The applicant submits an interconnection request using the appropriate form along with the Level 2 application fee (see Appendix D).

2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) After an interconnection request is deemed complete, the EDC shall assign a queue position based upon the date that the interconnection request is determined to be complete. The EDC shall then inform the applicant of its queue position.

4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request the
NOTICE OF EMERGENCY RULES

information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the additional information is not provided by the applicant within 15 business days the interconnection request shall be deemed withdrawn.

5) Within 20 business days after the EDC notifies the applicant it has received a completed interconnection request, the EDC shall:

A) Evaluate the interconnection request using the Level 2 screening criteria.

B) Provide the applicant with the EDC's evaluation including a written technical explanation. If an EDC does not have a record of receipt of the interconnection request and the applicant can demonstrate that the original interconnection request was delivered, the EDC shall expedite its review to complete the evaluation of the interconnection request within 20 business days after applicant’s demonstration.

c) When an EDC determines that the interconnection request passes the Level 2 screening criteria, or the EDC determines that the distributed generation facility can be interconnected safely and will not cause adverse system impacts, even if it fails one or more of the Level 2 screening criteria, it shall provide the applicant a standard distributed generation interconnection agreement (see Appendix C) the day the EDC makes its determination.

d) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign the agreement within 30 business days, the interconnection request shall be deemed withdrawn unless the applicant requests a 15 business day extension in writing. The initial request for extension may not be denied by the EDC. When construction is required under the provisions of Section 466.100, the interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the standard distributed generation interconnection agreement.

e) The standard distributed generation interconnection agreement is not final until:
NOTICE OF EMERGENCY RULES

1) All requirements in the standard distributed generation interconnection agreement are satisfied;

2) The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection;

3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and

4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

f) Additional review may be appropriate when a distributed generation facility fails to meet one or more of the Level 2 screens. The EDC shall offer to perform additional review to determine whether there are minor modifications to the distributed generation facility or electric distribution system that would enable the interconnection to be made safely and so that it will not cause adverse system impacts. The EDC shall provide the applicant with a nonbinding estimate for the costs of additional review and the costs of minor modifications to the electric distribution system. The EDC shall undertake the additional review only after the applicant pays for the additional review. The EDC shall undertake the modifications only after the applicant pays for the modifications.

g) If the distributed generation facility is not approved under a Level 2 review, the EDC shall provide the applicant written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 2 interconnection request shall be retained provided the request is made by the applicant within 15 business days after notification that the current interconnection request is denied.

Section 466.110 Level 3 Expedited Review

EMERGENCY

An EDC shall use the Level 3 expedited review procedure for an interconnection request that meets the criteria in Section 466.80(c) or (d). An EDC may not impose additional requirements for Level 3 reviews not specifically authorized under this Section unless the applicant agrees.
a) A Level 3 interconnection shall use the following procedures:

1) The applicant submits an interconnection request using the appropriate form along with the Level 3 application fee (see Appendix D).

2) Within 10 business days after receiving the interconnection request, the EDC shall inform the applicant whether the interconnection request is complete or not. If the request is incomplete, the EDC shall specify what materials are missing and the applicant has 10 business days to provide the missing information or the interconnection request shall be deemed withdrawn.

3) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete.

4) If, after determining that the interconnection request is complete, the EDC determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request the information. The EDC may not restart the review process or alter the applicant's queue position because it requires the additional information. The EDC can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the additional information is not provided by the applicant within 15 business days the interconnection request shall be deemed withdrawn.

5) Interconnection requests meeting the requirements set forth in Section 466.80(c) for non-exporting distributed generation facilities interconnecting to an area network shall be presumed to be appropriate for interconnection. The EDC shall process the interconnection request to area networks using the following procedures:

A) The EDC shall evaluate the interconnection request under Level 2 interconnection review procedures as set forth in Section 466.100(a) except that the EDC has 25 business days to evaluate the interconnection request against the screens to determine whether interconnecting the distributed generation facility to the EDC's area network has any potential adverse system impacts.
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

B) If the Level 2 screens for area networks identify potential adverse system impacts, the EDC may determine at its sole discretion that it is inappropriate for the distributed generation facility to interconnect to the area network under Level 3 review, and the interconnection request is denied. The applicant may submit a new interconnection request for consideration under Level 4 procedures at the queue position assigned to the Level 3 interconnection request if the request is made within 15 business days after notification that the current application is denied.

6) For interconnection requests that meet the requirements of Section 466.80(d) for non-exporting distributed generation facilities interconnecting to a radial distribution circuit, the EDC shall evaluate the interconnection request under the Level 2 expedited review in Section 466.100(a).

b) For a distributed generation facility that satisfies the criteria in Section 466.110(a)(5) or (a)(6), the EDC shall approve the interconnection request and provide a standard interconnection agreement (see Appendix C) for the applicant to sign the day the EDC makes its determination.

c) Within 30 business days after receipt of the standard distributed generation interconnection agreement the applicant shall complete, sign and return the agreement to the EDC. If the applicant does not sign the standard distributed generation interconnection agreement within 30 business days, the request shall be deemed withdrawn unless the applicant requests a 15 business day extension in writing. An initial request for extension may not be denied by the EDC. After the standard distributed generation interconnection agreement is signed by the parties, interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the standard distributed generation interconnection agreement.

d) The interconnection agreement will not be final until:

1) All requirements in the interconnection agreement are satisfied; and

2) The distributed generation facility is approved by electric code officials with jurisdiction over the distributed generation facility; and
3) The applicant provides a certificate of completion (see Appendix B) to the EDC; and

4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

e) If the distributed generation facility is not approved under a Level 3 review, the EDC shall provide the applicant written notification explaining its reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The queue position assigned to the Level 3 interconnection request shall be retained provided the request is made within 15 business days after notification that the current interconnection request is denied.

Section 466.120 Level 4 Review

EMERGENCY

An EDC shall use the Level 4 study review procedures for an interconnection request that meets the criteria in Section 466.80(e).

a) The applicant submits an interconnection request using the appropriate form along with the Level 4 application fee (see Appendix D).

b) Within 10 business days after receipt of an interconnection request, the EDC shall notify the applicant whether the request is complete. When the interconnection request is not complete, the EDC shall provide the applicant a written list detailing information required to complete the interconnection request. The applicant has 10 business days to provide the required data or the interconnection request is considered withdrawn. The parties may agree to extend the time for receipt of the additional information. The interconnection request is deemed complete when the required information has been provided by the applicant, or the parties have agreed that the applicant may provide additional information at a later time.

c) After an interconnection request is deemed complete, the EDC shall assign a queue position to it based upon the date the interconnection request is determined to be complete. The queue position of an interconnection request is used to determine the cost responsibility for the facilities necessary to accommodate the
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

interconnection. The EDC shall notify the applicant about its position in the queue.

d) After the interconnection request has been assigned to the queue, the following procedures shall be followed in performing a Level 4 study review:

1) By mutual agreement of the parties, the scoping meeting, interconnection feasibility study, interconnection impact study, or interconnection facilities studies provided for in a Level 4 review and discussed in this Section may be waived or combined.

2) If agreed to by the parties, a scoping meeting on a mutually agreed upon date and time will be held, after the EDC has notified the applicant that the Level 4 interconnection request is deemed complete or the applicant has requested that its interconnection request proceed under Level 4 review after failing the requirements of a Level 2 or Level 3 review. The meeting's purpose is to review the interconnection request, existing studies relevant to the interconnection request, and the results of the Level 1, Level 2 or Level 3 screening criteria.

3) When the parties agree that an interconnection feasibility study shall be performed, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection feasibility study agreement (see Appendix E), including an outline of the scope of the study and an estimate of the cost to perform the study.

4) When the parties agree that an interconnection feasibility study is not required, the EDC shall provide to the applicant, no later than 10 business days after the receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection system impact study agreement (see Appendix F), including an outline of the scope of the study and an estimate of the cost to perform the study.

5) If the parties agree that neither an interconnection feasibility study nor a system impact study is required, the EDC shall provide to the applicant, no later than 10 business days after receipt of a complete interconnection request or, if held, the scoping meeting, an interconnection facilities study
e) The following guidelines shall govern all required interconnection studies:

1) An interconnection feasibility study shall include any necessary analyses for the purpose of identifying a potential adverse system impact to the EDC’s electric distribution system that would result from the interconnection from among the following:

   a) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection.

   b) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection.

   c) Initial review of grounding requirements and system protection.

   d) Description and nonbinding estimated cost of facilities required to interconnect the distributed generation facility to the EDC’s electric distribution system in a safe and reliable manner.

   e) If an applicant requests that the interconnection feasibility study evaluate multiple potential points of interconnection, additional evaluations may be required. Additional evaluations shall be paid for by the applicant.

   f) An interconnection system impact study is not required when the interconnection feasibility study concludes there is no adverse system impact, or when the study identifies an adverse system impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

   g) Each party can require that the standard form of interconnection feasibility study agreement approved by the Commission be used. If both parties agree, however, an alternative form can be used.

2) An interconnection system impact study evaluates the impact of the proposed interconnection on both the safety and reliability of the EDC’s
electric distribution system. The study identifies and details the system impacts that result from interconnecting the distributed generation facility without distributed generation facility or electric distribution system modifications. It focuses on potential or actual adverse system impacts identified in the interconnection feasibility study, including those that were identified in the scoping meeting. The study shall consider all other distributed generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the EDC’s system, have a pending higher queue position to interconnect to the electric distribution system, or have signed an interconnection agreement.

A) A distribution interconnection system impact study shall be performed when a potential distribution system adverse system impact is identified in the interconnection feasibility study. The EDC shall send the applicant an interconnection system impact study agreement within 10 business days after transmittal of the interconnection feasibility study report. The agreement shall include an outline of the scope of the study and a non-binding estimate of the cost to perform the study. The impact study shall include any elements from among the following:

i) A load flow study;

ii) Identification of affected systems;

iii) An analysis of equipment interrupting ratings;

iv) A protection coordination study;

v) Voltage drop and flicker studies;

vi) Protection and set point coordination studies;

vii) Grounding reviews; or

viii) Impact on system operation.

B) An interconnection system impact study shall consider any necessary criteria from among the following:
ILLINOIS COMMERCe COMMISSION

NOTICE OF EMERGENCY RULES

i) A short circuit analysis;

ii) A stability analysis;

iii) Alternatives for mitigating adverse system impacts on affected systems;

iv) Voltage drop and flicker studies;

v) Protection and set point coordination studies; or

vi) Grounding reviews.

C) The final interconnection system impact study shall provide the following:

i) The underlying assumptions of the study;

ii) The results of the analyses;

iii) A list of any potential impediments to providing the requested interconnection service; and

iv) Required distribution upgrades.

D) A non-binding estimate of cost and time to construct any required distribution upgrades.

E) The parties may use an interconnection impact study agreement as approved by the Commission. If both parties agree, however, an alternative form can be used.

3) The interconnection facilities study shall be conducted as follows:

A) A report shall be transmitted to the applicant with an interconnection facilities study agreement, which includes an outline of the scope of the study and a non-binding estimate of the
NOTICE OF EMERGENCY RULES

cost to perform the study within 10 business days after completion of the interconnection system impact study.

B) The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study. The interconnection facilities study shall identify:

i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;

ii) The nature and estimated cost of the EDC’s interconnection facilities and distribution upgrades necessary to accomplish the interconnection; and

iii) An estimate for the time required to complete the construction and installation of the facilities.

C) The EDC may agree to permit an applicant to separately arrange for a third party to design and construct the required interconnection facilities. In such a case, when the applicant agrees to separately arrange for design and construction, and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the applicant to permit the applicant to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the EDC’s specifications.

D) Upon completion of the interconnection facilities study, and after the applicant agrees to pay for the interconnection facilities and distribution upgrades identified in the interconnection facilities study, the EDC shall provide a standard distributed generation interconnection agreement (see Appendix C) for the applicant to sign the day the EDC makes its determination.

E) In the event that distribution upgrades are identified in the impact study that shall be added only in the event that higher-queued
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

customers not yet interconnected eventually complete and interconnect their generation facilities, the applicant may elect to interconnect without paying for such upgrades at the time of the interconnection under the condition that it shall pay for such upgrades at the time the higher-queued customer is ready to interconnect. If the applicant does not pay for such upgrades at that time, the EDC will require it to immediately disconnect its distribution generation facility to accommodate the higher-queued customer.

F) The parties may use an interconnection facility study agreement approved by the Commission. If both parties agree, however, an alternative form can be used.

f) When an EDC determines, as a result of the studies conducted under a Level 4 review, that it is appropriate to interconnect the distributed generation facility, the EDC shall provide the applicant with a standard distributed generation interconnection agreement. If the interconnection request is denied, the EDC shall provide the applicant a written explanation.

g) Within 30 business days after receipt of the standard distributed generation interconnection agreement, the applicant shall provide all necessary information required of the applicant by the agreement, and the EDC shall develop all other information required of the EDC by the agreement. After completing the agreement with the additional information, the applicant shall sign and return the agreement to the EDC. If the applicant does not sign the agreement within 30 business days after its completion, the interconnection request shall be deemed withdrawn unless the applicant requests in writing to have the deadline extended by no more than 15 business days. The initial request for extension may not be denied by the EDC. If the applicant does not sign the agreement after the 15 business day extension, the interconnection request shall be deemed withdrawn. When construction is required, the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the standard distributed generation interconnection agreement.

h) The standard distributed generation interconnection agreement is not final until:

1) The requirements of the interconnection agreement are satisfied; and
2) The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection; and

3) The applicant provides a certificate of completion (see Appendix B) to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and

4) The witness test is successfully completed if required by the EDC or if the witness test is waived according to Article 2.1.1 of Appendix C.

Section 466.130 Disputes

EMERGENCY

a) A Party shall attempt to resolve all disputes regarding interconnection promptly and in a good faith manner. A Party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other Party in order to attempt to resolve the dispute in a good faith manner.

b) An informal meeting between the Parties shall be held within 10 days after receipt of the written notice. Persons with decision-making authority from each Party shall attend such meeting. In the event said dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the informal meeting. If a Party chooses, such a meeting may be conducted by teleconference.

c) Subsequent to the informal meeting held between the Parties within ten days after written notice of a dispute, a party may seek resolution through complaint or mediation procedures available at the Consumer Services Division (CSD) of the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

d) Pursuit of dispute resolution may not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

Section 466.140 Records
EMERGENCY

a) An EDC shall maintain records specified in this subsection for a minimum of three years:

1) The total number of and the nameplate capacity of the completed interconnection requests received, approved and denied under Level 1, Level 2, Level 3 and Level 4 reviews; and

2) The fuel type, total number and the nameplate capacity of distributed generation facilities approved; and

3) For purposes of this Part, an explanation of all deviations from Sections 466.30 through Appendix G that have occurred.

b) An EDC shall provide a public report to the Commission containing the information required in subsection (a) within 90 calendar days after the close of each calendar year. An electronic version, in a legible 12 point font size in PDF (Adobe Acrobat Portable Document Format) shall be delivered to the Commission's offices on CDs (Compact Discs) or DVDs (Digital Video Discs and Digital Versatile Discs). If the computerized version cannot be directly converted from the word processing document, and must therefore be scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing.

c) Each EDC shall retain copies of studies it performs to determine the feasibility of, system impacts of, or facilities required by the interconnection of any distributed generation facility. The EDC shall provide the applicant copies of any studies performed in analyzing the applicant's interconnection request upon applicant request. However, an EDC has no obligation to provide any future applicants any information regarding prior interconnection requests.
NOTICE OF EMERGENCY RULES

Section 466 APPENDIX A  Level 1 Application and Contract
EMERGENCY

ILLINOIS Standard Distributed Generation Interconnection
Level 1
Interconnection Request Application Form and
Conditional Agreement to Interconnect
(Lab Certified Inverter-based Distributed Generation Facilities 10 kW and Smaller)

AN APPLICATION FEE OF $50.00 MUST BE SUBMITTED WITH THE APPLICATION.

Interconnection Applicant Contact Information

Name: ________________________________________________________________
Mailing Address: ______________________________________________________
City: ___________________________ State: __________________ Zip Code: ______
Telephone (Daytime): ___________________________ (Evening): ______________
Facsimile Number: _______________ E-Mail Address: ______________________

Alternate Contact Information (if different from Applicant)

Name: ________________________________________________________________
Mailing Address: ______________________________________________________
City: ___________________________ State: __________________ Zip Code: ______
Telephone (Daytime): ___________________________ (Evening): ______________
Facsimile Number: _______________ E-Mail Address: ______________________

Equipment Contractor

Name: ________________________________________________________________
Mailing Address: ______________________________________________________
City: ___________________________ State: __________________ Zip Code: ______
NOTICE OF EMERGENCY RULES

Telephone (Daytime): _______________________ (Evening): _______________________
Facsimile Number: _______________________ E-Mail Address: _______________________

Electrical Contractor (if Different from Equipment Contractor):

Name: __________________________________________
Mailing Address: __________________________________
City: __________________ State: __________________ Zip Code: _______
Telephone (Daytime): _______________________ (Evening): _______________________
Facsimile Number: _______________________ E-Mail Address: _______________________
License Number: ___________________________
Active License? □ Yes □ No □

Is the interconnection customer requesting net metering in accordance with 83 Ill. Adm. Code 465?

□ Yes □ No □

Distributed Generation Facility ("Facility") Information

Interconnection Standard? Yes □ No □
(If yes, attach manufacturer’s technical specifications and label information from a nationally recognized testing laboratory.)

Generation Facility Namplate Rating: _______ (kW) _______ (kVA) _______ (AC Volts)
Prime Mover: Photovoltaic □ Reciprocating Engine □ Fuel Cell □
Turbine □ Other __________________________
Energy Source: Solar □ Wind □ Hydro □ Diesel □
Natural Gas □ Fuel Oil □ Other __________________________
Commissioning Date: __________________________
(If the commissioning date changes, the interconnection customer must inform the EDC as soon as it is aware of the changed date.)
Insurance Disclosure

The attached terms and conditions contain provisions related to liability, and indemnification and should be carefully considered by the interconnection customer. The interconnection customer is not required to obtain general liability insurance coverage as a precondition for interconnection approval. However, due to the risk of incurring damages, the interconnection customer is advised to protect itself with insurance sufficient to insure against all reasonably foreseeable liability responsibilities given the size and nature of the generating equipment being interconnected, the interconnection itself, and the characteristics of the system to which the interconnection is made.

Customer Signature

I hereby certify that: (1) I have read and understand the terms and conditions which are attached hereto by reference; (2) I hereby agree to comply with the attached terms and conditions; and (3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Applicant Signature: .........................................................................................
Title: _______________________________ Date: _______________________________

Conditional Agreement to Interconnect Distributed Generation Facility

Receipt of the application fee is acknowledged and, by its signature below, the EDC has determined the interconnection request is complete. Interconnection of the distributed generation facility is conditionally approved contingent upon the attached terms and conditions of this Agreement, the return of the attached Certificate of Completion duly executed verification of electrical inspection and successful witness test.

EDC Signature: _______________________________ Date: _______________________________
Name: _______________________________ Title: _______________________________
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Terms and Conditions for Interconnection

1) **Construction of the Distributed Generation Facility.** The interconnection customer may proceed to construct (including operational testing not to exceed 2 hours) the distributed generation facility once the conditional Agreement to interconnect a distributed generation facility has been signed by the EDC.

2) **Final Interconnection and Operation.** The interconnection customer may operate the distributed generation facility and interconnect with the EDC’s electric distribution system once all of the following have occurred:

   a) **Electrical Inspection:** Upon completing construction, the interconnection customer will cause the distributed generation facility to be inspected by the local electrical inspection authority who shall establish that the distributed generator facility meets local code requirements.

   b) **Certificate of Completion:** The interconnection customer shall provide the EDC with a copy of the Certificate of Completion with all relevant and necessary information filled in by the interconnection customer, as well as an inspection form from the local electrical inspection authority demonstrating that the distributed generation facility passed inspection.

   c) **EDC has completed its witness test as per the following:**

      i) Within 10 business days of the commissioning date, the EDC must, upon reasonable notice and at a mutually convenient time, conduct a witness test of the distributed generation facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes.

      ii) If the EDC does not perform the witness test within the 10 business days of the commissioning date or such other time as is mutually agreed to by the parties, the witness test is deemed waived unless the EDC cannot do so for good cause. In such cases, upon EDC request, the interconnection customer shall agree to another date for the test within 10 business days of the original scheduled date.

3) **IEEE Standard 1547.** The distributed generation facility shall be installed, operated and tested in accordance with the requirements of the Institute of Electrical and Electronics
4) **Access.** The EDC shall have direct, unabated access to the disconnect switch and metering equipment of the distributed generation facility at all times. The EDC shall provide 5 business days notice to the customer prior to using its right of access except in emergencies.

5) **Metering.** Any required metering shall be installed pursuant to Illinois Commerce Commission approved tariffs.

6) **Disconnection.** The EDC may disconnect the distributed generation facility upon any of the following conditions, but must reconnect the distributed generation facility once the condition is cured:
   
a) For scheduled outages provided the distributed generation facility is treated in the same manner as EDC's load customers;

b) For unscheduled outages or emergency conditions;

c) If the distributed generation facility does not operate in the manner consistent with this Agreement;

d) Improper installation or failure to pass the witness test;

e) If the distributed generation facility is creating a safety, reliability or a power quality problem; or

f) The interconnection equipment used by the distributed generation facility is de-listed by the Nationally Recognized Testing Laboratory that provided the listing at the time the interconnection was approved.

7) **Indemnification.** The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, and agents from all damages and expenses resulting from any third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the EDC's gross negligence or willful misconduct. The EDC shall indemnify and defend the interconnection customer and the interconnection customer's
directors, officers, employees, and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the interconnection customer's gross negligence or willful misconduct.

8) **Limitation of Liability.** Each party's liability to the other party for any loss, cost, claim, injury, liability, or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this Agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either party be liable to the other party for any indirect, incidental, special, consequential, or punitive damages of any kind whatsoever.

9) **Termination.** This Agreement may be terminated under the following conditions:

   a) By interconnection customer - The interconnection customer may terminate this interconnection agreement by providing written notice to the EDC. If the interconnection customer ceases operation of the distributed generation facility, the interconnection customer must notify the EDC.

   b) By the EDC - The EDC may terminate this Agreement if the interconnection customer fails to remedy a violation of terms of this Agreement within 30 calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the 30 calendar day remedy period. The termination date can be no less than 30 calendar days after the interconnection customer receives notice of its violation from the EDC.

10) **Modification of Distributed Generation Facility.** The interconnection customer must receive written authorization from the EDC before making any changes to the distributed generation facility that could affect the EDC’s distribution system. If the interconnection customer makes such modifications without the EDC’s prior written authorization, the EDC shall have the right to disconnect the distributed generation facility.

11) **Permanent Disconnection.** In the event the Agreement is terminated, the EDC shall have the right to disconnect its facilities or direct the interconnection customer to disconnect its distributed generation facility.

12) **Disputes.** Each party agrees to attempt to resolve all disputes regarding the provisions of this Agreement that cannot be resolved between the two parties pursuant to the dispute resolution provisions found in 83 Ill. Adm. Code 466.130.
13) ** Governing Law, Regulatory Authority, and Rules.** The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois. Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.

14) **Survival Rights.** This Agreement shall remain in effect after termination to the extent necessary to allow or require either party to fulfill rights or obligations that arose under the Agreement.

15) **Assignment/Transfer of Ownership of the Distributed Generation Facility.** This Agreement shall terminate upon the transfer of ownership of the distributed generation facility to a new owner unless the transferring owner assigns the Agreement to the new owner, the new owner agrees in writing to the terms of this Agreement, and the transferring owner so notifies the EDC in writing prior to the transfer of ownership.

16) **Definitions.** Any term used herein and not defined shall have the same meaning as the defined terms used in 83 Ill. Adm. Code 466 (the Illinois Distributed Generation Interconnection Standard).

17) **Notice.** The parties may mutually agree to provide notices, demands, comments, or requests by electronic means such as e-mail. Absent agreement to electronic communication, or unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified:

**If to Interconnection Customer:**

Use the contact information provided in the interconnection customer's application. The interconnection customer is responsible for notifying the EDC of any change in the contact party information, including change of ownership.

**If to EDC:**

Use the contact information provided below. The EDC is responsible for notifying the interconnection customer of any change in the contact party information.
NOTICE OF EMERGENCY RULES

Name: ________________________________

Mailing Address: ________________________________

City: ___________ State: _______ Zip Code: ___________ 

Telephone (Daytime): _______________ (Evening): ________________

Facsimile Number: ________________ E-Mail Address: ________________
Section 466. APPENDIX B  Certificate of Completion

EMERGENCY

Certificate of Completion
(To be completed and returned to the EDC when installation is complete and final electric inspector approval has been obtained)²

Interconnection Customer Information

Name: __________________________________________________________
Mailing Address: ________________________________________________
City: ___________________________  State: ___________  Zip Code: ______
Telephone (Daytime): __________________________  (Evening): __________
Facsimile Number: __________________________  E-Mail Address: __________

Installer  
Check if owner-installed □

Name: _________________________________________________________
Mailing Address: ________________________________________________
City: ___________________________  State: ___________  Zip Code: ______
Telephone (Daytime): __________________________  (Evening): __________
Facsimile Number: __________________________  E-Mail Address: __________

Final Electric Inspection and Interconnection Customer Signature

The distributed generation facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The interconnection customer acknowledges that it shall not operate the

² Prior to interconnected operation, the interconnection customer is required to complete this form and return it to the EDC. Use contact information provided on the EDC’s web page for generator interconnection to obtain mailing address/fax number/e-mail address.
distributed generation facility until receipt of the final acceptance and approval by the EDC as provided below.

Signed: ________________________________ Date: ____________________________
(Signature of interconnection customer)

Printed Name: ________________________________

Check if copy of signed electric inspection form is attached ☐
Check if copy of as built documents is attached (projects larger than 10 kW only) ☐
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Acceptance and Final Approval for Interconnection (for EDC use only)

The interconnection agreement is approved and the distributed generation facility is approved for interconnected operation upon the signing and return of this Certificate of Completion by EDC:

Electric Distribution Company waives Witness Test? (Initial) Yes (____) No (____)
If not waived, date of successful Witness Test: _______________ Passed: (Initial) __________
EDC Signature: __________________________________________ Date: ___________________
Printed Name: ___________________________________________ Title: ___________________
STANDARD AGREEMENT FOR INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES WITH A CAPACITY LESS THAN OR EQUAL TO 10 MW

This agreement ("Agreement") is made and entered into this __________ day of __________, by and between ________________________________ ("interconnection customer"), as an individual person, or as a ________________________________ organized and existing under the laws of the State of ________________________________, and ________________________________, ("Electric Distribution Company" (EDC)), a ________________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to, install or direct the installation of a distributed generation facility, or is proposing a generating capacity addition to an existing distributed generation facility, consistent with the interconnection request application form completed by interconnection customer on ________________; and

Whereas, the interconnection customer will operate and maintain, or cause the operation and maintenance of the distributed generation facility; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system.

Now, therefore, in consideration of the premises and mutual covenants set forth herein, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved interconnection requests for distributed generation facilities that fall under Levels 2, 3 and 4 according to the procedures set forth in Part 466 of the Commission's rules (83 Ill. Adm. Code 466) (referred to as the Illinois Distributed Generation Interconnection Standard).
NOTICE OF EMERGENCY RULES

1.2 This Agreement governs the terms and conditions under which the distributed generation facility will interconnect to, and operate in parallel with, the EDC's electric distribution system.

1.3 This Agreement does not constitute an agreement to purchase or deliver the interconnection customer's power.

1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.

1.5 Terms used in this agreement are defined as in Section 466.30 of the Illinois Distributed Generation Interconnection Standard unless otherwise noted.

1.6 Responsibilities of the Parties

1.6.1 The Parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.

1.6.2 The EDC shall construct, own, operate, and maintain its interconnection facilities in accordance with this Agreement.

1.6.3 The interconnection customer shall construct, own, operate, and maintain its distributed generation facility and interconnection facilities in accordance with this Agreement.

1.6.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair, and condition of their respective lines and appurtenances on their respective sides of the point of interconnection.

1.6.5 The interconnection customer agrees to design, install, maintain and operate its distributed generation facility so as to minimize the likelihood of causing an adverse system impact on the electric distribution system or any other electric system that is not owned or operated by the EDC.

1.7 Parallel Operation Obligations
Once the distributed generation facility has been authorized to commence parallel operation, the interconnection customer shall abide by all operating procedures established in IEEE Standard 1547 and any other applicable laws, statutes or guidelines, including those specified in Attachment 4 of this Agreement.

1.8 Metering
The interconnection customer shall be responsible for the cost to purchase, install, operate, maintain, test, repair, and replace metering and data acquisition equipment specified in Attachments 5 and 6 of this Agreement.

1.9 Reactive Power

1.9.1 The interconnection customer shall design its distributed generation facility to maintain a power factor at the point of interconnection that is within the power factor range specified by the EDC in Attachment 4. The EDC shall not specify a power factor range that is more stringent than the power factor range load customers of comparable size must maintain in order to avoid reactive demand charges.

1.9.2 Any EDC requirements for meeting a specific voltage or specific reactive power schedule as a condition for interconnection shall be clearly specified in Attachment 4. Under no circumstance shall the EDC's additional requirements for voltage or reactive power schedules exceed the normal operating capabilities of the distributed generation facility.

1.9.3 If the interconnection customer does not operate the distributed generation facility within the power factor range specified in Attachment 4, or does not operate the distributed generation facility in accordance with a voltage or reactive power schedule specified in Attachment 4, the interconnection customer is in default, and the terms of Article 6.5 apply.

1.10 Standards of Operations
Interconnection customer must obtain all certifications, permits, licenses and approvals necessary to construct, operate and maintain the facility and to perform its obligations under this Agreement. Interconnection customer is responsible for coordinating and synchronizing the distributed generation facility's equipment with the EDC's system. Interconnection customer is responsible for any damage that is caused by the interconnection customer's failure to coordinate or synchronize the distributed generation facility with the electric distribution
system. The interconnection customer agrees to be primarily liable for any damages resulting from the continued operation of the distributed generation facility after the EDC ceases to energize the line section to which the distributed generation facility is connected. In Attachment 4 the EDC shall specify the shortest reclose time setting for its protection equipment that could affect the distributed generation facility. EDC shall notify the interconnection customer at least 10 business days prior to adopting a faster reclose time on any automatic protective equipment such as a circuit breaker or line recloser, that might affect the distributed generation facility.

**Article 2. Inspection, Testing, Authorization, and Right of Access**

2.1 Equipment Testing and Inspection

The interconnection customer shall test and inspect its distributed generation facility including the interconnection equipment prior to interconnection in accordance with IEEE Standard 1547 (2003) and IEEE Standard 1547.1 (2005). The interconnection customer shall not operate its distributed generation facility in parallel with EDC's electric distribution system without prior written authorization by the EDC as provided for in Articles 2.1.1 - 2.1.3.

2.1.1 The EDC shall perform a witness test after construction of the distributed generation facility is completed but before parallel operation, unless the EDC specifically waives the witness test. The interconnection customer shall provide the EDC at least 30 business days notice of the planned commissioning test for the distributed generation facility. If the EDC performs a witness test at a time that is not concurrent with the commissioning test, it shall contact the interconnection customer to schedule the witness test at a mutually agreeable time within 10 business days after the scheduled commissioning test designated on this application. If the EDC does not perform the witness test within 10 business days after the commissioning test, the witness test is deemed waived unless the parties mutually agree to extend the date for scheduling the witness test, or unless the EDC cannot do so for good cause, in which case, the parties shall agree to another date for scheduling the test within 10 business days after the original scheduled date. If the witness test is not acceptable to the EDC, the interconnection customer has 30 business days to address and resolve any deficiencies. This time period may be extended upon agreement between the EDC and the interconnection customer. If the interconnection customer fails to address and resolve the
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

deficiencies to the satisfaction of the EDC, the applicable cure provisions of Article 6.5 shall apply. The interconnection customer shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 If the interconnection customer conducts interim testing of the distributed generation facility prior to the witness test, the interconnection customer shall obtain permission before each occurrence of operating the distributed generation facility in parallel with the electric distribution system. The EDC may, at its own expense, send qualified personnel to the distributed generation facility to observe such interim testing, but it cannot mandate that these tests be considered in the final witness test. The EDC is not required to observe such interim testing or precluded from requiring the tests be repeated at the final witness test.

2.1.3 After the distributed generation facility passes the witness test, the EDC shall affix an authorized signature to the certificate of completion and return it to the interconnection customer approving the interconnection and authorizing parallel operation. Such authorization shall not be conditioned or delayed.

2.2 Commercial Operation
The interconnection customer shall not operate the distributed generation facility, except for interim testing as provided in Article 2.1, until such time as the certificate of completion is signed by all Parties.

2.3 Right of Access
The EDC must have access to the disconnect switch and metering equipment of the distributed generation facility at all times. When practical, the EDC shall provide notice to the customer prior to using its right of access.

Article 3. Effective Date, Term, Termination, and Disconnection

3.1 Effective Date
This Agreement shall become effective upon execution by all Parties.

3.2 Term of Agreement
This Agreement shall become effective on the effective date and shall remain in effect unless terminated earlier in accordance with Article 3.3 of this Agreement.
3.3 Termination

3.3.1 The interconnection customer may terminate this Agreement at any time by giving the EDC 30 calendar days prior written notice.

3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate upon 60 calendar days' prior written notice for failure of the interconnection customer to complete construction of the distributed generation facility within 12 months after the in-service date as specified by the Parties in Attachment 2, which may be extended by agreement between the Parties.

3.3.4 The EDC may terminate this Agreement upon 60 calendar days' prior written notice if the interconnection customer has abandoned, cancelled, permanently disconnected or stopped development, construction, or operation of the distributed generation facility or if the interconnection customer fails to operate the distributed generation facility in parallel with EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the distributed generation facility will be disconnected from the EDC's electric distribution system. Terminating this Agreement does not relieve either Party of its liabilities and obligations that are owed or continuing when the Agreement is terminated.

3.4 Temporary Disconnection

A Party may temporarily disconnect the distributed generation facility from the electric distribution system in the event one or more of the following conditions or events occurs:

3.4.1 Emergency conditions - shall mean any condition or situation: (1) that in the judgment of the Party making the claim is likely to endanger life or property; or (2) that the EDC determines is likely to cause an adverse system impact, or it is likely to have a material adverse effect on the EDC's electric distribution system, interconnection facilities or other facilities, or it is likely to interrupt or materially interfere with the
provision of electric utility service to other customers; or (3) that, is likely
to cause a material adverse effect on the distributed generation facility or
the interconnection equipment. Under emergency conditions, the EDC or
the interconnection customer may suspend interconnection service and
temporarily disconnect the distributed generation facility from the electric
distribution system. The EDC must notify the interconnection customer
when it becomes aware of any conditions that might affect the
interconnection customer's operation of the distributed generation facility.
The interconnection customer shall notify the EDC when it becomes
aware of any condition that might affect the EDC's electric distribution
system. To the extent information is known, the notification shall describe
the condition, the extent of the damage or deficiency, the expected effect
on the operation of both Parties' facilities and operations, its anticipated
duration, and the necessary corrective action.

3.4.2 Scheduled maintenance, construction, or repair – The EDC may interrupt
interconnection service or curtail the output of the distributed generation
facility and temporarily disconnect the distributed generation facility from
the EDC's electric distribution system when necessary for scheduled
maintenance, construction, or repairs on EDC's electric distribution
system. To the extent possible, the EDC shall provide the interconnection
customer with notice five business days before an interruption. The EDC
shall coordinate the reduction or temporary disconnection with the
interconnection customer; however, the interconnection customer is
responsible for out-of-pocket costs incurred by the EDC for deferring or
rescheduling maintenance, construction or repair at the interconnection
customer's request.

3.4.3 Forced outages - The EDC may suspend interconnection service to repair
the EDC's electric distribution system. The EDC shall provide the
interconnection customer with prior notice, if possible. If prior notice is
not possible, the EDC shall, upon written request, provide the
interconnection customer written documentation after the fact explaining
the circumstances of the disconnection.

3.4.4 Adverse system impact – The EDC must provide the interconnection
customer with a written notice of its intention to disconnect the distributed
generation facility if the EDC determines that operation of the distributed
generation facility creates an adverse system impact. The documentation
that supports the EDC's decision to disconnect must be provided to the interconnection customer. The EDC may disconnect the distributed generation facility if, after receipt of the notice, the interconnection customer fails to remedy the adverse system impact unless emergency conditions exist in which case the provisions of Article 3.4.1 apply. The EDC may continue to leave the generating facility disconnected until the adverse system impact is corrected.

3.4.5 Modification of the distributed generation facility - The interconnection customer must receive written authorization from the EDC prior to making any change to the distributed generation facility, other than a minor equipment modification. If the interconnection customer modifies its facility without the EDC's prior written authorization, the EDC has the right to disconnect the distributed generation facility until such time as the EDC concludes the modification poses no threat to the safety or reliability of its electric distribution system.

3.4.6 The EDC is not responsible for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service under Article 3.

**Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades**

4.1 Interconnection Facilities

4.1.1 The interconnection customer shall pay for the cost of the interconnection facilities itemized in Attachment 3. The EDC shall identify the additional interconnection facilities necessary to interconnect the distributed generation facility with the EDC's electric distribution system, the cost of those facilities, and the time required to build and install those facilities.

4.1.2 The interconnection customer is responsible for its expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its interconnection equipment.

4.2 Distribution Upgrades

The EDC shall design, procure, construct, install, and own any distribution upgrades. The actual cost of the distribution upgrades, including overheads, shall
be directly assigned to the interconnection customer whose distributed generation facility caused the need for the distribution upgrades.

**Article 5. Billing, Payment, Milestones, and Financial Security**

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under a Level 2 review and Level 4 reviews)

5.1.1 The EDC shall bill the interconnection customer for the design, engineering, construction, and procurement costs of EDC-provided interconnection facilities and distribution upgrades contemplated by this Agreement as set forth in Attachment 3. The billing shall occur on a monthly basis, or as otherwise agreed to between the Parties. The interconnection customer shall pay each bill within 30 calendar days after receipt, or as otherwise agreed to between the Parties.

5.1.2 Within 90 calendar days after completing the construction and installation of the EDC's interconnection facilities and distribution upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and distribution upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for such interconnection facilities and distribution upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall make payment to the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. Upon request from the interconnection customer, if the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference.

5.1.3 If a Party disputes any portion of its payment obligation pursuant to this Article 5, such Party shall pay in a timely manner all non-disputed portions of its invoice, and such disputed amount shall be resolved
pursuant to the dispute resolution provisions contained in Article 8. A Party disputing a portion of an Article 5 payment shall not be considered to be in default of its obligations pursuant to this Article.

5.2 Interconnection Customer Deposit
At least 20 business days prior to the commencement of the design, procurement, installation, or construction of the EDC’s interconnection facilities and distribution upgrades, the interconnection customer shall provide the EDC with a deposit equal to 100% of the estimated, non-binding cost to procure, install, or construct any such facilities.

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default

6.1 Assignment
This Agreement may be assigned by either Party. If the interconnection customer attempts to assign this agreement, the assignee must agree to the terms of this Agreement in writing and such writing must be provided to the EDC. Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason thereof. An assignee is responsible for meeting the same obligations as the assignor.

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (including mergers consolidations, transfers or a sale of a substantial portion of the Party's assets between the Party and another entity), of the assigning Party that has an equal or greater credit rating and the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement.

6.1.2 The interconnection customer can assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the distributed generation facility.

6.2 Limitation on Damages
Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages and reasonable attorney's fees, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its
directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.

6.3.2 The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, agents, from all damages and expenses resulting from a third party claim arising out of or based upon the Interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the EDC's gross negligence or willful misconduct.

6.3.3 The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement, except to the extent caused by the interconnection customer's gross negligence or willful misconduct.

6.3.4 Within 5 business days after receipt by an indemnified Party of any claim or notice that an action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply has commenced, the indemnified Party shall notify the indemnifying Party of such fact. The failure to notify or a delay in such notification shall not affect a Party's indemnification obligation unless such failure or delay is materially prejudicial to the indemnifying Party.
NOTICE OF EMERGENCY RULES

6.3.5 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, such indemnified Party may at the expense of the indemnifying Party contest, settle or consent to the entry of any judgment with respect to, or pay in full, such claim.

6.3.6 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of such indemnified Party's actual loss, net of any insurance or other recovery.

6.4 Force Majeure

6.4.1 As used in this Article, a force majeure event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing by the Party claiming force majeure.

6.4.2 If a force majeure event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the force majeure event (Affected Party) shall notify the other Party of the existence of the force majeure event within one business day. The notification must specify the circumstances of the force majeure event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance. If the initial notification is verbal, it must be followed up with a written notification within one business day. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the force majeure event until the event ends. The Affected Party may suspend or modify its obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the force majeure event cannot be otherwise mitigated.

6.5 Default
6.5.1 No default shall exist when the failure to discharge an obligation (other than the payment of money) results from a force majeure event as defined in this Agreement, or the result of an act or omission of the other Party.

6.5.2 A Party shall be in default ("Default") of this Agreement if it fails in any material respect to comply with, observe or perform, or defaults in the performance of, any covenant or obligation under this Agreement and fails to cure such failure within 60 calendar days after receiving written notice from the other Party. Upon a default of this Agreement, the non-defaulting Party shall give written notice of such default to the defaulting Party. Except as provided in Article 6.5.3, the defaulting Party has 60 calendar days after receipt of the default notice to cure such default; provided however, if the default cannot be cured within 60 calendar days, the defaulting Party shall commence such cure within 20 calendar days after original notice and complete such cure within six months from receipt of the default notice; and, if cured within such time, the default specified in such notice shall cease to exist.

6.5.3 If a Party has assigned this Agreement that is not specifically authorized by Article 6.1 and fails to provide reasonable access pursuant to Article 2.3, is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party has 30 days from receipt of the default notice to cure such default.

6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for herein, the non-defaulting Party shall have the right to terminate this Agreement by written notice, and be relieved of any further obligation hereunder and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article will survive termination of this Agreement.

**Article 7. Insurance**

For distributed generation facilities with a nameplate capacity of 1 MW or above, the interconnection customer shall carry insurance coverage that the maximum
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

comprehensive/general liability coverage that shall be continuously maintained by the interconnection customer during the term shall be not less than $2,000,000 for each occurrence, and an aggregate, if any, of at least $4,000,000. The EDC, its officers, employees and agents will be added as an additional insured on this policy. The interconnection customer agrees to provide the EDC with at least 30 calendar days advance written notice of cancellation, a reduction in limits, or non-renewal of any insurance policy required herein.

Article 8. Dispute Resolution

8.1 Parties shall attempt to resolve all disputes regarding interconnection as provided in this section in a good faith manner.

8.2 If there is a dispute between the Parties about an interpretation of the Agreement, the aggrieved Party shall issue a written notice to the other Party to the agreement that specifies the dispute and the Agreement articles that are disputed.

8.3 A meeting between the Parties shall be held within ten days after receipt of the written notice. Persons with decision-making authority from each Party shall attend such meeting. If the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the meeting. The meeting may be conducted by teleconference.

8.4 After the first meeting, each Party may seek resolution through complaint or mediation procedures available at the Commission. The Commission may designate an engineer from the Commission's Energy Division to assist in resolving the dispute. Dispute resolution shall be conducted in a manner designed to minimize costs and delay. Dispute resolution may be conducted by phone.

8.5 Pursuit of dispute resolution may not affect an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

8.6 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

Article 9. Miscellaneous
9.1 Governing Law, Regulatory Authority, and Rules
The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois, without regard to its conflicts of law principles. This Agreement is subject to all applicable laws and regulations. Each Party expressly reserves the right to seek change in, appeal, or otherwise contest any laws, orders or regulations of a governmental authority. The language in all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning and not strictly for or against EDC or interconnection customer, regardless of the involvement of either Party in drafting this instrument.

9.2 Amendment
Modification of this Agreement shall be only by a written instrument duly executed by both Parties.

9.3 No Third-Party Beneficiaries
This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations herein assumed are solely for the use and benefit of the Parties, their successors in interest and where permitted, their assigns.

9.4 Waiver

9.4.1 Except as otherwise provided in this Agreement, a Party's compliance with any obligation, covenant, agreement, or condition herein may be waived by the Party entitled to the benefits thereof only by a written instrument signed by the Party granting such waiver, but such waiver or failure to insist upon strict compliance with such obligation, covenant, agreement, or condition will not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

9.4.2 Failure of any Party to enforce or insist upon compliance with any of the terms or conditions of this Agreement, or to give notice or declare this Agreement or the rights hereunder terminated, shall not constitute a waiver or relinquishment of any rights set out herein, but the same shall be and remain at all times in full force and effect, unless and only to the extent expressly set forth in a written document signed by the Party
granting such waiver or relinquishing any rights. Any waiver granted, or relinquishment of any right, by a Party shall not operate as a relinquishment of any other rights or a waiver or of any other failure of the Party granted the waiver to comply with any obligation, covenant, agreement, or condition herein.

9.5 Entire Agreement
Except as provided in Article 9.1, this Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter hereof, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts
This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

9.7 No Partnership
This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability
If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority, (1) such portion or provision shall be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by such ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases
Each Party shall notify the other Party of the release of any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities
NOTICE OF EMERGENCY RULES

related to the distributed generation facility or the interconnection facilities, each
of which may reasonably be expected to affect the other Party. The notifying
Party shall (1) provide the notice as soon as practicable, provided such Party
makes a good faith effort to provide the notice no later than 24 hours after such
Party becomes aware of the occurrence, and (2) promptly furnish to the other
Party copies of any publicly available reports filed with any governmental
authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from using the services of any
subcontractor it deems appropriate to perform its obligations under this
Agreement; provided, however, that each Party shall require its subcontractors to
comply with all applicable terms and conditions of this Agreement in providing
such services and each Party shall remain primarily liable to the other Party for
the performance of such subcontractor.

9.10.1 A subcontract relationship does not relieve any Party of any of its
obligations under this Agreement. The hiring Party remains responsible to
the other Party for the acts or omissions of its subcontractor. Any
applicable obligation imposed by this Agreement upon the hiring Party
shall be equally binding upon, and shall be construed as having application
to, any subcontractor of such Party.

9.10.2 The obligations under this Article cannot be limited in any way by any
limitation of subcontractor's insurance.

Article 10. Notices

10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or
request required or authorized in connection with this Agreement ("Notice") shall
be deemed properly given if delivered in person, delivered by recognized national
courier service, or sent by first class mail, postage prepaid, to the person specified
below:

If to Interconnection Customer:
Interconnection Customer: ________________________________
Attention: ________________________________
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Address: __________________________ State: _______ Zip: _______

City: ___________________________ State: _______ Zip: _______

Phone: ___________ Fax: ___________ E-Mail: ______________________

If to EDC:

EDC: ___________________________

Attention: ___________________________

Address: ___________________________

City: ___________________________ State: _______ Zip: _______

Phone: ___________ Fax: ___________ E-Mail: ______________________

Alternative Forms of Notice

Any notice or request required or permitted to be given by either Party to the other Party and not required by this Agreement to be in writing may be given by telephone, facsimile or e-mail to the telephone numbers and e-mail addresses set out above.

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set out below:

If to Interconnection Customer:

Interconnection Customer: ___________________________

Attention: ___________________________

Address: ___________________________

City: ___________________________ State: _______ Zip: _______

If to EDC:

EDC: ___________________________
10.3 Designated Operating Representative
The Parties may also designate operating representatives to conduct the communications which may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

Interconnection Customer’s Operating Representative:

Attention: 
Address: 
City: State: Zip: 
Phone: Fax: E-Mail: 

EDC’s Operating Representative:

Attention: 
Address: 
City: State: Zip: 

10.4 Changes to the Notice Information
Either Party may change this notice information by giving five business days written notice before the effective date of the change.

Article 11. Signatures

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

For the Interconnection Customer:
ILLINOIS RECORD

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Name: ____________________________________________
Title: ____________________________________________
Date: ____________________________________________

For EDC:

Name: ____________________________________________
Title: ____________________________________________
Date: ____________________________________________
Definitions

**Adverse system impact** - A negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

**Applicable laws and regulations** – All duly promulgated applicable federal, State and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any Governmental Authority, having jurisdiction over the parties.

**Commissioning test** – Tests applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified IEEE Standard 1547 Section 5.4 "Commissioning tests".

**Distributed generation facility** - The equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A distributed generation facility typically includes an electric generator, prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or a local electric power system.

**Distribution upgrades** – A required addition or modification to the EDC's electric distribution system at or beyond the point of interconnection to accommodate the interconnection of a distributed generation facility. Distribution upgrades do not include interconnection facilities.

**Electric distribution company or EDC** - Any electric utility entity subject to the jurisdiction of the Illinois Commerce Commission.

**Electric distribution system** - The facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally carry less than 69 kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in 3.1.6.1 of IEEE Standard 1547.
Facilities study – An engineering study conducted by the EDC to determine the required modifications to the EDC's electric distribution system, including the cost and the time required to build and install such modifications, as necessary to accommodate an interconnection request.

Force majeure event – Shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing.

Governmental authority – Any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that such term does not include the interconnection customer, EDC or any affiliate thereof.


Interconnection agreement or Agreement - The agreement between the interconnection customer and the EDC. The interconnection agreement governs the connection of the distributed generation facility to the EDC's electric distribution system and the ongoing operation of the distributed generation facility after it is connected to the EDC's electric distribution system.

Interconnection customer – The entity entering into this Agreement for the purpose of interconnecting a distributed generation facility to the EDC’s electric distribution system.

Interconnection equipment – A group of components or an integrated system connecting an electric generator with a local electric power system or an electric distribution system that includes all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.
Interconnection facilities – Facilities and equipment required by the EDC to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities, and equipment between the distributed generation facility and the point of interconnection, including modification, additions, or upgrades that are necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

Interconnection request – An interconnection customer’s request, on the required form, for the interconnection of a new distributed generation facility, or to increase the capacity or change the operating characteristics of an existing distributed generation facility that is interconnected with the EDC’s electric distribution system.

Interconnection study - Shall mean any of the following studies, as determined to be appropriate by EDC: the interconnection feasibility study, the interconnection system impact study, and the interconnection facilities study.


Parallel operation or Parallel - The state of operation which occurs when a distributed generation facility is connected electrically to the electric distribution system.

Point of interconnection - The point where the distributed generation facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in 3.1.13 of IEEE Standard 1547.

Witness test - For lab certified equipment, verification (either by an on-site observation or review of documents) by the EDC that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been adequately performed. For interconnection equipment that has not been lab certified, the witness test shall also include verification by the EDC of the on-site design tests as required by IEEE Standard 1547 Section 5.1 and verification by the EDC of production tests required by IEEE Standard 1547 Section 5.2. All tests verified by the EDC are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.
Notice of Emergency Rules

Attachment 2

Construction Schedule, Proposed Equipment & Settings

This attachment is to be completed by the interconnection customer and shall include the following:

1. The construction schedule for the distributed generation facility.

2. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, metering equipment, and distribution upgrades.

3. Component specifications for equipment identified in the one-line diagram.


5. Proposed sequence of operations.

6. A three line diagram showing current potential circuits for protective relays.

7. Relay tripping and control schematic diagram.
Description, Costs and Time Required to Build and Install EDC’s Interconnection Facilities

This attachment is to be completed by the EDC and shall include the following:

1. Required interconnection facilities, including any required metering.

2. An estimate of itemized costs charged by EDC for interconnection, including overheads, based on results from prior studies.

3. An estimate for the time required to build and install the EDC’s interconnection facilities based on results from prior studies.
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Attachment 4

Operating Requirements for Distributed Generation Facilities Operating in Parallel

The EDC shall list specific operating practices that apply to this distributed generation interconnection and the conditions under which each listed specific operating practice applies.
Attachment 5

Monitoring and Control Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The EDC's monitoring and control requirements must be specified along with a reference to the EDC's written requirements documents from which these requirements are derived.

2. An internet link to the requirements documents.
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Attachment 6

Metering Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The metering requirements for the distributed generation facility.

2. Identification of the appropriate tariffs that establish these requirements.

3. An internet link to these tariffs.
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Attachment 7

As Built Documents

This attachment is to be completed by the interconnection customer and shall include the following:

When it returns the certificate of completion to the EDC, the interconnection customer shall provide the EDC with documents detailing the as-built status of the following:

1. A one-line diagram indicating the distributed generation facility, interconnection equipment, interconnection facilities, and metering equipment.

2. Component specifications for equipment identified in the one-line diagram.

3. Component settings.

4. Proposed sequence of operations.

5. A three line diagram showing current potential circuits for protective relays.

6. Relay tripping and control schematic diagram.
NOTICE OF EMERGENCY RULES

Section 466. APPENDIX D  Levels 2 to 4 Application
EMERGENCY

Level 2, Level 3 & Level 4
Interconnection Request Application Form
(Greater than 10 kW to 10 MW or less)

Interconnection Customer Contact Information

Name: ________________________________
Mailing Address: ________________________________
City: ___________________ State: ________ Zip Code: ________
Telephone (Daytime): ________________ (Evening): ________________
Facsimile Number: ________________ E-Mail Address: ________________

Alternative Contact Information (if different from Customer Contact Information)

Name: ________________________________
Mailing Address: ________________________________
City: ___________________ State: ________ Zip Code: ________
Telephone (Daytime): ________________ (Evening): ________________
Facsimile Number: ________________ E-Mail Address: ________________

Facility Address (if different from above): ________________
City: ___________________ State: ________ Zip Code: ________

Electric Distribution Company (EDC) serving facility site: ________________________________
Electric Supplier (if different from EDC): ________________________________
Account Number of Facility site (existing EDC customers): ________________________________
Inverter Manufacturer: ________________________________ Model: ________________________________

Equipment Contractor
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Name: 
Mailing Address: 
City: ___________________________ State: ______ Zip Code: ______
Telephone (Daytime): _______________ (Evening): _________________
Facsimile Number: _________________ E-Mail Address: _______________

**Electrical Contractor** (if Different from Equipment Contractor)

Name: 
Mailing Address: 
City: ___________________________ State: ______ Zip Code: ______
Telephone (Daytime): _______________ (Evening): _________________
Facsimile Number: _________________ E-Mail Address: _______________
License number: ___________________

**Electric Service Information for Customer Facility Where Generator Will Be Interconnected**

Capacity: ____________ (Amps) Voltage: ________________ (Volts)
Type of Service: □ Single Phase  □ Three Phase
If 3 Phase Transformer, Indicate Type
    Primary Winding □ Wye  □ Delta
    Secondary Winding □ Wye  □ Delta
Transformer Size: __________________ Impedance: __________________

**Intent of Generation**

□ Offset Load (Unit will operate in parallel, but will not export power to EDC)
NOTICE OF EMERGENCY RULES

☐ Net Meter (Unit will operate in parallel and will export power pursuant to Illinois Net Metering or other filed tariff(s))

☐ Wholesale Market Transaction (Unit will operate in parallel and participate in PJM or MISO market(s) pursuant to a PJM Wholesale Market Participation Agreement or MISO equivalent)

☐ Back-up Generation (Units that temporarily operate in parallel with the electric distribution system for more than 100 milliseconds)

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

Generator & Prime Mover Data

<table>
<thead>
<tr>
<th>ENERGY SOURCE (Hydro, Wind, Solar, Process Byproduct, Biomass, Oil, Natural Gas Coal, etc.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENERGY CONVERTER TYPE (Wind Turbine, Photovoltaic Cell, Fuel Cell, Steam Turbine, etc.):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENERATOR SIZE:</th>
<th>NUMBER OF UNITS:</th>
<th>TOTAL CAPACITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ kW or ☐ kVA</td>
<td>☐ kW or ☐ kVA</td>
<td></td>
</tr>
</tbody>
</table>

GENERATOR TYPE (Check one):

☐ Induction ☐ Inverter ☐ Synchronous ☐ Other ______________________

Requested Procedure Under Which to Evaluate Interconnection Request

Please indicate below which review procedure applies to the interconnection request. The review procedure used is subject to confirmation by the EDC.

☐ Level 2 – Lab-certified interconnection equipment with an aggregate electric nameplate capacity less than or equal to 2 MW. Lab certified is defined in Section 466.30 (Application fee is $100.00 plus $1.00 per kW).

☐ Level 3 – Distributed generation facility does not export power. Nameplate capacity rating is equal to less than or equal to 50 kW if connecting to area network or equal
to or less than or equal to 10 MW if connecting to a radial distribution feeder. 
(Application fee amount is $500.00 plus $2.00 per kW).

☐ Level 4 – Nameplate capacity rating is less than or equal to 10 MW and the 
distributed generation facility does not qualify for a Level 1, Level 2 or Level 3 
review or, the distributed generation facility has been reviewed but not approved 
under a Level 1, Level 2 or Level 3 review. (Application fee amount is $1,000 plus 
$2.00 per kW, to be applied toward any subsequent studies related to this 
application).

1 Note: Descriptions for interconnection review categories do not list all criteria that 
must be satisfied. For a complete list of criteria, please refer to 83 Ill. Adm. 
Code 466, Electric Interconnection of Distributed Generation Facilities.

Distributed Generation Facility Information

Commissioning Date: _________________________________

List interconnection components/systems to be used in the distributed generation facility 
that are lab certified.

Component/System NRTL Providing Label & Listing
1.
2.
3.
4.
5.

Please provide copies of manufacturer brochures or technical specifications.

Energy Production Equipment/Inverter Information:

☐ Synchronous ☐ Induction ☐ Inverter ☐ Other _____________
Rating: ____________ kW Rating: ____________ kVA
ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Rated Voltage: ________________ Volts
Rated Current: ________________ Amps
System Type Tested (Total System): ☐ Yes ☐ No; attach product literature

For Synchronous Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.

Manufacturer: ________________________________
Model No. ________________ Version No. ________________________________
Submit copies of the Saturation Curve and the Vee Curve
☐ Salient ☐ Non-Salient
Torque: _____ lb/ft  Rated RPM: __________  Field Amperes: _______ at rated generator voltage and current and _______ % PF over-excited
Type of Exciter: ________________________________
Output Power of Exciter: ________________________________
Type of Voltage Regulator: ________________________________ Locked Rotor
Current: _________ Amps  Synchronous Speed: __________ RPM
Winding Connection: __________  Min. Operating Freq./Time: __________
Generator Connection: ☐ Delta  ☐ Wye  ☐ Wye Grounded
Direct-axis Synchronous Reactance  (Xd) _________ ohms
Direct-axis Transient Reactance  (X'd) _________ ohms
Direct-axis Sub-transient Reactance  (X'd) _________ ohms
Negative Sequence Reactance: __________ ohms
Zero Sequence Reactance: __________ ohms
Neutral Impedance or Grounding Resister (if any): _________ ohms
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

For Induction Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed distributed generation facility.

Manufacturer: __________________________________________

Model No. __________________________ Version No. __________________________

Locked Rotor Current _______________ Amps

Rotor Resistance (Rr) __________ ohms Exciting Current _______________ Amps

Rotor Reactance (Xr) __________ ohms Reactive Power Required: _______________

Magnetizing Reactance (Xm) __________ ohms _______ VARs (No Load)

Stator Resistance (Rs) __________ ohms _______ VARs (Full Load)

Stator Reactance (Xs) __________ ohms

Short Circuit Reactance (X"d) __________ ohms

Phases: □ Single □ Three-Phase


Reverse Power Relay Information (Level 3 Review Only)

Manufacturer: __________________________________________

Relay Type: _________________ Model Number: _________________

Reverse Power Setting: ___________________________________

Reverse Power Time Delay (if any): __________________________

Additional Information For Inverter Based Facilities

Inverter Information:

Manufacturer: __________________________ Model: __________________________

Type: □ Forced Commutated □ Line Commutated
ILLINOIS REGISTER

08

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Rated Output __________ Watts __________ Volts
Efficiency __________ % Power Factor __________ %
Inverter UL 1547 Listed: □ Yes □ No

DC Source / Prime Mover:

Rating: __________ kW Rating: __________ kVA
Rated Voltage: __________ Volts
Open Circuit Voltage (If applicable): __________ Volts
Rated Current: __________ Amps
Short Circuit Current (If applicable): __________ Amps

Other Facility Information:

One Line Diagram attached: □ Yes
Plot Plan attached: □ Yes

Customer Signature

I hereby certify that all of the information provided in this Interconnection Request Application Form is true.

Applicant Signature: ________________________________
Title: ________________________________ Date: __________________

An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

Amount ________________
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

**EDC Acknowledgement**

Receipt of the application fee is acknowledged and this interconnection request is complete.

EDC Signature: ___________________________ Date: ________________
Printed Name: ___________________________ Title: ____________________
Interconnection Feasibility Study Agreement

This agreement ("Agreement") is made and entered into this _______ day of _________
by and between ________________________________ ("interconnection customer"), as an
individual person, or as a ______________________________ organized and existing under the
laws of the State of _____________, and ______________________________ ("Electric Distribution
Company" (EDC)), a ______________________________ existing under the laws of the
State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or
collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or
modifying to an existing distributed generation facility consistent with the interconnection
application form completed by interconnection customer on _______ (Date) _______; and

Whereas, interconnection customer desires to interconnect the distributed generation facility
with EDC's electric distribution system; and

Whereas, interconnection customer has requested EDC to perform an interconnection feasibility
study to assess the feasibility of interconnecting the proposed distributed generation facility to
EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the
Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection
   Standard shall have the meanings indicated in that Section when used in this Agreement.

2. Interconnection customer elects and EDC shall cause to be performed an interconnection
   feasibility study consistent with Section 466.120 of the Illinois Distributed Generation
   Interconnection Standard.
3. The scope of the interconnection feasibility study shall be based upon the information set forth in the interconnection request application form and Attachment A to this Agreement.

4. The interconnection feasibility study shall be based on the technical information provided by interconnection customer in the interconnection request application form, as modified with the agreement of the parties. EDC has the right to request additional technical information from interconnection customer during the course of the interconnection feasibility study. If the interconnection customer modifies its interconnection request, the time to complete the interconnection feasibility study may be extended by the EDC.

5. In performing the study, EDC shall rely on existing studies of recent vintage to the extent practical. The interconnection customer will not be charged for such existing studies; however, interconnection customer is responsible for the cost of applying any existing study to the interconnection customer specific requirements and for any new study that the EDC performs.

6. The interconnection feasibility study report must provide the following information:

   6.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection,

   6.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection, and

   6.3 A description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC’s electric distribution system as required under Section 466.120(e)(1).

7. Interconnection customer shall provide a study deposit equal to 100 percent of the estimated non-binding study costs when the interconnection customer is the first in the queue.

8. The interconnection feasibility study shall be completed and the results shall be transmitted to interconnection customer within 25 business days after this Agreement is signed by the Parties.
9. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice must include an itemized listing of employee time and costs expended on the study.

10. Interconnection customer shall pay any actual study costs that exceed the deposit without interest within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount without interest within 30 calendar days of the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: ________________________________
Name (Printed): __________________________ Title: __________________________

[Insert name of EDC]

Signed: ________________________________
Name (Printed): __________________________ Title: __________________________
Attachment A to Interconnection System Impact Study Agreement
Assumptions Used in Conducting the Interconnection System Impact Study

The interconnection feasibility study will be based upon the information in the interconnection request application form and agreed upon on ______________________________:

1. Point of interconnection and configuration to be studied.

__________________________________________________________________________

__________________________________________________________________________

2. Alternative points of interconnection and configurations to be studied.

__________________________________________________________________________

__________________________________________________________________________

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.
Interconnection System Impact Study Agreement

This agreement ("Agreement") is made and entered into this ______ day of ______ by and between ________________________________ ("interconnection customer"), as an individual person, or as a __________________________________ organized and existing under the laws of the State of __________________ , and ___________________________ ("Electric Distribution Company" (EDC)), a __________________________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on ______ (Date) ______ ; and

Whereas, interconnection customer desires to interconnect the distributed generation facility to EDC's electric distribution system; and

Whereas, EDC has completed an interconnection feasibility study and provided the results of said study to interconnection customer (this recital to be omitted if the Parties have agreed to forego the interconnection feasibility study); and

Whereas, interconnection customer has requested EDC to perform an interconnection system impact study to assess the impact of interconnecting the distributed generation facility to EDC's electric distribution system;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in those Rules when used in this Agreement.
2. Interconnection customer elects and EDC shall cause to be performed an interconnection system impact study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.

3. The scope of the interconnection system impact study shall be based upon the information set forth in the interconnection request application form and in Attachment A to this Agreement.

4. The interconnection system impact study will be based upon the interconnection feasibility study and the technical information provided by interconnection customer in the interconnection request application form. EDC reserves the right to request additional technical information from interconnection customer. If interconnection customer modifies its proposed point of interconnection, interconnection request, or the technical information provided therein is modified, the time to complete the interconnection system impact study may be extended.

5. The interconnection system impact study report shall provide the following information:

5.1 Identification of any equipment short circuit capability limits exceeded as a result of the interconnection,

5.2 Identification of any thermal overload or voltage limit violations resulting from the interconnection,

5.3 Identification of any instability or inadequately damped response to system disturbances resulting from the interconnection and

5.4 Description and non-binding estimated cost of facilities required to interconnect the distributed generation facility to EDC’s electric distribution system and to address the identified short circuit, thermal overload, voltage, and instability issues as required under Part 466.120(e)(2).

6. Interconnection customer shall provide a study deposit equal to 100 percent of estimated non-binding study costs when the interconnection customer is the first in the queue.

7. The interconnection system impact study, if required, shall be completed and the results transmitted to interconnection customer within 25 business days after this Agreement is signed by the Parties.
8. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.

9. Interconnection customer shall pay any study costs that exceed the deposit within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days of the invoice.

In witness thereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: 

Name (Printed): ___________________________ Title: ___________________________

[Insert name of EDC]

Signed: 

Name (Printed): ___________________________ Title: ___________________________
Attachment A to Interconnection System Impact Study Agreement

Assumptions Used in Conducting the Interconnection System Impact Study

The interconnection system impact study shall be based upon the results of the interconnection feasibility study, subject to any modifications in accordance with Section 466.120 of the Illinois Distributed Generation Interconnection Standard, and the following assumptions:

1. Point of interconnection and configuration to be studied.

2. Alternative Points of interconnection and configurations to be studied.

Note: 1 and 2 are to be completed by the interconnection customer. Any additional assumptions (explained below) may be provided by either the interconnection customer or the EDC.
Interconnection Facilities Study Agreement

This agreement ("Agreement") is made and entered into this ___________ day of ___________ by and between ________________ ("interconnection customer"), as an individual person, or as a ______________________ organized and existing under the laws of the State of ________________ , and ______________________ ("Electric Distribution Company" (EDC)), a ______________________ existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to develop a distributed generation facility or modifying an existing distributed generation facility consistent with the interconnection request application form completed by interconnection customer on ___________ (Date) ___________; and

Whereas, interconnection customer desires to interconnect the distributed generation facility with EDC's electric distribution system; and

Whereas, EDC has completed an interconnection system impact study and provided the results of said study to interconnection customer; and

Whereas, interconnection customer has requested EDC to perform an interconnection facilities study to specify and estimate the cost of the equipment, engineering, procurement and construction work needed to interconnect the distributed generation facility;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. All terms defined in Section 466.30 of the Illinois Distributed Generation Interconnection Standard shall have the meanings indicated in those Rules when used in this Agreement.

2. Interconnection customer elects and EDC shall cause an interconnection facilities study consistent with Section 466.120 of the Illinois Distributed Generation Interconnection Standard.
3. The scope of the interconnection facilities study shall be determined by the data provided in Attachment A to this Agreement.

4. An interconnection facilities study report (1) shall provide a description, estimated cost of distribution upgrades, and a schedule for required facilities to interconnect the distributed generation facility to EDC’s electric distribution system; and (2) shall address all issues identified in the interconnection system impact study (or identified in this study if the system impact study is combined herein).

5. Interconnection customer shall provide a study deposit of 100 percent of estimated non-binding study costs when it is first in the queue.

6. In cases where no distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 15 business days after this Agreement is signed by the Parties. In cases where distribution upgrades are required, the interconnection facilities study shall be completed and the results shall be transmitted to interconnection customer within 30 business days after this Agreement is signed by the Parties.

7. Study fees shall be based on actual costs and will be invoiced to interconnection customer after the study is transmitted to interconnection customer. The invoice shall include an itemized listing of employee time and costs expended on the study.

8. Interconnection customer shall pay any actual study costs that exceed the deposit within 30 calendar days on receipt of the invoice. EDC shall refund any excess deposit amount within 30 calendar days of the invoice.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of interconnection customer]

Signed: __________________________________________

Name (Printed): ___________________________ Title: ___________________________
NOTICE OF EMERGENCY RULES

[Insert name of EDC]

Signed: ________________________________________________

Name (Printed): ________________________  Title: ________________________
Attachment A to Interconnection Facilities Study Agreement

Minimum Data That Interconnection Customer Must Provide With the Interconnection Facilities Study Agreement.

Provide location plan and simplified one-line diagram of the distributed generation facilities.

For staged projects, please indicate size and location of planned additional future generation. On the one-line diagram, indicate the generation capacity attached at each metering location. (Maximum load on CT/PT).

On the one-line diagram, indicate the location of auxiliary power. (Minimum load on CT/PT) Amps.

One set of metering is required for each generation connection to the EDC’s electric distribution system.

Number of generation connections: __________________________

Will an alternate source of auxiliary power be available during CT/PT maintenance?

Yes □   No □

Will a transfer bus on the generation side of the metering require that each meter set be designed for the total distributed generation capacity?

Yes □   No □ (Please indicate on the one-line diagram).

What type of control system or PLC will be located at the distributed generation facility?

________________________________________________________________________.

What protocol does the control system or PLC use? ____________________________.

Please provide a scale drawing of the site. Indicate the point of common coupling, distribution line, and property lines.

Number of third party easements required for EDC’s interconnection facilities: ____________.
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

To be completed in coordination with EDC.

Is the distributed generation facility located in EDC's service area?

Yes ☐  No ☐

If No, please provide name of local provider:

________________________________________________________________________

Please provide the following proposed schedule dates:

Begin Construction Date: ________________
Generator step-up transformers receive back feed power Date: ________________
Generation Testing Date: ________________
Commercial Operation Date: ________________
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part**: Child Care

2) **Code Citation**: 89 Ill. Adm. Code 50

3) **Section Number**: 50.230

   **Emergency Action**: Amendment

4) **Statutory Authority**: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

5) **Effective Date of Amendment**: April 1, 2008

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.

7) **Date Filed with the Index Department**: March 28, 2008

8) A copy of the emergency amendment, 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**: This emergency rulemaking is necessary to comply with provisions of 305 ILCS 5/9A-11, which require the Department to index income eligibility guidelines to the most current federal poverty guidelines. The FFY 2008 Federal Poverty Level guidelines were published in February 2008. April 1, 2008, is the earliest date that the Department's Information Technology systems can be programmed with the higher guidelines. The Department wishes to increase the guidelines as soon as possible so that families currently receiving child care services and new applicants can have their eligibility determined using the higher standards.

10) **A Complete Description of the Subject and Issues**: This rulemaking increases the income eligibility threshold for child care benefits based on the most current federal poverty level for each family size effective April 1, 2008. As a result, low-income families will remain eligible to receive child care assistance longer and more families will be eligible to receive child care benefits. In addition, it will help to stabilize job retention and allow a parent to accept some raises and promotions without fear of losing their child care assistance.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.230</td>
<td>Amendment</td>
<td>31 Ill. Reg. 11018; August 3, 2007</td>
</tr>
</tbody>
</table>

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

13) Information and questions regarding this emergency amendment 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 Amendment begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section
50.101 Incorporation by Reference
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section
50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility
50.235 Income Eligibility Criteria
50.240 Qualified Provider
50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section
50.310 Fees for Child Care Services
50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section
50.410 Provider Eligibility
50.420 Payment for Child Care Services
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART E: GREAT START PROGRAM

Section
50.510 Great START Program
50.520 Method of Providing the Wage Supplement
50.530 Eligibility
50.540 Employer Responsibility
50.550 Notification of Eligibility
50.560 Phase-in of Wage Supplement Scale
50.570 Wage Supplement Scale
50.580 Evaluation


DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART B: APPLICABILITY

Section 50.230  Child Care Eligibility

**EMERGENCY**

a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.

b) Parents and other relatives eligible to receive child care services include:

1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.

2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Gross Monthly Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$2,334</td>
</tr>
<tr>
<td>3</td>
<td>$2,934</td>
</tr>
<tr>
<td>4</td>
<td>$3,534</td>
</tr>
<tr>
<td>5</td>
<td>$4,134</td>
</tr>
<tr>
<td>6</td>
<td>$4,734</td>
</tr>
<tr>
<td>7</td>
<td>$5,334</td>
</tr>
<tr>
<td>8</td>
<td>$5,934</td>
</tr>
</tbody>
</table>

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

3) Families who do not receive TANF and need child care services in order
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size.

4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.

c) All families must be residents of Illinois.

d) Payment for child care services to eligible parents may begin:

1) if care was provided at the time and all eligibility factors are met, on either:

A) the date of the parent's signature; or
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or

2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days)
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

1) Heading of the Part: Department of Personnel

2) Code Citation: 80 Ill. Adm. Code 420

3) Section Numbers: Emergency Action:
   420.10    Amendment
   420.200   Amendment
   420.210   Amendment
   420.300   Amendment
   420.310   Amendment
   420.320   Amendment
   420.330   Amendment
   420.340   Amendment
   420.350   Amendment
   420.360   Amendment
   420.370   Amendment
   420.380   Amendment
   420.390   Amendment
   420.400   Amendment
   420.410   Amendment
   420.420   Amendment
   420.430   Amendment
   420.435   Amendment
   420.600   Amendment
   420.610   Amendment
   420.620   Amendment
   420.630   Amendment
   420.640   Amendment
   420.645   Amendment
   420.660   Amendment
   420.670   New
   420.700   Amendment
   420.715   Repealed
   420.720   Amendment
   420.740   New
   420.760   Amendment
   420.770   Amendment
   420.800   Amendment
   420.810   Amendment
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

420.820 Amendment
420.825 New
420.830 Amendment
420.835 Repealed
420.1000 Amendment
420.1010 Amendment
420.1020 Repealed
420.1030 Amendment

4) Statutory Authority: 15 ILCS 310/10

5) Effective Date of Repealer: April 2, 2008

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency repealer expires on July 11, 2008, the same date that the original emergency amendment would have expired.

7) Date Filed with the Index Department: April 2, 2008

8) A copy of the emergency repeal 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 in Room 197 Howlett Building, Springfield, Illinois 62756.

9) Reason for Emergency: The Secretary of State acknowledges that upon further review of proposed rules, not all revisions are true emergencies within the context of JCAR's jurisdiction. However, rather than split the proposed rules between emergency and non-emergency, the Secretary of State accepts the objections of JCAR and it hereby repeals the emergency rulemaking effective upon filing with the Secretary of State and restores the original text of this rule. Further, the Secretary of State wishes to proceed with its full changes as proposed rulemaking.

10) A Complete Description of the Subjects and Issues Involved: The Secretary of State agrees to repeal the emergency rulemaking and proceed with its full changes as proposed rulemaking.

11) Are there any proposed amendments to this Part Pending? Yes. 32 Ill. Reg. 2887; February 29, 2008
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

12) **Statement of Statewide Policy Objectives:** This rulemaking will not create or enlarge a State mandate.

13) **Information and questions regarding this emergency repeal of emergency amendments shall be directed to:**

   Stephan Roth or Linda Green  
   Office of the Secretary of State  
   Department of Personnel  
   Room 197 Howlett Building  
   Springfield, Illinois 62756

The full text of the Emergency Repealer of the Emergency Amendments begins on the next page:
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions
EMERGENCY

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
EMERGENCY
420.210 Position Classification
EMERGENCY
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
EMERGENCY
420.310 Appointment and Selection
EMERGENCY
420.320 Trainees
EMERGENCY
420.330 Intermittents
EMERGENCY
420.340 Continuous Service
EMERGENCY
420.350 Performance Review Evaluation Forms
EMERGENCY
420.360 Probationary Status
EMERGENCY
ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property

SUBPART D: CONDITIONS OF EMPLOYMENT

Section
420.600 Grievance Procedure
420.610 Sick Leave
420.620 Leave for Personal Business Leave
420.630 On-The-Job Injury – Industrial Disease
420.640 Leaves of Absence Without Pay
420.645 Adoption/Child Care Family Leave
420.650 Limitations on Leaves of Absence
420.660 Leaves of Absence – Special
420.665 Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670 Leaves of Absence – Special – Salary (Repealed)
**SECRETARY OF STATE**

**NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.680</td>
<td>Employee Rights After Leave</td>
</tr>
<tr>
<td>420.690</td>
<td>Leave of Absence – Election to Public Office</td>
</tr>
<tr>
<td>420.700</td>
<td>Failure to Return \textit{from} Leave of Absence \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.710</td>
<td>Military and Peace Corps Leave</td>
</tr>
<tr>
<td>420.715</td>
<td>Disaster Services Leave with Pay \textit{(Repealed)}</td>
</tr>
<tr>
<td>420.720</td>
<td>Leave \textit{for} Annual Military Reserve Training or Special Duty \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.730</td>
<td>Leave for Military Physical Examinations</td>
</tr>
<tr>
<td>420.740</td>
<td>Leave to Take Exempt Position \textit{(Repealed)} \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.760</td>
<td>Non-service Connected Disability Leave \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.770</td>
<td>Attendance in Court \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.800</td>
<td>Vacation \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.810</td>
<td>Work Schedules \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.820</td>
<td>Overtime \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.825</td>
<td>Temporary Assignment \textit{(Repealed)} \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.830</td>
<td>Holidays \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.835</td>
<td>Notification of Absence \textit{(Repealed)} \textbf{EMERGENCY}</td>
</tr>
</tbody>
</table>

**SUBPART E: GENERAL PROVISIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.1000</td>
<td>Records \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.1010</td>
<td>Benefits \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.1020</td>
<td>Prohibition of Discrimination \textit{(Repealed)} \textbf{EMERGENCY}</td>
</tr>
<tr>
<td>420.1030</td>
<td>Other Provisions</td>
</tr>
</tbody>
</table>
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].


SUBPART A: INTRODUCTION

Section 420.10 Definitions

"Appropriate Supervisor" : An employee who has the authority to resolve an employee's grievance.

"Board": Refers to the Merit Advisory Board.

"Certified Employee": An employee who has successfully completed an appointment and a required probationary period and attained certified status during the employee's most recent period of continuous State service.

"Certified Status": Status achieved through the completion of a probationary period.

"Class": A composite of positions which are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledges, skills, abilities and licenses (if required) to fulfill them, and the same title, selection
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

instrument, salary range or rate of pay that would apply equitably to each.
Example: All Executive I positions in the Office of the Secretary of State are a class.

"Code": The Secretary of State Merit Employment Code [15 ILCS 310].

"Commission": The Secretary of State Merit Commission.

"Continuous Service": The uninterrupted period of service from the date of original appointment to State service.

"Department of Personnel": The Secretary of State Department of Personnel.

"Director of Personnel": The Director of the Secretary of State Department of Personnel.

"Employee": Any employee on the payroll as well as any employee on a leave of absence granted pursuant to this Part.

"Executive or Administrative Employee": Those employees who have principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

"Executive Security Officer": A law enforcement officer charged with executive protective duties.

"Highly Confidential Employee": An employee who occupies a position which, by its nature, is entrusted with private, restricted or privileged information of a type which would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter and spouse, including adoptive, custodial and "in-laws" when residing in the employee's household. For bereavement purposes, the term includes grandparents, grandchildren, parents-in-law, brother or sister-in-law, and children-in-law.

"Jurisdiction A": The Section of the Code which deals with the classification and compensation of positions in the Office of the Secretary of State.

"Jurisdiction B": The Section of the Code which deals with merit and fitness as it
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

applies to positions in the Office of the Secretary of State.

"Jurisdiction C": The Section of the Code which deals with the conditions of employment of positions of the Office of the Secretary of State.

"Licensed Attorney": Attorneys who are licensed to practice law within the State of Illinois.

"Next Higher Supervisor": An employee who is authorized to adjust grievance resolutions offered by an Appropriate Supervisor; an employee who may be locally or regionally assigned to resolve Level 2 grievances.

"Organizational Entity": An organization whose chief executive officer reports directly to the Secretary of State or the Assistant Secretary of State.

"Pay Plan": The plan, authorized by the Secretary of State Merit Employment Code, that sets forth rules for salary treatment when processing personnel transactions and other compensation actions and identifies the various salary schedules.

"Pay Status": An employee who is active on the payroll of the Office of the Secretary of State and who receives wages for hours worked, paid holidays and benefit time used.

"Position": A set of duties, authorities and responsibilities.

"Position Description": The official document that identifies the duties, responsibilities, location and reporting relationships of a position.

"Probationary Period": A period of six calendar months (or 979 hours) immediately following an original appointment or reinstatement, or a period of three months (489.5 hours) following a promotion.

"Seniority": In totality, the unbroken service of an employee by the Office of the Secretary of State, or such service immediately precedent to employment by the Secretary of State which was unbroken and accrued within the employ of an agency covered by the Personnel Code under the Governor or within the University Civil Service System State Service.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

"Series": A class series is composed of two or more individual classes which are directly related in type of work performed, responsibility exercised and background experience required, while differing in levels, difficulty and/or achievement of these same terms. The classes of a series are similar in title and are usually sequential in nature from lowest to highest. Example: Executive I, II, III, IV and V are a class series.

"Sworn Personnel – Inter-Agency Assignment": Employees of the Office, vested with police authority, who are assigned to an affiliated outside organization for a determined time frame to perform police officer duties.

"Time of Hostilities": The following periods of time: from April 6, 1917 to November 11, 1918; from December 7, 1941 to December 31, 1946; and from June 27, 1950 to December 31, 1976. Time periods of hostility with a foreign country as determined by the Director of Personnel.

"Title": A title is the name by which a class is known. Example: Executive I is a title.

"Unskilled Positions": Positions whose primary requirement is that incumbents be of good physical condition.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

SUBPART B: CLASSIFICATION AND PAY

Section 420.200 Positions

EMERGENCY

A position is a set of duties and responsibilities requiring the appointment of one or more persons for the completion thereof. A written statement of the duties and responsibilities of each position shall be maintained by the Director of Personnel. The following types of positions may be established in the Office of the Secretary of State.

a) Exempt – Positions established in accordance with sections of the Merit Employment Code describing exempt positions as set forth in Section.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

420.310(i)(1). Exempt positions may be filled by an employee having certified status without affecting such status. If a certified employee accepts an appointment to a position exempt from Jurisdiction B of the Secretary of State Merit Employment Code 15 ILCS 310, the employee will retain his/her original certified status. If a certified employee’s position is declared exempt from Jurisdiction B, certified status shall be retained in the position.

b) Permanent Full-time – Positions full-time or part-time positions for which the duties and responsibilities are performed on a regular continuous basis. Any type of appointment described in Section 420.310(i)(1), (4) or (5) may be made to such a position.

c) Permanent Part-time – Positions for which the duties and responsibilities are performed on a regular but noncontinuous basis such as peak time of day, week, or month. No appointment other than probationary and/or certified may be made to such position.

d) Temporary – Positions for which the duties and responsibilities are performed for not more than 6 months out of any 12-month period as set forth in Section 420.310(i)(10).

dd) Permanent Intermittent – Positions for which the duties and responsibilities are performed on a regular or nonregular, continuous or noncontinuous basis for periods requiring less than full-time but more than temporary employment. No appointment other than probationary and/or certified may be made to such a position.

e) Trainee – For positions established in accordance with an approved training program as set forth in Section 420.320(a).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.210 Position Classification

EMERGENCY

a) Classification Plan: The Director of Personnel shall maintain, and revise when
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

necessary, a uniform position classification plan for positions under the Merit Employment Code based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions in the same class, under the same or substantially the same employment conditions. It shall be the responsibility of the department directors to report to the Director of Personnel any significant changes in the duties of every position within their department.

b) Allocation:

1) At the request of a department, or at the discretion of the Director of Personnel, including when it is evident that the duties of a position deviate from the class specification for that title, or upon reorganization of a department, a survey or audit, or such other investigation by the Department of Personnel shall be made to determine the proper allocation of any position to a class. Upon written request of an employee, a survey or audit by the Director of Personnel shall be made to determine the proper allocation of the employee's position. If the survey or audit does not demonstrate a substantial change in the duties and responsibilities as determined in a previous audit or the existing job description, a determination shall be made as to the proper allocation of the position from a review of the record rather than an individual desk audit. After making such survey, audit, or other investigation, the Department of Personnel shall notify the department in which such position is located of its decision as to the proper allocation of the position in question. It shall be the responsibility of the Department of Personnel to give written notice to the incumbent of said position of its decision.

2) An employee who has requested and received the results of an audit on his/her current position may request another review no sooner than months following receipt of the prior audit result, and only if there is a change to his/her position duties and responsibilities.

c) Reconsideration:

1) Within 30 calendar days after receiving notice of such decision, the incumbent in such position may make a request in writing of the Director of Personnel for a reconsideration of the decision. Thereafter, the Director of Personnel shall reinvestigate the duties and responsibilities of such position and related positions and the affected employee shall be given a reasonable opportunity to be heard.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

2) After such investigation, the Director of Personnel shall render a decision in writing and it shall be served on the employee in person or by certified mail, return receipt requested, at the last address shown in the official personnel file. The effective date of the Director of Personnel's reconsidered decision shall be the same as the effective date of the original allocation decision by the Director of Personnel.

3) An employee wishing to appeal the Director of Personnel's decision shall serve upon the Merit Commission notice of appeal of said reconsidered decision in writing within 15 calendar days after receipt of notice of the reconsidered decision. A copy of the notice of appeal shall also be served upon the Director of Personnel.

d) Assignment to Other Classes: An employee whose position has been allocated to a class having a higher, lower or same maximum permissible salary or rate may remain in the position provided, however, that the Director of Personnel shall determine, in the case of allocation to a class having a higher maximum salary or rate, whether, considering the nature of such change in duties, the employee is qualified for the position. In the case of allocation to a class having a lower maximum salary or rate, due to loss of duties or responsibilities after appointment to such position, the pay of such employee shall not be required to be lowered for a period of one year after the position allocation, in accordance with the Secretary of State Pay Plan, Section 10.00(b) (on file in the Secretary of State's Department of Personnel).

e) Revised Class Requirements: When requirements for a class are revised and the duties and responsibilities of positions comprising the class remain essentially unchanged, incumbents in these positions who qualified under the previous requirements for the class will be considered qualified.

f) Establishment of New Classes: When positions are reclassified resulting from the establishment of a new class, and the duties and responsibilities of such positions remain essentially unchanged, incumbents who qualified under the requirements of the previous class will be considered qualified for the new class.

g) Temporary Assignment:
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

1) An employee may be directly assigned (relegated) to perform the duties and responsibilities of another position in a different classification than that to which the employee is incumbent.

2) Temporary assignments shall not be considered the permanent duties and responsibilities of the employee and, therefore, shall not be considered in the proper allocation of the incumbent's position.

3) Additional compensation for temporary assignment of an employee to duties and responsibilities of a higher class shall be in accordance with the applicable provisions of the Department of Personnel Pay Plan. To be eligible for such additional compensation, the temporary assignment must be for good cause and may not become effective without the written approval of the Director of Personnel and acknowledgement by the employee.

4) Temporary assignment of an employee shall not normally exceed 6 months.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

SUBPART C: MERIT AND FITNESS

Section 420.300 Application and Examination

EMERGENCY

a) Examinations:

1) The Director of Personnel shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

2) In lieu of announcing or conducting examinations, the Director of Personnel may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

b) Examination - Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Secretary of State, provide economical administration, and be generally convenient for applicants. The Director of Personnel may cancel or postpone examinations at any time.

c) Veterans' Preference: Qualified persons who have passed an examination and who have been Appropriate preference in entrance examinations shall be granted to qualified persons who, while citizens of the United States, were members of the armed forces of allies or of the United States in times of hostilities with a foreign country (as set forth in the Secretary of State Merit Employment CodeSection 40b.7) or while citizens of the United States were members of the armed forces of allies of the United States in times of hostilities with a foreign country, shall be granted preference in entrance examinations as follows and to certain other persons as set forth in this Section. To be eligible, an applicant must have proof of his/her service or discharge under honorable conditions. Preference shall be granted as follows:

1) Five points shall be added to the entrance examination grade for such nondisabled veteran eligibles. Three points or equivalent credit shall be added to the entrance examination grade for veterans who have served, for at least six months, in the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a United States citizen, was a member of the armed forces of an ally of the United States, in time of hostilities with a foreign country.

2) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veteran's Administration or from such allied country for war service-connected disabilities. Five points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Forces of the United States during time periods of hostility or who, as members of the Illinois National Guard or any reserve component of the Armed Forces of the United States, were called into active duty during time periods of hostility.

3) Ten points or equivalent credit shall be added to the entrance examination grade for veterans who are currently receiving compensation from the United States Veterans' Administration or from such allied country for war service-connected disabilities.

4) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category. Such preference may be disregarded if, during the interview process, an applicant fails to meet the minimum standards set prior to the interview.

5) A surviving unremarried spouse of a veteran who suffered a service-connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois shall be entitled to the same preference to which the veteran would have been entitled under this Section.

6) Ten points or equivalent credit shall be added to the examination score for one parent of an unmarried veteran who suffered a service-connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois. The first parent to receive an appointment in an Illinois merit system shall be the parent entitled to the preference.

d) Public Notice of Examinations: The Director of Personnel shall give public notice of examinations at least two weeks in advance of such tests, except as otherwise noted. Announcements may be advertised through the press, radio or other media. Announcements shall be posted in a conspicuous place in each office of the Department of Personnel in both Chicago and Springfield. Announcements shall specify the date and manner in which an application for examination shall be made. In place of individual announcements, the Director of Personnel may develop a brochure or pamphlet announcing the examination process and testing locations and times.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director of Personnel shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

f) Test Ratings - Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of the final earned rating or of the failure to attain a place on the list.

g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

1) No applicant may retake a test or tests included within an examination until thirty (30) calendar days have elapsed. *This restriction may, however, be waived by the Director of Personnel when the best interest of the Office of the Secretary of State, including but not limited to cases where such restriction would impose undue hardship on an applicant, a department, or the office.*

2) In all cases of retaking examinations, the most recent passing score obtained on the retake shall be used to determine the candidate's rank on the eligible list.

3) Examination results are valid for 12 months from the original date of examination. An examination shall not be regraded more than 12 months after the original test date. *Regraded examinations shall expire on the same date as the original examination.*

h) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, color, age, religion, sex, marital status, national origin, political affiliation or membership in, or activity in, or on behalf of, employee labor organizations or any other nonmerit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

ih) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Secretary of State removing examination materials from the premises at which examinations are being administered or stored in any manner whatsoever, shall be subject to prosecution and/or discipline up to and including discharge if the individual is an employee of the Office of the Secretary of State.

ji) Admission to Examinations: Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director of Personnel may be admitted to competitive examinations and may be lawfully appointed to the position. Following are the only criteria by which the Director of Personnel may reject the application of any person for admission to a test or decline to test or certify for employment:

1) Subsequent to participating in the examination, the applicant is found to lack the qualifications prescribed for admission to the test as announced in the public notice;

2) Is the applicant is physically unfit to perform effectively the duties of the class;

3) Has the applicant has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;

4) Has the applicant has made false statements of any material fact or has practiced deception or fraud in the application or test;

5) Does the applicant does not meet the United States Department of Justice Immigration and Naturalization Service Citizenship and Immigration Services regulations for permanent employment; or

6) Is the applicant is found guilty of a violation of these rules this Part or any of the provisions of the Merit Employment Code relating to participation in examinations or;

7) the applicant has been convicted of a crime relevant to the duties and responsibilities of the class of the examination he/she is taking or the position to which he/she is being hired.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

kj) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director of Personnel and only when there are fewer than three qualified residents of Illinois available including statewide candidates or candidates on the eligibility list for the geographical area in which the position is located.

lk) Linguistic Requirements: The Director of Personnel may establish linguistic options when it appears that this would benefit the operation of the office by increasing communication with those served by the Office of the Secretary of State.

ml) Authorization of Investigation: The Director of Personnel shall, when a position is to be filled involves the handling of money, is sensitive in nature and/or entails law enforcement duties, require that an applicant seeking employment with the Office of the Secretary of State authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions. Any information derived from this investigation shall, upon request, be provided to the applicant or his designee, prior to any final action by the Director of Personnel on the application. "Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel."

mm) Confidentiality: Any information concerning criminal convictions obtained by the Director of Personnel shall be confidential. "No information obtained from such investigation may be placed in any automated information system." No information may be transmitted to anyone within or outside the Office of the Secretary of State, except as needed for the purposes set forth in Section 420.300 subsection (ml). Any violation of this subsection shall result in disciplinary action and possible civil action.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days.)

Section 420.310 Appointment and Selection

EMERGENCY
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of successful applicants shall be arranged in the order of their relative excellence, whether by numerical grade or category grouping. The length of time an eligible applicant's name may remain on the eligible list shall be specified in the examination announcement established by the Director of Personnel.

b) Responsibilities of Eligibles: It shall be the responsibility of each eligible applicant to inform the Department of Personnel in writing of any changes in name, address or availability for employment.

c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or which may be made available at a later date. Unless otherwise noted in the examination announcement, applicants may select a statewide preference, but will not be considered for employment until all available candidates for the specific geographical location have been exhausted.

d) Removal of Names From Eligible Lists:

1) The Director of Personnel shall remove names from an eligible list for cause, including but not limited to any of the following reasons:

A) Appointment of an eligible applicant from the eligible list;

B) Death of an eligible applicant;

C) Notice by postal authorities that they are unable to locate the eligible applicant at his/her last known address;

D) Attempt by an eligible applicant to practice any deception or fraud in connection with an examination or application for employment;

E) Evidence that the eligible applicant lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

F) Request of an eligible applicant to remove his/her name from the eligible list;

G) The applicant's name has remained on the eligible list for twelve (12) months;

H) The applicant has been discharged, terminated, or otherwise involuntarily separated from employment with the Office of the Secretary of State.

2) Following are the only criteria by which the Director of Personnel may remove names from an eligible list. Eligibles shall be notified of such removal. The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following:

A) Failure of an eligible applicant, upon referral, to reply or to report for interview;

B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;

C) Failure of an eligible applicant, upon request, to furnish written evidence of availability for employment;

D) Specifying conditions of employment by an eligible applicant that are not associated with the class for which the applicant is eligible;

E) Refusal of an eligible applicant to accept three (3) separate offers of employment;

F) After an eligible applicant has been passed over three (3) times after referral to the same department, for the appointment of an eligible lower on the eligible list, and the department concerned requests may request removal of the eligible applicant from the list for good and sufficient cause;
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

G) Poor work history of the eligible applicant;

H) Former experience and, history or background of the eligible applicant is not compatible with duties and responsibilities of the class;

I) Physical inability of eligible applicant to perform the duties and responsibilities of the class;

J) After eligible applicant accepts promotion;

K) When a change in either classification or testing standards, or another change, requires such action;

L) Conviction of an eligible applicant of a felony or of a crime is relevant to the position for which the person is testing or being hired; or

M) Addiction of an eligible to narcotics or to alcohol; Conviction of a crime involving alcohol or drugs.

e) Replacement of Names on Eligible List:

1) The Director of Personnel may restore a name to the same eligible list when such action would be in the best interest of the Office of the Secretary of State, including but not limited to:

A) Names of eligible applicants who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;

B) Names of veterans returning from active military service of not more than four years shall be restored to an eligible list for a period of 12 months for the same class if the request is made by the veteran within 90 days after discharge, or after release from hospitalization continuing after discharge but for not more than one year. The eligible applicant must provide evidence of satisfactory completion of training and service when making the
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

request and be qualified to perform the current duties of the class;

C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.

2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time remaining of the original eligibility, except as provided in subsection (e)(1)(B).

f) Appointment From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination such the appointment shall be made of the person standing among those who are available within from among those available persons with the 10 highest grades, if such the list is in order of numeric examination grade, or from the highest ranking group of three or more available eligibles, if such the list is in category groupings, except as provided for under Section 420.310 subsection (g).

g) Extension of Jurisdiction B:

1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in those positions and shall attain certified status therein in those positions provided they pass a qualifying examination prescribed by the Director of Personnel within six 6 months after such the jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.

2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of such employees in accordance with subsection (g)(1) shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by rankings instead of numerical ratings. Further, these appointments shall be made without regard to the provisions of subsection (f). Nothing in this subsection (g) shall preclude the reclassification or reallocation as provided by this Part of any position
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

held by any such incumbent.

h) Appointments – Positions Subject to Jurisdiction B: Positions which are covered by Jurisdiction B of the Code shall be filled in one of the following ways:

1) By appointment of an eligible applicant standing among the 10 highest scores on an eligible list which is numerically rated;

2) By appointment of an eligible applicant from the highest ranking group of 10 or more available eligibles from an eligible list which is not numerically rated;

3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code [20 ILCS 415] under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;

4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois (23 Ill. Adm. Code 302) shall be continued in their positions without further examination;

5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;

6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within nine months after May 24, 1977;

7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the extent of such rights and privileges;

8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

9) By emergency appointment for a period not in excess of 90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;

10) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director of Personnel. Such appointments shall not exceed six months out of any twelve month period;

11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six months out of any twelve month period;

12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;

13) By reinstatement of persons who formerly held certified status under the Personnel Code [20 ILCS 415], the State Universities Civil Service Act [110 ILCS 70], or the Comptroller Merit Employment Code [15 ILCS 410], or the State Treasurer Employment Code [15 ILCS 510]. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k).

14) By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the same or lower salary range as the salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;

15) By the appointment of trainees into training programs approved by the Director of Personnel; such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;

17) By the transfer of active, certified or probationary employees from the jurisdictions of the Personnel Code of Illinois, the University of Illinois, State Universities Civil Service System Act, or the Comptroller Merit Employment Code, persons or the State Treasurer Employment Code, upon the approval of the Director of Personnel, to comparable positions of employment. A person so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

i) Types of Status

Appointments: The following types of appointments may be made by the Director of Personnel.

1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, such the employee shall establish eligibility for such the position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within six (6) months after the extension of Jurisdiction B to such the position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such the employee shall establish eligibility for such the position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

2) Emergency: For persons selected by departments to meet emergency situations. Such appointments shall not exceed 90 calendar days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director of Personnel.

3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any 12-month period.

4) Provisional: For persons in positions for which there are fewer than 10 available eligibles on the open competitive eligible list, if the list is in order of numeric examination grade, or fewer than 3 available eligibles, if
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

...the list is in category groupings. No positions shall be filled by provisional appointment for more than six months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such positions shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to subsection (i)(5).

5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

6) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.

7) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

j) Permanent Part-Time: Permanent part-time employees shall have all rights and benefits granted by Jurisdictions A, B and C based on the proration of the part-time scheduled hours against the normal 1957.5 hour work year.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.320 Trainees

EMERGENCY

a) Trainee Appointments: The Director of Personnel may establish trainee or apprenticeship programs for new and/or incumbent employees in accordance with the Position Classification Plan (80 Ill. Adm. Code 410) or at the request of an operating department. No trainee position under this rule shall be established in any class other than a trainee class. A trainee or apprenticeship program shall prescribe the purposes, objectives, curriculum, benefits and
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

duration. Trainee or apprenticeship programs may be established for one or more of the following reasons and purposes and shall be for the duration stated in the class specifications therefor:

1) To develop, qualified employees through an established program of supervised training and experience, qualified employees for positions which are, in the judgment of the Director of Personnel, difficult to fill with qualified employees;

2) To cooperate with recognized educational institutions and organizations by making available opportunities for supervised training and work experience required for satisfactory completion of such a cooperative or affiliate training program;

3) To provide specialized orientation and training necessary for satisfactory performance of jobs in technical or professional fields;

4) To attract and interest better qualified employees to State service by selecting outstanding persons and giving them supervised work experience during their period of academic training;

5) To provide training or developmental work experience for the socially, culturally or economically disadvantaged or persons with disabilities that would assist them in acquiring or augmenting employment skills and/or to provide employment opportunities of limited duration.

b) Limitations on Trainee Appointments:

1) Trainees appointed to a position in a trainee class after having qualified by open competitive examination in accordance with the rules of the Department of Personnel concerning Examination and Eligible lists Section 420.300 may be promoted after passing an appropriate examination successfully completing the prescribed trainee program and meeting the minimum education and experience requirements for the title for which they are training. A 3-month probationary period will be served in accordance with Section 420.360(a)(2).

2) Trainees not selected by appointed without open competitive examination shall obtain probationary appointments in may be promoted to the titles for
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

which they are training only after they have passed successfully completing the prescribed trainee program and ranking among candidates in a reachable position for appointment on the appropriate open competitive examinations and their names have been reached on the resulting eligible lists. Trainees appointed in such status as the result of an open competitive examination and whose positions are allocated may be placed in probationary status in the class to which said position is allocated. A 3 month probationary period will be served in accordance with Section 420.360(a)(2).

3) Trainees appointed to a trainee position without open competitive examination and whose positions are allocated or reclassified to a non-trainee class during the trainee period, will be placed in probationary status in the class to which said position is allocated and shall establish eligibility for that position upon successful completion of an appropriate open competitive examination, and their names shall have been reached on the resulting eligible lists within 6 months from the effective date of the title change.

4) Trainees appointed to a trainee position after having qualified by open competitive examination in accordance with Section 420.300, whose positions are reallocated or reclassified to a non-trainee class during the trainee period, will be placed in probationary status in the class to which the position was allocated and will serve a 6 month probationary period.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.330 Intermittents

EMERGENCY

a) Intermittent Positions: The Director of Personnel shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions, but intermittent employees may substitute for absent employees. Appointments will be made to such intermittent positions in the same manner as appointments to other permanent
b) Limitations on Intermittent Employees: An intermittent employee will be subject to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C:

1) Intermittent employees shall not be utilized as replacements for permanent employees, but they may substitute for absent employees. An effort will be made to balance the hours worked among intermittents of the same title within the same organizational unit.

24) Intermittents will work a maximum of 1500 hours per year (12-month period), minimum of 800. There shall not be more than a 10% variance in hours scheduled from the original in-hire Schedule (see the definition of "work schedule" in Section 420.810) in the same title and organizational units. Intermittent employees whose schedules vary more than 10% may grieve or appeal such schedule changes. Intermittents worked more than 1500 hours shall be reallocated in accordance with Section 420.210 (a), (b) and (c) to permanent full-time positions. Intermittents offered work less than their permissible minimum in-hire schedule shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions. Nothing in this subsection shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event such a reorganization temporarily precludes full compliance with this subsection, management shall have six months in which to revise its schedules in order to bring the schedules into compliance.

A) If, as a result of timekeeping error or omission in reporting hours worked, it is determined that an intermittent employee worked more than 1500 hours in the prescribed 12-month period, the employee shall immediately be placed in inactive status until the commencement of the next 12-month period, and the hours worked in the next 12-month period shall be reduced by the excess hours from the previous 12-month period.

B) Intermittent employees offered less than 800 hours of work in any prescribed 12-month period shall be deemed suspended without
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

cause and may grieve or appeal in accordance with the applicable rules regarding suspensions.

2) There shall not be more than a 10% variance in hours scheduled from the original in-hire work schedule of employees in the same title and organizational unit. Intermitte nt employees whose schedules vary more than 10% may grieve or appeal the schedule changes. An effort will be made to balance the hours worked among intermittent employees of the same title within the same organizational unit.

3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7½ hours being equivalent to one day.

4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.

5) Intermittent employees shall receive full pay for an official holiday if scheduled to work that day of the week and they have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday.

6) Employees refusing to be scheduled three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24-hour notice of scheduling, unless proof of illness or death in the family is presented.

e) Nothing in this Section shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event a reorganization temporarily precludes full compliance with this Section, management shall have 6 months in which to revise its schedules in order to bring the schedules into compliance.

7) An annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Section 420.340  Continuous Service

a) Definition:
   1) Continuous service is the uninterrupted period of service from the date of original appointment to state service or to service in any other system participating in the Retirement Systems Reciprocal Act [40 ILCS 5/20], except as provided in Section 420.340 subsection (g).
   2) Employees who have accrued continuous service in state service or who have accrued continuous service in state service not covered by any merit system position covered by the Retirement Systems Reciprocal Act, and who have been transferred to a department subject to the Merit Employment Code or who have accepted an appointment to a position in the Office of the Secretary of State, shall be given such credit for said service as shall be to the extent determined by the Director of Personnel or required by law.

b) Interruptions in Continuous Service: Continuous service shall be interrupted by:
   1) Resignation; provided, however, that such continuous service will not be interrupted by resignation when an employee is employed in another position in the Office of the Secretary of State within 4 calendar days of such resignation.
   2) Discharge; provided, however, such continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Merit Commission, or under other administrative review process, or by the court.
   3) Termination; because an employee has not been reemployed within one year after layoff.

c) Deductions From Continuous Service: Except as provided in Section
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Section 420.340(f), the following shall be deducted from, but not interrupt, continuous service:

1) Time away from work for leaves of absence without pay totaling more than 30 days in any 12-month period;

2) Time away from work because of disciplinary suspensions totaling more than 30 days in any 12-month period;

3) Time away from work because of layoff.

d) Veterans' Continuous Service:

1) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application to his employing department the Department of Personnel within 90 days after separation from active duty, or after release from hospitalization continuing after discharge but for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application and must be qualified to perform the duties of the position.

2) Subject to the provisions of Section 420.310(f), a veteran who returns to service with the Office of the Secretary of State after having been granted a leave of absence from provisional status shall be required to pass the same or similar examination for his/her position within 90 days.

3) Trainees who have not previously done so and whose training was interrupted by military leave shall be required to qualify, if necessary, in an examination in the trainee class before granted allocation or noncompetitive promotion to a higher class.

e) Peace or Job Corps Enrollees Continuous Service: Employees who volunteer and are accepted for service in the overseas or domestic peace or job corps shall be given a leave of absence from their position for the duration of their initial period of service and restored to the same or similar position provided that the employee returns to their employment within 90 days of the after termination of their service.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

or release from hospitalization from a service-connected disability.

f) Accrual and Retention of Continuous Service During Certain Leaves: During an educational, military, peace or job corps, adoption/child care leave, disaster services, family leave (pursuant to Section 420.645) or Family and Medical Leave (FMLA), disability leave, service connected disability leave or leave to accept a temporary, provisional, emergency or exempt assignment in another class, an employee shall retain and accrue continuous service, provided an appropriate application to return is made, pursuant to the requirements specified elsewhere in this Part.

g) Limitation on Continuous Service: Temporary and emergency employees employed after May 24, 1977, shall not accumulate continuous service except as provided in Ill. Rev. Stat. 1985, ch. 127, par. 63b, 120.1 20 ILCS 805/240, unless such status is acquired as the result of taking a leave of absence to accept such temporary or emergency assignment.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.350 Performance Review Evaluation Forms

EMERGENCY

a) Performance Records:

1) Performance records shall constitute all material in an employee's personnel file which, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.

2) Such records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.

b) Performance Evaluation Forms:

1) Performance records shall include an evaluation of employee performance
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

prepared by each department on forms prescribed by the Director of Personnel. The Director of Personnel shall prescribe the form used for performance evaluations.

2b) For an employee serving a six-month probationary period, the division department shall prepare and submit to the Department of Personnel two such evaluations, one at the end of the third month of the employee's probationary period and another fifteen days before the conclusion thereof of the probationary period.

3c) For an employee serving a three-month probationary period, the division department shall prepare and submit to the Department of Personnel an evaluation form two and one-half months after the commencement of the probationary period.

4d) For a certified employee, each department shall prepare such an evaluation not less often than each time an employee receives a satisfactory or superior performance increase under the Department of Personnel's Pay Plan.

5e) A prepared employee evaluation shall not be considered completed or final for any purpose until the employing department director or designee has entered approval directly on the evaluation form by way of signature or other means of identification.

6f) For purposes of promotion, demotion, layoffs, transfers, reemployment, discipline or discharge, etc., the Director of Personnel and the employing department director shall give greater weight to an employee's most recent performance evaluation as opposed to earlier evaluations in considering any potential change in the employee's current status with the office.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

a) Probability Period:

1) A probationary period of six months (979 hours for intermittent and permanent part-time) shall be served by:

A) an employee who enters service or commences a new period of continuous service;

B) an employee who is reinstated as provided under Section 420.420(b);

C) an employee who is appointed from an open competitive eligible list, whether or not it is considered an advancement in rank or grade.

Trainees whose positions are allocated upward may achieve probationary status pursuant to Section 420.320(b).

2) A probationary period of three months (489.5 hours for intermittent and permanent part-time) shall be served by an employee who is promoted. A probationary employee who is demoted or one who accepts a voluntary reduction shall be required to serve a three-month probationary period or the balance of the original probationary period, whichever is greater. If the employee previously held certified status in the class to which demoted or voluntarily reduced, no probationary period will be required. A probationary employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer. A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits during such the probationary period.

3) If an employee is absent from work for more than 15 calendar working days during the probationary period because of leave of absence, sick leave or work-related injury or industrial disease, such the absence shall serve to extend the probationary period by the length of the absence. Any suspension shall extend the probationary period by the length of the suspension, except that, if the suspension shall be reduced or rescinded, such the reduced or rescinded time shall not extend the probationary period.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Section 420.370  Promotions

a) Definition: The appointment of an employee who has held certified status during his/her current period of continuous service, with the approval of the department and the Department of Personnel, to a vacant position in a class having a higher qualifications, duties, responsibilities and maximum permissible salary or rate than the former class.

b) Eligibility for Promotion:

1) The Director of Personnel may approve the promotion of qualified employees who have established eligibility for the appropriate class through open competitive examinations in accordance with merit standards set forth in Section 420.300(a).

2) For promotional purposes, the passing examination grade for the appropriate class is valid for a three-year period from the date of the examination. The Director of Personnel may approve the promotion of qualified employees to a class for which the examination is closed, provided the employee meets the minimum requirements of the class.

3) For promotional purposes, a passing examination grade for the appropriate class is valid for a 3 year period from the date of the examination. If the employee retakes the examination within the 3 year period, the most recent passing grade shall be the only one considered.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

4) Employees appointed to a trainee class for which an examination was required may be promoted to the title for which they are training by passing the appropriate examination or satisfying the requirements set forth in Section 420.320(b)(2).

c) Limitations on Promotions: No provisional, temporary, emergency or exempt employee may be promoted. No probationary employee may be promoted unless the employee has previously held certified status during the current period of continuous service.

d) Failure to Complete Probationary Period:

1) A promoted, certified employee who fails to satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the new promoted position shall be returned to a position in the class, department and locality and with the status from which promoted.

2) An employee who is demoted, or one who accepts a voluntary reduction, during a probationary period shall serve a probationary period as provided in Section 420.360(a) unless the employee had previously held certified status in the former class in which case the return shall be to certified status.

3) A promoted employee previously certified may be discharged for cause during the probationary period and, in such event, the employee has the same rights to appeal as a certified employee.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.380 Employee Transfers

EMERGENCY

a) Transfers: A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate, A transfer is the assignment of an employee to a vacant position in the same class to which most
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

recently appointed or to a position involving similar qualifications, duties, responsibilities and salary range. Transfers shall not be made without prior approval of the Director of Personnel.

b) Intra-Agency Transfer: An employee may be transferred to a position in the same class to which appointed or to a position involving similar qualifications, duties, responsibilities and salary range, in another department, division, section or other unit with the Office. No such transfer shall be made without the approval of the Director of Personnel.

c) Inter-Agency Transfer: An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities and salary range from another agency or jurisdiction, with the approval of both agencies, the Director of Personnel, and with the consent of the employee.

d) Geographical Transfer: Geographical transfer is the transfer of an employee from one geographical location in the State to another for the performance of duties other than temporary assignments or details for the convenience of the employer. Geographical transfers shall be made only with the approval of the Director of Personnel. An employee who refuses to accept a geographical transfer must report for duty at the new location but may make written appeal of such the transfer to the Merit Commission within 15 days after the effective date of the transfer. An employee shall be reimbursed for all reasonable transportation and moving expenses incurred in moving to a new location because of permanent geographical transfer unless such the transfer was applied for by the employee. Reasonable transportation and moving expenses shall be the lowest of three bids, unless the lowest bidder is not responsible or available. Notice of an approved management directed geographical transfer shall be served on the employee by the operating department in person or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.

e) Merit System Transfer: An employee of the State of Illinois who holds certified or probationary status in a merit system other than the Secretary of State Merit Employment Code, including employees under jurisdiction of the Personnel Code, the State Universities Civil Service Act, the State Treasurer Employment Code or the Comptroller Merit Employment Code, may be transferred to a position that is subject to Jurisdiction B of the Merit Employment Code and that has comparable qualifications, duties, responsibilities and salary range as determined by the Director of Personnel. The transferred employee shall retain
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

the same status and shall be given credit for continuous service for uninterrupted service under the other merit systems.

ed) Rights of Transferred Employees: A transferred employee shall retain status, continuous service and all accrued benefits.

fe) Transfer of Duties: When the duties of a position are relocated by transfer or by abolition and reestablishment and when said the duties are substantially the same, incumbent employee may elect to relocate and retain the duties of the position.

gf) Limitation on Transfers: Temporary, emergency, exempt, trainee and provisional employees shall not be transferred.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.390 Demotion

EMERGENCY

a) Definition:

1) Demotion is the assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made for reasons of inability to perform the work of the class from which the demotion was made.

2) A department may initiate demotion of an employee by filing written statements of reason for demotion shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. Such The written statement shall be signed by the director of the department and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director of Personnel who shall take into consideration the employee’s education, experience and performance records or designee.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Director of Personnel or designee, a copy of the approved statement of reasons for demotion shall be served on the employee by the Director of Personnel in person or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.

c) Employee Obligations: Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date thereof, whichever is later, the employee shall leave the position into which assigned prior to such statement of reasons and report for duty to the position to which demoted. The report shall be without prejudice to right of appeal under subsection Section 420.390(e).

d) Salary and Other Benefits of Employee: Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date thereof, whichever is later, all salaries and benefits of the employee in the position in which assigned prior to receipt of the statement of reasons shall be adjusted to reflect the demotion.

e) Appeal by Certified Employee: A certified employee who has been served with an approved statement of reasons for demotion may appeal to the Merit Commission, provided the appeal is made in writing within fifteen (15) days of receipt of the approved statement of reasons for demotion.

f) Demotion of Other Employees: The Director of Personnel or designee may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director of Personnel in person, or by certified mail, return receipt requested, at the employee's last address appearing in the official personnel file.

g) Status of Demoted Employees: A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. Subject to Section 420.360(a), a demoted probationary employee shall serve a new probationary period in the class to which he/she is demoted.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)
Section 420.400 Layoffs and Reemployment

a) Layoff Procedure:

1) A department may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, county or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel.

2) A proposed layoff is subject to the approval of the Department of Personnel before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:

A) list of all employees showing status and total continuous service;

B) A listing of the employees to be laid off;

C) The most recent performance evaluations of all employees in classes affected by layoff plan;

D) An explanation of any layoff not in order of continuous service;

b) Order of Layoff:

1) The following order shall be observed in implementing layoffs:

A) No certified or probationary employee may be laid off until all temporary, emergency, provisional trainee and exempt employees in the same class and organizational unit are terminated;
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.

2) Within status groups and in accordance with the layoff plan submitted under Section 420.400 subsection (a), consideration shall be given to performance records and continuous service as defined in Section 420.340(a).

3) For purposes of this subsection Section, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during his/her the employee's current period of continuous service.

c) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ten(10) working days after the Director of Personnel's approval of the layoff plan.

d) Disapproval: The Director of Personnel may disapprove or modify any layoff plan which results in a disproportionate impact on any protected class as defined by federal civil rights laws, judicial decisions and The Illinois Human Rights Act (Ill. Rev. Stat. 1985, ch. 68, par. 1-101 et seq., as amended) [775 ILCS 5], within the layoff unit.

e) Notice of layoff to the affected employee shall be given within a reasonable time period after approval of the layoff plan by the Director of Personnel.

ef) Reemployment Lists:

1) The Department Director of Personnel shall, before the effective date of layoff, approve and establish and maintain a reemployment list, by class and department and county, or other designated geographical areas approved by the Director of Personnel before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 420.340(a) on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties) and department and county or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

2) Where circumstances warrant, at the discretion of the Director of Personnel, such the reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

3) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 420.420(b).

Employment from Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes where such have been established pursuant to Section 420.400(e), department and county or other designated geographical area, no permanent position may be filled by any of the following means:

1) By probationary appointment from the appropriate open competitive list;

2) By temporary appointment;

3) By provisional appointment;

4) By promotion of a certified employee or a probationary employee who has been certified during the current period of continuous service by a qualifying examination;

5) By reinstatement of a former certified employee;

6) By intra-agency or inter-agency transfer; or

7) By demoting an employee after having filed charges; or

8) By accepting an employee's request for a voluntary reduction, except by an employee on the reemployment list, and only if there are no employees on the reemployment list for the same class, department and designated geographical area.

Removal of Names from Reemployment List:

1) A laid off employee's name shall be removed from the reemployment list when:
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

A) The employee is recalled from layoff;

B) The employee refuses an offer of permanent reemployment;

C) The employee's name has remained on the reemployment list for 12 months; or

D) The employee has been reinstated in accordance with Section 420.420(b).

2) Offers of temporary, exempt or emergency appointment shall not be considered as recall or reinstatement.

Laid Off Probationary Employee:

1) The name of an original entrance probationary employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed, for the remainder of his/her one year eligibility.

2) An employee serving a probationary period but otherwise certified as defined in Section 420.400 subsection (b)(3), who is to be laid off, shall be given notice and may request a voluntary reduction pursuant to Section 420.410(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 420.340(a) on the reemployment list in order of continuous service for the department, work location and title in which last certified.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.410 Voluntary Reduction

a) Voluntary Reduction of Certified and Probationary Employees:
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

1) Certified and probationary employees may voluntarily request or accept assignment to a vacant position in a class having a lower maximum permissible salary or rate. All requests for or acceptances of such voluntary reductions shall be in writing and shall be signed by the employee and be directed to the head of the department in which the vacant position exists. No reduction shall become effective without the written approval of the Director of Personnel. A certified employee who is assigned and accepts a voluntary reduction in grade shall be certified in the lower class without serving a probationary period; provided, however, if reduction results in return to a trainee class or other class for which there is no provision for certification in said class, the individual's certification shall be terminated.

2) A probationary employee who accepts a voluntary reduction to a position in which the employee has not held certified status shall serve the remainder of the probationary period, or a three (3) month probationary period, whichever is greater. If the employee previously held certified status in the class, no probationary period will be required.

b) Limitations in Voluntary Reduction: Temporary, emergency, exempt, trainee and provisional employees shall not be granted a request for voluntary reduction.

c) Employee Opportunity to Seek Voluntary Reduction: A certified employee as defined in Section 420.400(b)(3), who is subject to layoff as a result of the Director of Personnel's approval of a layoff plan shall be promptly notified of the effective date of layoff and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with Section 420.410 subsection(a). An employee seeking voluntary reduction must submit a request such in writing to the head of the employing department prior to the proposed effective date of layoff.

d) Order of Preference in Voluntary Reduction: In the event a certified employee, as defined in Section 420.400(b)(3), requests voluntary reduction as a result of his/her pending layoff, the certified employee shall be preferred in seniority continuous service order for any current vacant position in a lower class within the same department and location in which the employee is then incumbent at the time of the layoff over any probationary or provisional employees, any applicant on an eligible list for such the vacant position, and any certified
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

employee requesting such the reduction who is not subject to layoff.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.420 Resignation and Reinstatement

a) Resignation: An employee who voluntarily leaves the Office of the Secretary of State shall, except in emergency circumstances approved by the department director, give advance notice of intent not less than 15 calendar days before its the departure's effective date. Once a resignation has been submitted by the employee, and accepted by the employing department director or by the Department of Personnel, the said resignation shall not be revoked unless the revocation is requested by the employee and the revocation is approved by the employing department director and the Director of the Department of Personnel. Resignation in good standing shall mean that the employee gave the required notice or that the emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date thereof of the resignation.

b) Reinstatement:

1) On request of a department, the The Director of Personnel may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code and who resigned or terminated in good standing or whose name was placed on a reemployment list. Such The reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to an equivalent or lower position in a related series. The Director of Personnel may reinstate an employee who was formerly certified under a merit system, including the Personnel Code, the University State Universities Civil Service System of Illinois Act, the State Treasurer Employment Code or the Comptroller Merit Employment Code. A reinstated employee shall serve an additional six 6 months probationary period in the position. Requests for reinstatement shall be accompanied by the employee's performance records when available.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

2) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. Reinstatement to a position in a lower pay grade than that for which the employee is eligible for reemployment, shall have no effect on the employee's reemployment rights.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.430 Discipline, Discharge, and Termination

a) Progressive Corrective Discipline: Unless grounds clearly are present warranting immediate discharge or suspension, employees shall be subject to corrective discipline progressively utilizing counseling, warnings and/or suspensions, as the facts and circumstances dictate, prior to discharge, unless the facts and circumstances warrant immediate discharge or suspension. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, such the employee may be discharged in accordance with the appropriate following subsections below.

b) Discipline - Written Warnings: A department director or designee may warn an employee either orally or in writing as a disciplinary measure. A copy of any written warning notice shall be placed in the employee's official personnel file and it may be used in considering further discipline, demotion, withholding of salary increases and other personnel transactions when such actions occur within twelve (12) months of the date of issuance of the written warning. The written warning Any notice given shall bear the signature of the issuing official.

c) Suspension Totaling Not More Than Thirty Days in Any Twelve-Month Period: Disciplinary Suspensions: Disciplinary written statements of reason for
discipline suspensions without pay totaling not more than thirty (30) calendar days in any 12-month period may be imposed upon an employee by a department director or designee, with prior approval of the Director of Personnel. Unless delay in the imposition of discipline will result in clear harm or damage to a department, shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. If the employee is certified, and subject to suspensions totaling more than 30 calendar days in any 12-month period, the department director or administrative authority shall file written charges for such suspension with the Director of Personnel or designee in the form and manner prescribed in the Merit Commission Rules (80 Ill. Adm. Code 50). Before a disciplinary suspension shall be effective, a signed request containing a clear and concise statement of facts showing good cause to suspend the employee shall be approved by the Director of Personnel. The employee shall be informed in writing of the proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have four (4) working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal of the reasons given for the suspension. A decision of a department director or designee not to suspend the employee or to reduce the suspension shall be rendered in writing before the proposed suspension date. Written notice of any suspension imposed with the reasons therefore must be served upon the employee in a format prescribed by the Director of Personnel on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee’s last address appearing in the personnel file, and filed with the Director of Personnel. Notice of such suspension imposed must also be filed immediately with the Director of Personnel. If delay in the imposition of discipline will result in clear harm or damage to a department, the employee may be suspended prior to the review by the Director of Personnel.

d) Suspension Totaling More Than Thirty Days in Any Twelve-Month Period: The department director or a designee may, after complying with the procedures set forth in this Section, and with prior approval of the Director of Personnel, initiate a disciplinary suspension of any employee totaling more than 30 days in any 12-month period and if such employee is certified, the department shall file written charges for such suspension with the Director of Personnel in the form and manner prescribed, as specified in the Merit Commission Rules (80 Ill. Adm. Code 50).
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Such written charges shall be signed by the department director or designee, and shall contain a clear and concise statement of facts showing good cause for such suspension. The charges shall be accompanied by a copy of the employee's performance records. Unless delay in the imposition of discipline will result in clear harm or damage to the department the employee shall be informed in writing of the proposed suspension and the reasons therefore at least four (4) working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have four (4) working days after being informed of the proposed suspension within which to address to the department director or designee written rebuttal to the reasons given for the suspension. A decision of a department director or designee not to suspend the employee shall be rendered in writing before the proposed suspension date.

Suspension Pending Decision on Discharge: A department may suspend an employee, without pay, for up to 30 days pending the decision of the operating department as to whether charges for discharge shall be filed against such the employee. The department shall, at the time of such the suspension provide the employee with written reasons therefore for the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of such suspension must also be filed immediately with the Director of Personnel. The department shall thereafter promptly investigate the facts and circumstances and render its decision. Should the department determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the department determine that a disciplinary suspension is appropriate, Section 420.430(c) or (d), as the case may be subsection (c) shall apply in its entirety. Should the department determine that discharge of the employee is appropriate, Section 420.430 subsection (f) shall apply in its entirety.

Definition of Day for Suspension Purposes: A day, for purposes of suspension, shall be defined as 7.5 hours, predicated on a 37.5 hour work week, unless the employee is in a position requiring a 40 hour week, in which case the day shall be 8.0 hours. Intermittent and permanent part-time employees' day for purposes of suspension shall be prorated based on their work schedule.

Discharge of Certified Employee:

1) The department director or designee may initiate discharge Discharge of a
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

certified employee may be initiated by a department director or other administrative authority by filing written charges for discharge with the Director of Personnel in the form and manner prescribed by the Director of Personnel, as specified in theMerit Commission Rules. Written charges shall be signed by the department director and shall contain a clear and concise statement of facts showing good cause for discharge and shall be accompanied by a copy of the employee's performance records and other supporting documentation, if applicable. No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director of Personnel or designee.

2) Before a discharge shall be effective, the certified employee shall receive by certified mail or by delivery in person a written copy of the charges, and a copy of the a reasonable summary of the evidence against him or her or a reasonable summary of the evidence designed to give the employee sufficient information to respond to the charges against him or her, and have at least four (4) working days within which to respond to the charges with reasons and evidence why discharge should not occur. The certified employee's response, which should include matters in defense and/or mitigation, may be in writing or orally presented to the Director of Personnel before 4:30 p.m. on the fourth working day after the certified employee has received notice of the proposed discharge, counting the day of service as the first day. The certified employee shall be suspended pending discharge for these four working days, and shall remain suspended until a final decision on discharge shall be made, and Section 420.430(e) hereof shall apply. These four (4) working days shall not increase the maximum suspension periods allowed pursuant to Section 420.430 subsection (e). If the Director of Personnel has attempted service on the individual through mail or other carrier service and personal delivery and yet is unable to make service on the individual, the Director of Personnel may file a motion with the Secretary of State Merit Commission seeking a determination that service has been accomplished through due diligence. The motion may be filed any time after 30 days have lapsed from the date service is first attempted on the individual. Service of the motion on the individual shall be by regular mail at the individual's last known address. The motion shall set forth the actions of the Secretary of State's Office with respect to service on the individual. A hearing shall be scheduled within 10 days after the filing of the motion. An order shall be entered at the conclusion of the hearing. If due diligence
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

is shown, an order shall be entered stating that service has been attempted and accomplished for purposes of this subsection. The time period for the individual to appeal the dismissal with the Merit Commission begins on the date of the order.

3) After receipt of the certified employee's written or oral response to the proposed discharge, the Director of Personnel or designee shall carefully consider all matters submitted by the employee. The Director of Personnel shall or designee may consult with the employing department director before a final decision on discharge is made. The Director of Personnel or designee shall make a decision within 48 hours after receipt of the employee's response, or the expiration of the four (4) working days if no response is received, but the failure of the Director of Personnel to make a final decision within these limits shall not invalidate in any way the final disciplinary action taken, including the discharge, provided a final decision is made within a reasonable time. If more than 48 hours 10 working days is required, the employee shall be notified in writing by certified mail or hand delivery, by certified mail, return receipt requested, by courier, or by process server. The final notice of discharge shall contain a statement that the response of the certified employee has been considered before a final decision was made, or that no response was submitted. The procedure(s) of Section 420.430 subsections (f)(1) and Section 420.430(g) shall then apply.

g) Notice to Employee: Notice of approved charges for any disciplinary suspension without pay totaling more than thirty (30) days in any twelve-month period or approved charges for discharge shall be served on the employee by the Director of Personnel by hand delivery, in person or by certified mail, return receipt requested, by courier, or by process server at the employee's last address appearing in the official personnel file. The notice shall also identify the employee's responsibility to return to the supervisor any items furnished the employee by the Office of the Secretary of State, including any Secretary of State identification, uniforms, keys, supplies, tools or property, and to leave the place of employment as of the effective date of the suspension or discharge.

h) Employee Obligations: Upon receipt by the employee of any disciplinary suspension without pay or charges for discharge, the employee shall leave the place of employment and return to the supervisor any accommodations furnished the employee by the Office of the Secretary of State, including any Secretary of
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

State identification, uniforms, keys, supplies, tools or property items belonging to the State, pursuant to Section 420.435 and leave the place of employment. The director of the employing department shall withhold the employee's final paycheck or take other such action to insure compliance.

i) Appeal by Employee: A certified employee who has been served with approved charges for suspension in excess of totaling more than thirty (30) calendar days in a twelve (12)-month period or approved charges for discharge may make a written request to the Merit Commission for hearing thereof of those charges within fifteen (15) calendar days of receipt of written charges.

j) Discharge or Suspension of Probationary Employee: The Discharge or suspension of a probationary employee may be initiated by filing written charges with the Director of Personnel. The Director of Personnel may approve the discharge or suspension of a probationary employee at the request of a department. In determining whether or not to approve the discharge of such employees, the Director of Personnel shall consider the employee's employment record or designee.

k) Reinstatement From Suspension or Discharge: An employee who is reinstated for the following period shall receive full compensation for such period. Full compensation shall represent total pay, with any vacation and sick leave benefits earned by the employee from any other source, and unemployment compensation payments received during such period.

l) Suspension or Discharge Resulting from Arrest and/or Criminal Indictment:

1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. However, the facts of an arrest or criminal indictment made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

A) Resulted from an employee's conduct in the course of employment;

B) Occurred on or proximate to State premises and as a result of the employee's conduct, including conduct that may have violated standards of conduct; or

C) Raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position based upon the severity and nature of the offense.

2) If an employee is not subject to suspension or discharge under this Section, the Director of Personnel or designee may, depending upon the needs of the office or at the request of the employee, place the employee on indefinite leave status, without pay, pending a final court determination of innocence or guilt in accordance with Section 420.660.

1) Suspension or Discharge Resulting From Arrest and/or Criminal Indictment:

1) The arrest or criminal indictment of any employee shall not be grounds for suspension or discharge. The facts in support of either made known to the Director of Personnel may be grounds for suspension or discharge if they meet one or more of the following criteria:

A) Resulted from an employee’s conduct in the course of employment duties including a failure to perform such duties;

B) Occurred on or proximate to state premises and as a result of the employee’s conduct thereon, including conduct which may have violated standards of conduct issued by the Director of Personnel; or

C) Raise reasonable doubt concerning the employee's suitability for continued state employ in the present assignment or position, based upon the severity and nature of the offense.

2) If an employee is not subject to suspension or discharge under this Section, the Director of Personnel may, depending upon the needs of the office, at the request of the employee place such employee on indefinite leave status, without pay pending a final court determination of innocence
m) Termination of Noncertified Employee: No noncertified employee may be terminated without prior approval of the Director of Personnel. The noncertified employee has no recourse with this Part or the Merit Commission.

1) No noncertified employee may be terminated without prior approval of the Director of Personnel.

2) In such cases, the noncertified employee has no recourse with this Part or the Merit Commission.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.435 Return of State Property

Employee Obligations: In cases of Discharge, Layoff, Leave of Absence, Resignation, Separation, Suspension, and/or termination of employment, the employee shall leave the place of employment and return to the supervisor any state property or equipment furnished the employee by the Office of the Secretary of State. This includes but is not limited to any Secretary of State identification, uniforms, keys, supplies, tools, cell phones, business cards, laptop computers, or other property. The director of the employing department shall withhold the employee's final paycheck or take other such action to insure compliance.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

SUBPART D: CONDITIONS OF EMPLOYMENT

Section 420.600 Grievance Procedure
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

a) Grievance – Definition: Any employee of the Office of the Secretary of State may grieve as to the application of the Merit Employment Code, this Part or any policy arising hereunder under this Part as to the impact of such the applications upon the employee's employment condition or status. The grievance must be filed on the prescribed by the Director of Personnel.

b) Grievance Procedure – Limitation: The Secretary of State Merit Employment Code, the Rules of the Department of Personnel this Part and the official policy arising thereunder under this Part, the Pay Plan, and the Rules of the Merit Commission (80 Ill. Adm. Code 50) are not grievable matters. Terminations of noncertified employees, layoffs, charges seeking discharge, demotions, suspensions totaling more than 30 days in any 12-month period of certified employees, appeals of allocation of duties, or geographical transfers are not subject to the grievance procedure.

c) Grievance Procedure – Abandonment – Extension: Failure of either party the grievant to comply with the form or time requirements of the grievance procedure shall resolve the matter in favor of the other result in forfeiture of the grievance, ending the grievance process. Failure of the employer to comply with the time requirements shall automatically advance the grievance to the next level. The parties may mutually extend the time limits at any level of the procedure excepting except in cases of hearings arising from demotion or discharge of a certified employee.

d) Grievance Procedure – Level 1:

1) Employees who believe that they are aggrieved may within five (5) scheduled work days of knowledge thereof of the circumstance giving rise to the grievance, present their grievance orally in writing on the prescribed form to their immediate supervisor and it shall contain specific statement as to the nature of the grievance. Such The supervisor shall attempt to adjust the problem, or, if they are he/she is without authority to do so, they he/she shall advise the employee as to the appropriate beginning level for institution of their grievances.

2) Immediate supervisors who are authorized to resolve grievances shall note the receipt date and time of the formal presentation of the grievances and shall make response within five (105) working days thereafter.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

c) Grievance Procedure – Level 2:

1) If an employee does not accept the response of an appropriate supervisor at Level 1, the employee may reduce the grievance to writing and present it to the next higher supervisor, department director or designee. The grievance shall be submitted within five (5) working days of the employee's official notification of the supervisor's decision at Level 1 and it shall contain a specific statement as to the nature of the grievance and as to the reason for rejecting the resolution of the immediate supervisor.

2) The next higher supervisor, department director or designee shall note the time of receipt of the grievance and shall make written response within five (5) working days thereafter. The written response shall be specific as to the reasons for approval or denial of the grievance. In making a decision, the next higher supervisor, department director or designee may make an investigation of the problem.

d) Grievance Procedure – Level 3:

1) An aggrieved employee who does not accept the decision received at Level 2 may forward a written request for a review on the prescribed form to the Director of Personnel. The request shall be filed within five (5) working days of the employee's receipt of the Level 2 decision and it shall be specific as to the reasons for rejection of that decision.

2) The Director of Personnel or designee, in his or her discretion, shall review the matter on its face or cause a hearing thereof meeting of the parties. Following the review, or upon receipt and review of the recommendation from the designee, the Director of Personnel shall release a decision to all of the parties thereto. The decision shall be in writing and shall be final and binding upon the parties.

e) Grievance Procedure – Representation: At Levels 1, 2 and 3, parties to a grievance may be represented by themselves or by a person of their own choosing.

f) Grievance Procedure – Witnesses and Evidence: The parties to a grievance may introduce such materials, documents and witnesses as are necessary to resolve the
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

problem. A list of all witnesses anticipated to be called and documents to be presented shall be submitted to the Director of Personnel 5 working days prior to the meeting. Necessary documents which are maintained by the Office of the Secretary of State shall be reproduced without cost. Witnesses who are employees of the Office of the Secretary of State shall not be docked for absence from work while testifying at a grievance hearing. Should a dispute arise as to the necessity of certain appearances or of the reproduction of certain documents, the Director of Personnel shall be advised and shall resolve the dispute.

Grievance Procedure – Time and Place: The Director of Personnel or designee shall designate the location and time of grievance hearings and notify in writing all parties involved. The Director of Personnel or designee shall grant a continuance if either party demonstrates good cause.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.610 Sick Leave

Sick Leave Definition:

a) Sick Leave Definition:

1) All employees, excepting those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless such status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one (1) day or (7.5 hours), for each month's service. Permanent intermittent and permanent part-time and intermittent employees shall accrue sick time on a prorated hourly basis determined by a ratio, the numerator of which shall be number of hours in pay status each month, and the denominator of which shall be the number of normal work hours that month.

2) Sick leave may be used for illness, disability or injury of the employee appointments with doctor, dentist or other professional medical practitioner and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

member of the employee's immediate family, unless such time is used pursuant to the Family and Medical Leave Act (29 USC 2601 et seq.). The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that such leave days were used for the purpose herein set forth in this subsection (a)(2) for periods of absence of ten (10) consecutive workdays or less. For periods of absence for more than ten (5) consecutive workdays, the employee shall provide verification for such the absence in accordance with the provisions of Section 420.760(b)(4). Sick leave may not be used in increments of less than one-half (½) hour at a time.

b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. An employee shall retain any unused sick leave accumulated prior to the effective date of this Section.

c) Reinstatement of Sick Leave:

1) On or after the effective date of this Section, accumulated sick leave available at the time an employee's continuous service is interrupted shall, upon verification, be reinstated to the employee's account upon return to full time or, regularly scheduled part-time, or intermittent employment except in temporary or emergency status. This reinstatement is applicable provided such the interruption of service occurred not more than five (5) years prior to the date the employee reenters service and, provided such the sick leave has not been credited by the appropriate retirement system towards retirement benefits.

2) An employee with previous service for which sick leave was granted under provisions other than Jurisdiction C of the Secretary of State Merit Employment Code shall have such amount that sick leave reinstated to the extent such sick leave is provided under Section 420.610 (adopted December 1, 1980) this Section.

d) Advancement of Sick Leave: An employee with more than two (2) years continuous service whose personnel records warrant it, may be advanced sick leave with pay for not more than ten (10) working days, with the written approval of the department and the Director of Personnel. Such advances Advances will be charged against sick leave accumulated later in subsequent service. No additional advance of sick time will be made until all previously advanced time is repaid.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

(e) Use of Sick Leave: Sick leave shall be used in the following order:

1) Sick leave granted prior to January 1, 1984 will be used first;
2) Sick leave granted beginning January 1, 1998 will be used second;
3) Sick leave granted from January 1, 1984 through December 31, 1997 will be used last.

(cf) Payment in Lieu of Sick Leave:

1) Unless otherwise provided by law, upon separation of employment by means of resignation, retirement, death, indeterminate layoff, or discharge, and if the employee is not employed in another position in state service within 4 calendar days of the separation, an employee is entitled to be paid for part of the sick leave earned but not taken or forfeited unused sick leave which accrued on or after January 1, 1984 and prior to January 1, 1998 in accordance with subsection (e)(3).

2) For purposes of this Section, sick leave is deemed to be used by an employee in the same order it is granted, that is, the earliest accrued sick leave is deemed to be used first.

3) In order to determine the amount of sick leave to be paid upon termination of employment, the employing department will determine as follows:

A) compute the number of sick leave days earned on and after using time records from the employing department, the Department of Personnel will verify the employee's sick leave balance for sick leave earned, but not taken, in the period from January 1, 1984 up to and including December 31, 1997;

B) compute the employee's sick leave balance at time of separation;

C) pay the employees will be paid one-half of the amount of sick leave determined in subsection (e)(2)(A) or (B), whichever is the
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

The lesser amount, multiplied by the daily salary rate in effect at the time of separation.

The method for computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon separation of employment shall be computed determined by the Payroll Section, Department of Budget and Fiscal Management.

If an employee has a negative sick leave balance pursuant to Section 420.610 subsection (d) when employment is separated, the employing department must submit this negative sick leave balance to the Payroll Section, Department of Budget and Fiscal Management. The Payroll Section will do where one of the following will be applied:

A) Subtract the negative sick leave balance from the earning amount still due to the employee by the Secretary of State.

B) Contact employing department, stating dollar amount of overpayment to employee. The employing department then has the responsibility of contacting the employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.

C) If no repayment occurs, the Payroll Section will establish a lien against any State of Illinois monetary payment due to the employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.

An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have such days restored by doing the following:

A) The employee must notify employing department, requesting that previously paid unused sick days are to be restored to the employee’s sick leave account.

B) The employee must repay the gross (total) amount paid by the State (before deductions) to the Secretary of State by personal check or money order. The employing department will forward
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

said the employee's repayment to the Payroll Section before unused sick days are returned to said the employee's sick leave account.

g) Pursuant to the Secretary of State Merit Employment Code [15 ILCS 310/10b.18], an employee who is also a veteran shall be permitted 2 days with pay per year to visit a veterans hospital for examination of a military service connected disability. The 2 days shall not be charged against any sick leave currently available to the employee.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.620 Leave for Personal Business Leave
EMERGENCY

a) All employees, excepting those in emergency, per diem or temporary status, shall be permitted three (3) personal leave days off, or 22.5 hours each calendar year, with pay. Such personal leave days may be used for occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions or for other similar personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department through prior written approval. Employees entitled to receive such personal leave who enter service during the year shall be given credit for such personal leave at the rate of ½ day (3.75 hours) for each 2 months service for the calendar year in which hired. Such personal leave shall be given prorated credit for the leave by calculating the employee's work schedule percentage using a 37.5 hour work week times the number of days that would be granted to a full-time employee, rounded to the nearest quarter hour. Personal leave may not be used in increments of less than ½ hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off personal leave shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service, except as provided in Section 10c(2) of the Merit Employment
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Code.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.630 On-The-Job Injury – Industrial Disease

An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay for three (3) working days of absence without utilization of any accumulated sick leave or other benefits, if a worker's compensation claim is filed and approved. Thereafter, the employee shall be permitted to utilize accumulated sick leave or, upon request, be other benefit leave time unless the employee has applied for and been granted temporary, total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [820 ILCS 305] or has been granted a service-connected disability leave of absence in accordance with Section 420.760. Up to 12 weeks of leave time in a 12-month period may be designated as FMLA leave time under the Family & Medical Leave Act and will run concurrently with worker's compensation leave provided the absence is due to a qualifying serious injury or illness. An employee who returns from a service-connected disability leave shall be returned to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced. In the event such the service-connected injury or illness becomes the subject of an award payment of benefits provided in the Workers' Compensation by the Industrial CommissionIllinois Workers' Compensation Commission, the employee shall restore to the State the dollar equivalent which duplicates payment received as sick leave days/hours or other accumulated benefit leave time and the employee's sick leave account shall be credited with sick leave day/hourtime equivalents.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.640 Leaves of Absence Without Pay

Unless otherwise provided for in this Parta specific leave and with the prior approval of the Director of Personnel, a department leaves of absence may be granted
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

without pay to employees for periods not to exceed six (6) months and such leaves. Employees must provide proper documentation to support their request for leave prior to the approval of the leave. Leaves may be extended for good cause by the department for additional 6-month periods, with the Director of Personnel's approval.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.645 Adoption/Child Care Leave Family Leave

An
This leave of absence shall be considered separate and apart from the Family and Medical Leave Act leave that may be provided by law. When FMLA does not apply or the employee does not qualify under FMLA, an employee may request a child care family leave for the adoption of a child or for parental reasons, such as care for a seriously ill child, an emotionally disturbed child, or similar serious family dilemmas or other family emergencies. This leave can endure from one to ninety 90 calendar days without pay and without deduction of continuous service. If requested and approved by the Director of Personnel, an additional 90 days will be allowed. However, the following subsequent 90 to 180 calendar days will be deducted from continuous service. This leave may be utilized, if requested and with prior approval by the employing department and the Department of Personnel, for additional leave after a disability leave for maternity purposes. An employee who returns from a child care family leave shall have such the rights as set forth in Section 420.680.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.660 Leaves of Absence – Special

The Director of Personnel shall grant may approve special leaves of absence to employees with or without pay when, in the opinion of the Director of Personnel, they such leaves would benefit the Office of the Secretary of State.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.670 Leaves of Absence – Special – Salary (Repealed)

**EMERGENCY**

The Director of Personnel shall determine for each special leave of absence that is approved whether such leave shall be with or without pay, full or partial.

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; Section reinstated by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.700 Failure to Return from Leave of Absence

**EMERGENCY**

Failure to return from a leave of absence, extend the leave or voluntarily terminate employment within five (5) working days after the expiration or termination date shall be considered grounds for disciplinary action, up to and including discharge for job abandonment in accordance with Section 420.1000(f).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.715 Disaster Services Leave with Pay (Repealed)

**EMERGENCY**

In accordance with the Disaster Service Volunteer Leave Act (5 ILCS 335/), a permanent employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules, may be granted leave with pay for up to 20 working days in any 12-month period for disasters in Illinois. The leave may be granted upon request of the American Red Cross and approval of the Director of Personnel. Proper documentation to support the request for leave must be submitted prior to the approval of the leave. Disasters must
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

be designated at a Level III or above in the American National Red Cross Regulations and Procedures. A Disaster Services Leave with pay shall not be unreasonably denied for services related to a disaster within the United States or its territories. No temporary or emergency employees shall be granted this leave.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; added Section repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.720  Leave For Annual Military Reserve Training or Special Duty

EMERGENCY

a) Any full-time employee who is a member of a reserve component of the Armed Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for one full pay period during any one State fiscal year and such additions or extensions to fulfill the military reserve obligation. Such leaves will be granted without loss of seniority or other accrued benefits.

b) In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under "AN ACT to establish a Military and Naval code for the State of Illinois and to establish in the Executive Branch of the State Government a principal department which shall be known as the Military and Naval Department, State of Illinois and to repeal an Act therein named" (Ill. Rev. Stat. 1985, ch. 129, pars. 220.01 et seq.) the Military Code of Illinois [20 ILCS 1805] must be submitted and assigned to the employing department, and the employing department shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the employing department shall return the difference to the employee.

c) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the employing department with a certificate, requiring the military reserve or emergency call-up duty, from the commanding officer of his/her unit that the leave taken was for either such purpose prior to commencement of the duty.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

d) Any full-time employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from State employment for any period actively spent in such military service, including basic training and special or advanced training, whether or not within the State, and whether or not voluntary.

e) During such basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than his/her compensation as a State employee, he/she shall receive his/her regular compensation as a State employee minus the amount of his/her base pay for military activities. During such training, the employee's seniority and other benefits shall continue to accrue.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.740 Leave to Take Exempt Position (Repealed)

The Director of Personnel may approve leaves of absence for certified employees who accept appointment in a position which is exempt for Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one year or less and may be extended for additional one-year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the employing department with continuous service including the period of such leave.

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; Section reinstated by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.760 Non-service Connected Disability Leave

employees who are unable to perform a substantial portion of their regularly assigned duties due to temporary physical or mental disability shall upon request be granted a leave for the duration of such the disability. Up to 12 weeks out of any 12 month period for a disability leave may be concurrently designated under
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

FMLA

b) In granting such leave or use of sick leave as provided in Section 420.610, the department shall apply the following standards:

1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee which constitute a significant portion of the employee's time or which constitute the differentiating factors which identify that particular position from other positions, provided the balance of duties can be reassigned by the department;

2) A request for disability leave shall be in writing except, when the department is advised by other appropriate means of the employee's disability, the employee's signature is not required;

3) Except for service-connected disability as provided in Section 420.630, the employee shall have exhausted available sick leave provided under Section 420.610 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose but is not required to do so;

4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act (Ill. Rev. Stat. 1985, ch. 111, pars. 4401 et seq.) or under similar laws of Illinois or of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means; such verification shall show the diagnosis, prognosis and expected duration of the disability; such verification shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;

5) As soon as an employee becomes aware of an impending period of disability, such the employee shall notify the appropriate supervisor of such disability and provide a written statement by the attending physician of the approximate length of time the employee will be unable to perform their regularly assigned duties;
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

6) If the department has reason to believe that the employee is able or unable to perform a substantial portion of such employee's regularly assigned duties, it may seek and rely upon the decision of an impartial physician or psychologist or other specialist licensed pursuant to the Medical Practice Act of 1987 (P.A. 85-4 effective May 22, 1987), [225 ILCS 60] in the field of the alleged disability chosen by agreement of the parties, or in the absence of such agreement, upon the decision of an impartial physician or psychologist or other licensed specialist who is an employee of the Illinois Secretary of State and licensed pursuant to the Medical Practice Act who is selected by the Director of Personnel.

c) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of such leave.

d) An employee's disability leave shall terminate when said employee is no longer temporarily disabled from performing such employee's regularly assigned duties.

1) Employees are no longer temporarily disabled when they are able to perform their regularly assigned duties upon advice of the appropriate authority, including the attending physician, an impartial physician, a psychologist or other such authority.

2) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of such authority, by the attending physician.

3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director of Personnel may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with Section 420.760 subsection (b)(6) above.

e) An employee who returns from a disability leave shall have such the rights as set forth in Section 420.680.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

f) An employee who is on disability leave while in temporary or emergency status, except if such status results from a leave of absence to accept such temporary or emergency position, shall be eligible for such disability leave for the balance of such appointment and shall earn or accrue no other benefit arising from this Part.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.770 Attendance in Court

a) Any permanent employee called for jury duty or subpoenaed by any legislative, judicial or administrative tribunal, for purposes other than personal private litigation shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill such the call or subpoena on accrued time off and personal leave and retain the full amount received for such service.

b) Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received therefor.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.800 Vacation

a) Eligibility:

1) Employees, except emergency and temporary. All employees in pay status shall earn vacation time. No employee on leave of absence may earn
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

vacation time except when the leave was for the purpose of accepting a temporary working assignment in another class. Employees in emergency or temporary status shall not earn vacation time unless on leave of absence to accept an emergency or temporary appointment.

2) Eligible employees shall earn vacation time in accordance with the following schedule:

A) From the date of hire until the completion of 5 years of continuous service – 10 work days per year of employment.

B) From the completion of 5 years of continuous service until the completion of 9 years of continuous service – 15 work days per year of employment.

C) From the completion of 9 years of continuous service until the completion of 14 years of continuous service – 17 work days per year of employment.

D) From the completion of 14 years of continuous service until the completion of 19 years of continuous service – 20 work days per year of employment.

E) From the completion of 19 years of continuous service until the completion of 25 years of continuous service – 22 work days per year of employment.

F) From the completion of 25 years of continuous service until the completion of 30 years of continuous service – 25 work days per year of employment.

G) From the completion of 30 years of continuous service – 30 work days per year of employment.

3) Vacation time may be taken in increments a minimal initial increment of not less than ½ day at a time, at any time after it is earned one hour. In conjunction with the first one hour increment, vacation time may be taken in additional 15 minute increments. Earned vacation time may be taken any time after the initial 6-month probationary period and
shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.

4) Vacation time earned, except by part-time and intermittent and permanent part-time employees, shall be computed in work days in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ½ of a work day or less, the employee shall be deemed to have earned vacation time of ½ of a work day in lieu of the fractional balance; if there remains a fractional balance of more than ½ of a work day, the employee shall be deemed to have earned a full work day of vacation time in lieu of a fractional balance will be rounded to the nearest quarter hour.

5) Prorated Vacation for Intermittent and Permanent Part-Time Employees: Intermittent and permanent part-time employees shall earn vacation in accordance with the schedule set forth in subsection (a)(2) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be the normal working hours for that month. Vacation computed on an hourly basis may be used in hourly increments.

5)(b) Computation of vacation time of employees who have interrupted continuous service qualifying for credit as defined in Section 420.340, shall be determined as though all previous state service which qualified for earning of vacation benefits is continuous with present service.

b) Prorated Vacation For Part-Time and Intermittent Employees: Permanent part-time and intermittent employees shall earn vacation in accordance with the schedule set forth in Section 420.800(a) on a prorated hourly basis determined by a ratio, the numerator of which shall be the hours in pay status each month and the denominator of which shall be normal working hours that month. Vacation computed on an hourly basis may be used in hourly increments.

c) Vacation Schedule and Loss of Earned Vacation: In establishing vacation schedules, the department shall consider both the employee's preference and the operating needs of the department. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation within such the 24-month
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Vacation Scheduling:

1) All eligible employees shall request the scheduling of vacation time at least two (2) weeks in advance, or in accordance with the scheduling provisions determined by their department director. Supervisors shall grant such requested times unless a bona fide work-related reason exists for denial thereof.

2) When two or more employees simultaneously request the same vacation period and not all of them can be excused for the same period, the request of the employee with the greatest amount of continuous service shall be honored.

Vacation - Unit Closing: The Department of Personnel may suspend the operation of any work unit or position, workload permitting, for the purpose of vacation.

Vacation Benefits on Death of Employee:

1) Upon the death of an employee, the person or persons specified in Section 14a of "An Act in relation to State finance" or the State Finance Act (Ill. Rev. Stat. 1985, ch. 127, par. 150a), approved June 10, 1919, as amended, shall be entitled to receive, from the appropriation for personal services available for payment of the employee's compensation, the sum for any accrued vacation period to which the employee was entitled at the time of death.

2) That sum shall be computed by multiplying the employee's daily (hourly) rate by the number of days (hours) of accrued vacation due.

Payment in Lieu of Vacation:

1) Upon separation of employment by means of resignation, retirement, indeterminate layoff, or discharge, and if the employee is not employed in another position in state service within 4 calendar days of separation, an employee is entitled to be paid for any vacation earned but not taken or forfeited pursuant to Section 420.800(c) or the
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Secretary of State Pay Plan. No other payment in lieu of vacation shall be made except as provided by Section 420.800(f) subsection (e).

2) The payment provided in subsection (f)(1) above shall not be deemed to extend the effective date of termination separation by the number of days represented by the payment.

3) The payment provided in subsection (f)(1) above shall be computed by multiplying the number of days (hours) of accumulated vacation by the employee's daily (hourly) rate or as determined with Section 420.330 (Intermittents).

4) The payment provided in this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.810 Work Schedules

Work Schedules: Each regional and/or local manager operating director shall prepare a schedule establish schedules of working hours and work days pertaining to the work unit for his/her department. No schedules of less than 37½ hours per week shall be approved as a regular workweek. Such schedule The schedules shall set out starting and quitting times, break times, lunch times and the work days that apply to the employees within the area of supervision. Work schedules shall be submitted to the Director of Personnel for approval. Upon approval, the schedules shall be posted and complied with by all of the employees within the work unit.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.820 Overtime

Overtime
a) Overtime: For those positions approved by the Director of Personnel and designated on lists maintained by the Director of Personnel, authorized work in excess of an approved work schedule shall be overtime. Such work may be compensated for in cash or compensatory time as determined by the department, provided such designation is in accordance with the Fair Labor Standard Act (29 U.S.C. 201 et seq.), as amended. Overtime work shall be distributed as equitably as possible among qualified employees competent to perform the services required when overtime is required, and employees shall be given as much advance notice as possible. Except where required by law, time spent in travel shall not be considered as overtime.

b) Compensatory Time: An employee's overtime accumulation shall be liquidated by the utilization of compensatory time off, when such utilization is practical. Where the approved work schedule is less than a forty (40) hour work week, overtime shall be compensated at a straight time rate. Work in excess of a forty (40) hour work week shall be compensated at time and one-half.

c) Compensatory Time Schedule: Compensatory time accumulated shall be scheduled at the employee's preference excepting in those circumstances where, with reasonable certainty, such absence would be harmful to the operation of the work unit and operational needs of the department, but within the fiscal year that it is earned. However, compensatory time earned in the last quarter of the fiscal year must be used by the end of the first quarter of the next fiscal year.

d) Overtime Compensation in Cash: Compensatory time not used within the fiscal year, except for time carried over in accordance with subsection (c), may be liquidated in cash. Whenever it is not practical to liquidate an employee's overtime with compensatory time off, the employee shall be reimbursed in cash. Such payment shall be paid at a straight time rate for work in excess of the approved work schedule but less than a forty (40) hour work week. Work in excess of a forty (40) hour work week shall be paid at time and one-half.

e) Overtime - Accumulation: All employee overtime compensation shall be liquidated within ninety (90) calendar days of its accumulation.

f) Overtime Payable Upon Death: Upon the death of an employee, the person or persons specified in Section 14a of "An Act in relation to State finance," (Ill. Rev.
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Stat. 1985, ch. 127, par. 150a), as now or hereafter amended, the State Finance Act shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation such the sum for accrued overtime as that would have been paid or allowed to such the employee had the employee survived.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.825 Temporary Assignment (Repealed)

EMERGENCY

a) Definition: Temporary Assignment is to direct an employee in a specific position to perform the duties or responsibilities of another position which is equal to or higher than the classification to which the employee is incumbent. This directive must be written, approved by the Director of Personnel, and acknowledged by the employee.

b) Application: This Section does not apply to any assignment of less than thirty (30) calendar days.

c) Filling of Temporary Assignments: Temporary assignments may be granted for the following reasons:

1) While the operating department posts and/or fills a vacant position.

2) While an absent regular incumbent is utilizing extended sick leave.

3) While an absent regular incumbent is on a leave of absence.

4) While an absent regular incumbent is utilizing extended vacation time.

d) Length of Temporary Assignment: Temporary assignments shall not exceed six (6) months, except for those made in accordance with Section 420.415(e), which may be extended for good cause by the department for additional time periods with the Director of Personnel's approval and the employee's written consent.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

e) Identifying Temporary Assignments: The operating department will attempt to assign temporary assignment to the employees in the next lower or equivalent classification and to equitably distribute such assignments on a rotating basis giving due consideration to seniority and the operating needs of the department.

f) Eligibility for Temporary Assignment: To be eligible for temporary assignment pay, employees must be directed to perform the duty or duties which distinguish the higher level position classification and/or be held accountable for the responsibility of the assigned position classification.

g) Temporary Assignment Pay - Equal Classification: Employees temporarily assigned to position classifications in equal pay grades or rates to their permanent position classifications shall be paid their appropriate permanent position classification rate in accordance with the Pay Plan.

h) Temporary Assignment Pay - Higher Classification: Employees temporarily assigned to position classifications having higher pay grades or rates than their permanent position classification, shall be paid as if they had received promotions into such higher pay grades in accordance with the Pay Plan.

i) Termination of Temporary Assignment: Employees' pay shall return to the appropriate permanent rate when the temporary assignment has ended.

j) Indefinite Assignments: Temporary job assignments shall not be of indefinite duration and shall not be considered the permanent position of the employee assigned; therefore, temporary assignment duties shall not be the subject of an allocation appeal.

(Source: Repealed by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; Section reinstated by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.830 Holidays

a) Authorized Holidays: All scheduled employees shall have time off, with full salary payment, on the following holidays or dates when such holidays are observed:
SECRETARY OF STATE

NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

New Year's Day
Martin Luther King Day
Lincoln's Birthday
Presidents' Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day (which shall include the Friday immediately following)
Christmas Day
General Election Day (on which Members of the House of Representatives are elected)

and any additional days proclaimed as holidays or nonworking days by the Governor or the Secretary of State of the State of Illinois or by the President of the United States.

b) Holiday Observance: Subject to any applicable Federal or State laws, when employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve-month period at a time convenient to the employee and consistent with the department's operating needs.

c) Holiday During Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's vacation. The employee's account will not be charged for
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

acrued vacation time for that day.

d) Eligibility for Holiday Pay: To be eligible for holiday pay, the employee shall work be in pay status for the total scheduled hours on the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the department. Intermittent employees are eligible for holiday pay under conditions stated in Section 420.330(b)(5). Dock in pay approved in accordance with FMLA shall be deemed the same as pay status for purposes of this Section.

e) Holidays - Regional or Special: The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the unique needs of any region or area within the state. Such special time off shall not accrue to any other employee in any other region or area of the state. The Secretary or the Director of Personnel may grant employees full or partial days off with pay to meet the special needs of the Office of the Secretary of State.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.835 Notification of Absence (Repealed)

An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for 5 consecutive work days without reporting to the department may be cause for discharge.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; new Section repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

SUBPART E: GENERAL PROVISIONS

Section 420.1000 Records
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

a) Performance Records:

1) Performance records shall constitute all material in an employee's official personnel file that, in the judgment of the Director of Personnel, is relevant to determining the appropriateness of proposed or recommended personnel transactions.

2) Performance records shall be considered by the Director of Personnel in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.

b) Public Records: Except as otherwise provided in this Section, the Freedom of Information Act [5 ILCS 140], the Personnel Records Review Act [820 ILCS 40], or other laws, all records of the Department of Personnel, including eligible lists, shall be public records and shall be available for inspection on request submitted to the Director of Personnel.

c) Time and Manner of Inspection:

1) The records of the Department of Personnel shall be available for inspection during regularly scheduled hours of work. Such records may be inspected only in the presence of an authorized employee of the Department of Personnel.

2) In the event the working conditions or the number of persons inspecting such records or the volume of records to be inspected interfere with the operations of the Department of Personnel, the Director of Personnel may schedule appointments for the inspection of such records.

d) Employee Roster Files: The Director of Personnel shall establish and maintain official personnel files for employees subject to the Code showing the name, sex, gender, county of residence, date of birth, date of original appointment to service, date of promotions, demotions, transfers, and other transactions, present position title, status, salary, and the operating department to which the employee is assigned.

e) Confidential Records: The following records of the Department of Personnel shall be confidential and not available for public inspection:
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

1) Personal history and the official personnel file of an employee. However, the employee or authorized agent may inspect the employee's personal history and official personnel file.

2) Reports of medical, psychological and psychiatric examinations. Employees may inspect such reports pertaining to themselves.

3) All parts of examinations. An employee or applicant may inspect their own answer sheet.

4) The identity, complete questionnaire, and other documents related to salary surveys. Results of salary surveys shall be confidential.

5) No records of personnel transactions including requisitions and referrals will be made available until such transactions have been completed. No personal history contained on the transactions shall be available for public inspection.

6) Information concerning criminal convictions of applicants or employees, except as needed for purposes set forth in Section 420.300(m).

7) All documentation in files pertaining to selection and appointment of new employees or movement of current employees to other positions.

   e) Attendance Records: Each operating department shall maintain accurate, daily attendance records. Employees shall have the right to review their attendance record on file in their operating department.

   f) Notification of Absence: An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for five (5) consecutive work days without reporting to the department may be cause for discharge.

   g) Review of Attendance Records: Employees shall have the right to review their attendance record on file in their operating department.

   h) Undated Forms: No supervisor or other person in a position of authority shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign such blank form. Any
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

Demand to sign an undated resignation or blank form shall entitle the employee to immediate appeal to the Director of Personnel.

Incomplete Forms: Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position or condition of employment. Any employee required to sign any form prepared pursuant to this Part shall, upon request, be given a copy of it at the time the form after the employee's signature is affixed.

Reason for Separation: Employees resigning from employment with the Office of the Secretary of State must set forth their reasons for resignation in writing. The document effecting a resignation shall contain or have attached the basis for the separation, including signature and effective date. Failure to include the basis for separation, however, shall not affect the ability to accept and process the separation request.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.1010 Benefits

EMERGENCY

Portability of Certain Benefits: Sick and vacation leave earned but not taken by employees in the course of State employment not subject to the Merit Employment Code shall be deemed to have been earned by them at the time they become subject to such jurisdiction the Code to the extent such the benefits are provided and would have been earned hereunder under this Part.

Repayment of Benefit Time: Unless otherwise provided by law, employees who return to employment in any capacity with the Office of the Secretary of State within 30 days after separation of previous employment must, as a condition of their new employment, repay the lump sum amount paid for accrued vacation, overtime and sick leave within 30 days after the new employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund. Upon repayment, the accrued time shall be credited to the account of the employee.
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.1020 Prohibition of Discrimination (Repealed)  

a) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of age, disability, gender, marital status, national origin, political affiliation, race, religion, sexual orientation, membership in or activity on behalf of employee labor organizations, or any other nonmerit factor is prohibited. The Director of Personnel will use bona fide occupational qualifications for consistency purposes in making employment decisions.

b) Any applicant or employee who feels adversely affected in employment because of discrimination shall have resort to the grievance procedure established in Section 420.600.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; new Section repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)

Section 420.1030 Other Provisions  

a) Effective Date of Rules: This Part and amendments thereto shall become effective upon filing with the Secretary of State, Administrative Code Unit, in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) unless a later date is required by statute or is specified within the rule.

b) Savings Clause: If any Section or part of any Section of this Part shall be held invalid, the remaining provisions of this Part shall have, and be given, full force and effect as completely as if the invalidated part had not been included therein.

c) Interpretation and Application of Rules: The Director of Personnel shall
NOTICE OF EMERGENCY REPEAL OF EMERGENCY AMENDMENTS

determine the proper interpretation and application of each rule of the Department of Personnel provision of this Part. The decision of the Director of Personnel as to the proper interpretation or application of any such rule shall be final and binding upon all departments and employees affected thereby unless or until modified or reversed by the Merit Commission or the courts. All departments and employees shall comply with the Director of Personnel's decision in the absence of a written opinion of the Attorney General or a written directive of the Merit Commission declaring the Director of Personnel's decision to be unlawful.

d) Prohibition of Discrimination:

1) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction because of religion, race, national origin, sex, age, handicap or any other nonmerit factor is prohibited except where such may be a bona fide job qualification.

2) Any applicant or employee who feels adversely affected in employment because of such discrimination shall have resort to the grievance procedure hereunder.

e) Policy: The Director of Personnel shall promulgate such policy as is necessary to obtain compliance with this Part and with the Code.

f) Retroactivity: This Part shall not be retroactive beyond the date of its effectiveness excepting as herein expressly stated.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 32 Ill. Reg. 6659, effective April 2, 2008, for the remainder of the 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

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

3) **Section Numbers**: Peremptory Action:
   - 140.414 Amendment
   - 140.422 Repeal
   - 140.427 Repeal
   - 140.443 Amendment

4) **Reference to the Specific State or Federal Court Order, Federal Rule or Statute, Which Requires this Peremptory Rulemaking**: Section 1903(i)(23) of the Social Security Act

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

6) **Effective Date**: April 1, 2008

7) **Complete Description of the Subjects and Issues Involved**: These amendments are due to a recent change in federal law requiring all non-electronic prescriptions to be written on tamper-resistant prescription pads, effective April 1, 2008, in order to be eligible for reimbursement under Medicaid.

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

9) **Date Filed with the Index Department**: March 28, 2008

10) **A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.**

11) **This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedures Act.**

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

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.6</td>
<td>Amendment</td>
<td>31 Ill. Reg. 13570; October 5, 2007</td>
</tr>
<tr>
<td>140.82</td>
<td>Amendment</td>
<td>32 Ill. Reg. 298; January 11, 2008</td>
</tr>
<tr>
<td>140.11</td>
<td>Amendment</td>
<td>32 Ill. Reg. 1553; February, 8, 2008</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

14) Information and questions regarding these peremptory amendments 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 these Peremptory Amendments begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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 PEREMPTORY AMENDMENTS

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

Section
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

NOTICE OF PEREMPTORY AMENDMENTS

140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners
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 –

Prescribers Physicians

140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –

Dentists (Repealed)

140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry

(Repealed)

140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Advanced Practice Nurse Services
140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

140.444 Compounded Prescriptions
140.445 Legend Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
140.465 Speech and Hearing Clinics (Repealed)
140.466 Rural Health Clinics (Repealed)
140.467 Independent Clinics
140.469 Hospice
140.470 Eligible Home Health Providers
140.471 Description of Home Health Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Illinois Healthy Women
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
140.495 Psychological Services
140.496 Payment for Psychological Services
140.497 Hearing Aids
140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered By Department Payment
140.512 Utilization Control
140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
140.515 Management of Recipient Funds – Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds – Local Office Responsibility
140.521 Room and Board Accounts
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
140.524 Cessation of Payment Due to Loss of License
140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 County Contribution to Medicaid Reimbursement
140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports – Filing Requirements
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs Updates
140.552 Nursing and Program Costs
140.553 General Administrative Costs Updates
140.554 Component Inflation Index (Repealed)
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Kosher Kitchen Reimbursement
140.566 Out-of-State Placement
NOTICE OF PEREMPTORY AMENDMENTS

140.567 Level II Incentive Payments (Repealed)
140.568 Duration of Incentive Payments (Repealed)
140.569 Clients With Exceptional Care Needs
140.570 Capital Rate Component Determination
140.571 Capital Rate Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Rates for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)
140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements (Repealed)
140.581 Qualifying as Mandated Capital Improvement (Repealed)
140.582 Cost Adjustments
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643 In-Home Care Program
140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647 Description of Developmental Training (DT) Services
140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section
140.850 Reimbursement of Administrative Expenditures
140.855 Administrative Claim Review and Reconsideration Procedure
140.860 County Owned or Operated Nursing Facilities (Repealed)
140.865 Sponsor Qualifications (Repealed)
140.870 Sponsor Responsibilities (Repealed)
140.875 Department Responsibilities (Repealed)
140.880 Provider Qualifications (Repealed)
140.885 Provider Responsibilities (Repealed)
140.890 Payment Methodology (Repealed)
140.895 Contract Monitoring (Repealed)
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
140.920 General Description
140.922 Covered Services
140.924 Maternal and Child Health Provider Participation Requirements
140.926 Client Eligibility (Repealed)
140.928 Client Enrollment and Program Components (Repealed)
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.930</td>
<td>Reimbursement</td>
</tr>
<tr>
<td>140.932</td>
<td>Payment Authorization for Referrals (Repealed)</td>
</tr>
</tbody>
</table>

**SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.940</td>
<td>Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)</td>
</tr>
<tr>
<td>140.942</td>
<td>Definition of Terms (Recodified)</td>
</tr>
<tr>
<td>140.944</td>
<td>Notification of Negotiations (Recodified)</td>
</tr>
<tr>
<td>140.946</td>
<td>Hospital Participation in ICARE Program Negotiations (Recodified)</td>
</tr>
<tr>
<td>140.948</td>
<td>Negotiation Procedures (Recodified)</td>
</tr>
<tr>
<td>140.950</td>
<td>Factors Considered in Awarding ICARE Contracts (Recodified)</td>
</tr>
<tr>
<td>140.952</td>
<td>Closing an ICARE Area (Recodified)</td>
</tr>
<tr>
<td>140.954</td>
<td>Administrative Review (Recodified)</td>
</tr>
<tr>
<td>140.956</td>
<td>Payments to Contracting Hospitals (Recodified)</td>
</tr>
<tr>
<td>140.958</td>
<td>Admitting and Clinical Privileges (Recodified)</td>
</tr>
<tr>
<td>140.960</td>
<td>Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)</td>
</tr>
<tr>
<td>140.962</td>
<td>Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)</td>
</tr>
<tr>
<td>140.964</td>
<td>Contract Monitoring (Recodified)</td>
</tr>
<tr>
<td>140.966</td>
<td>Transfer of Recipients (Recodified)</td>
</tr>
<tr>
<td>140.968</td>
<td>Validity of Contracts (Recodified)</td>
</tr>
<tr>
<td>140.970</td>
<td>Termination of ICARE Contracts (Recodified)</td>
</tr>
<tr>
<td>140.972</td>
<td>Hospital Services Procurement Advisory Board (Recodified)</td>
</tr>
<tr>
<td>140.980</td>
<td>Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)</td>
</tr>
<tr>
<td>140.982</td>
<td>Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)</td>
</tr>
</tbody>
</table>

**SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.990</td>
<td>Primary Care Case Management Program</td>
</tr>
<tr>
<td>140.991</td>
<td>Primary Care Provider Participation Requirements</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

140.992 Populations Eligible to Participate in the Primary Care Case Management Program
140.993 Care Management Fees
140.994 Panel Size and Affiliated Providers
140.995 Mandatory Enrollment
140.996 Access to Health Care Services
140.997 Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section
140.1001 Registration Conditions for Alternate Payees
140.1002 Participation Requirements for Alternate Payees
140.1003 Recovery of Money for Alternate Payees
140.1004 Conditional Registration for Alternate Payees
140.1005 Revocation of an Alternate Payee

140.TABLE A Medichek Recommended Screening Procedures (Repealed)
140.TABLE B Geographic Areas
140.TABLE C Capital Cost Areas
140.TABLE D Schedule of Dental Procedures
140.TABLE E Time Limits for Processing of Prior Approval Requests
140.TABLE F Podiatry Service Schedule
140.TABLE G Travel Distance Standards
140.TABLE H Areas of Major Life Activity
140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J HSA Grouping (Repealed)
140.TABLE K Services Qualifying for 10% Add-On (Repealed)
140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services


DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS


SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers Physicians

For the purpose of this section, "prescriber" shall mean any person who within the scope of their professional licensing requirements may prescribe or dispense drugs.

a) Prescriptions

1) A prescriber physician may prescribe any pharmacy item not otherwise excluded which, in the prescriber physician's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's present symptoms. The Department may require prior approval of any drug except as outlined in 140.442(a)(9). The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in its Drug Manual (Section 140.72).
NOTICE OF PEREMPTORY AMENDMENTS

2) **A prescriber** the physician shall:

A) Use a tamper-resistant **his own** prescription form as defined at 140.443(b)(2), for non-electronic prescriptions. Non-electronic prescriptions are defined at 140.443(b)(1). In addition, the prescriber shall ensure the prescription form is compliant with all federal and state laws and regulations regarding prescriptions for controlled substances (or the official form required by law for the prescription of controlled substances); and

B) Enter on the form all data elements required under federal and state laws and regulations, as well as one of the following data elements identifying the prescriber: the following information at a minimum:

i) Drug Enforcement Administration (DEA) Number; or

ii) National Provider Indentifier (NPI); or

iii) Medical Assistance Program Provider Number; or

iv) Illinois State License Number.

i) Recipient's name

ii) Date,

iii) Name of pharmacy item prescribed,

iv) Form and strength or potency of drug (or size of non-drug items);

v) Quantity;

vi) Directions for use;

vii) Refill directions;

viii) Legible signature in ink, and
NOTICE OF PEREMPTORY AMENDMENTS

ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for physicians who do not have a DEA Number)

3) The prescriber shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the physician's office.

4) Items shall not be prescribed are listed in Sections 140.440 through 140.450 as pharmaceutical services which are not covered by the Department:

A) Anorectic drugs or combinations including such drugs;

B) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

C) Any vaccine, drug, or serum which is provided primarily for preventive purposes; e.g. influenza vaccine;

D) Vitamin B-12 or liver extract except for patients with macrocytic anemia, e.g. pernicious anemia, the diagnosis of which is established on the basis of hemotological studies;

E) Injectable drugs, when equally effective oral preparations are available;

F) Items such as dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, articles of clothing or cosmetics of any type, proprietary food supplements or substitutes, sugar or salt substitutes, or household products; and

G) Infant formula, except for infant requiring a non-milk base product because of an allergic reaction to the usual infant products; and

H) Drugs that are classified by the Food and Drug Administration as ineffective or unsafe in a final order.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

b) Dispensed Items

1) A participating prescriber physician may dispense pharmacy items subject to the Department's coverage policies. The prescriber listed in the Drug Manual (Section 140.72). They physician shall not charge for any samples dispensed or anesthesia agents administered for office surgical procedures.

2) The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the prescriber physician for the item, plus 20% of the cost when itemized. The Department will pay a maximum of $1.00 for unitemized items.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 6743, effective April 1, 2008)

Section 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)

a) Prescriptions

1) A dentist may prescribe within the scope of the practice of dentistry, any pharmacy item not otherwise excluded, which in the dentist's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's presenting symptoms. The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in its Drug Manual. Approval will be given if the item or quantity is determined appropriate for the condition to be treated in the judgment of a consulting dentist of the Department. Drugs shall be added to or removed from the Drug Manual (Section 140.72) on the basis of the Department's evaluation of changes in the listing of drugs recommended by the Committee on Drugs and Therapeutics of the Illinois State Medical Society. The Department evaluation shall include an assessment of the therapeutic value and cost impact. (See Sections 140.440 through 140.450 for covered pharmacy items).

2) The dentist shall:

A) Use his own prescription form (or the official form required by law...
NOTICE OF PEREMPTORY AMENDMENTS

for the prescription of controlled substances); and

B) Enter on the form the following information at a minimum:

i) Recipient's name;

ii) Date,

iii) Name of pharmacy item prescribed,

iv) Form and strength or potency of drug (or size of non-drug item),

v) Quantity,

vi) Directions for use,

vii) Refill directions,

viii) Legible signature in ink, and

ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for dentists who do not have DEA Number).

3) The dentist shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the dentist's office.

b)Dispensed Items

A dentist may dispense pharmacy items listed in the Drug Manual (Section 140.72). The dentist shall not charge for any samples dispensed or local anesthesia agents administered for office surgical procedures. The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the dentist for the item, plus 20% of the cost, when itemized. The Department will pay a maximum of $1.00 for

(Source: Repealed by peremptory amendment 32 Ill. Reg. 6743, effective April 1, 2008)

Section 140.427 Requirements for Prescriptions and Dispensing Of Pharmacy Items -
Podiatry (Repealed)

a) Prescriptions

1) A podiatrist may prescribe within the scope of the practice of podiatry, any pharmacy item not otherwise excluded, which in the podiatrist's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's presenting symptoms. The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in the Department Drug Manual (Section 140.72). (See Sections 140.440 through 140.450 for covered pharmacy items.)

2) The podiatrist shall:

   A) Use his own prescription form (or the official from required by law for the prescription of controlled substances); and

   B) Enter on the form the following information at a minimum:

      i) Recipient's name,

      ii) Date,

      iii) Name of pharmacy item prescribed,

      iv) Form and strength or potency of drug (or size of non-drug item),

      v) Quantity,

      vi) Directions for use,

      vii) Refill directions,

      viii) Legible signature in ink, and

      ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for podiatrists who do not have
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

3) The podiatrist shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the podiatrist’s office.

b) Dispensed Items
Dispensed items A podiatrist may dispense pharmacy items listed in the Drug Manual (Section 140.72). The podiatrist shall not charge for any samples dispensed or local anesthesia agents administered for office surgical procedures. The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the podiatrist for the item, plus 20% of the cost, when itemized. When not itemized, payment shall be made in the amount of $1.00.

(Source: Repealed by peremptory amendment 32 Ill. Reg. 6743, effective April 1, 2008)

Section 140.443 Filling of Prescriptions

a) The prescription form (or the official form required by law for the prescribing of controlled substances) must contain the following information required under federal and state laws and regulations, and also contain the prescriber’s at a minimum:

1) Drug Enforcement Administration (DEA) Number; or
2) National Provider Indentifier (NPI); or
3) Medical Assistance Program Provider Number; or
4) Illinois State License Number;
1) Recipient’s name;
2) Date;
3) Name of pharmacy item being prescribed;
4) Form and strength or potency of drug (or size of non-drug item);
NOTICE OF PEREMPTORY AMENDMENTS

5) Quantity;

6) Directions for use;

7) Refill directions;

8) Legible signature of practitioner in ink; and

9) Drug Enforcement Administration (DEA) Number or the Social Security Number (for those practitioners who do not have a DEA Number).

b) To the extent required by federal law, effective with new prescriptions executed on or after April 1, 2008, for clients covered under Title XIX of the Social Security Act, a non-electronic prescription must be written on tamper-resistant prescription pad to be eligible for reimbursement. This requirement applies to all prescriptions regardless of whether the Department is the primary payor.

1) Non-electronic prescriptions are prescriptions that are not transmitted from the prescriber to the pharmacy via telephone, telefax, electronic prescribing (e-prescribing) mechanism, or other means of electronic transmission.

2) Effective April 1, 2008, a prescription form is considered tamper-resistant when it contains any of the following characteristics and, effective October 1, 2008, to be considered tamper-resistant, a prescription form must contain all of the following characteristics:

   A) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank form;

   B) one or more industry-recognized features to prevent the erasure or modification of information written on the prescription by the prescriber;

   C) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

3) If a patient presents at a pharmacy with a prescription written on a prescription pad that is not tamper-resistant, and the pharmacist contacts
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

the prescriber via telephone, telefax, or other electronic communication device, and the prescriber verifies the validity of the prescription, the prescription is then considered "electronic" and, therefore, exempt from the requirement that the prescription be written on a tamper-resistant pad. In such cases, the pharmacist shall note on the original prescription that the prescriber was contacted and the prescriber verified the validity of the prescription.

4) If a patient presents at a pharmacy with a non-electronic prescription written on a pad that is not tamper-resistant and the pharmacist is unable to contact the prescriber to verify the validity of the prescription and the pharmacist, in using his or her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may fill the prescription and the Department will reimburse for the prescription, provided that the patient is eligible for coverage of the drug and provided that the drug is covered by the Department. The pharmacist must obtain from the prescriber a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled.

c) Pharmacies shall not accept blank, presigned prescription forms.

d) If a drug is available by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product unless prior authorization has been obtained for reimbursement based upon the innovator product, or unless the Department determines that the innovator product, reimbursed at the brand name pricing methodology, is more cost-effective than the generic equivalent.

e) The Department shall not pay for dispensed items in excess of the maximum quantity established by the Department, unless prior approval has been granted to dispense an amount in excess of the maximum. The Department shall pay for no more than one month's supply of the item dispensed.

f) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law.

g) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and Federal laws. The total
quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.

(Source: Amended by peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

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

2) **Code Citation:** 89 Ill. Adm. Code 590

3) **Date of Administrative Code Division Review:** March 28, 2008

4) **Headings and Section Numbers of the Part Being Recodified:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Headings</th>
</tr>
</thead>
<tbody>
<tr>
<td>590.10</td>
<td>General Applicability</td>
</tr>
<tr>
<td>590.20</td>
<td>Availability of Services</td>
</tr>
<tr>
<td>590.30</td>
<td>Effect of Financial Status on Services</td>
</tr>
<tr>
<td>590.35</td>
<td>Effect of Comparable Benefits</td>
</tr>
<tr>
<td>590.40</td>
<td>Choice of Service Providers</td>
</tr>
<tr>
<td>590.45</td>
<td>DHS-DRS Bidding Procedure</td>
</tr>
<tr>
<td>590.50</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.60</td>
<td>Qualification of Medical and Psychological Service</td>
</tr>
<tr>
<td></td>
<td>Providers</td>
</tr>
<tr>
<td>590.70</td>
<td>Treatment of Acute Conditions</td>
</tr>
<tr>
<td>590.80</td>
<td>Medication and Treatment</td>
</tr>
<tr>
<td>590.90</td>
<td>Hearing Aids</td>
</tr>
<tr>
<td>590.100</td>
<td>Binaural Hearing Aids</td>
</tr>
<tr>
<td>590.110</td>
<td>Speech and Language Services</td>
</tr>
<tr>
<td>590.120</td>
<td>Low Vision Devices</td>
</tr>
<tr>
<td>590.130</td>
<td>Mental Restoration Services</td>
</tr>
<tr>
<td>590.140</td>
<td>Heart Surgeries</td>
</tr>
<tr>
<td>590.150</td>
<td>Kidney Transplant and Related Services</td>
</tr>
<tr>
<td>590.160</td>
<td>Chiropractic Services</td>
</tr>
<tr>
<td>590.170</td>
<td>Prosthetic and Orthotic Devices</td>
</tr>
<tr>
<td>590.180</td>
<td>Wheelchairs</td>
</tr>
<tr>
<td>590.190</td>
<td>Prohibited Services</td>
</tr>
<tr>
<td>590.200</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.210</td>
<td>Qualification of Training Facilities/Institutions</td>
</tr>
<tr>
<td>590.220</td>
<td>Purpose and Types of Training</td>
</tr>
<tr>
<td>590.230</td>
<td>Financial Guidelines for Training Services</td>
</tr>
<tr>
<td>590.240</td>
<td>Graduate School Training</td>
</tr>
<tr>
<td>590.250</td>
<td>Choice of Training Facility/Institution</td>
</tr>
<tr>
<td>590.260</td>
<td>Summer School</td>
</tr>
<tr>
<td>590.270</td>
<td>Grades and Attendance</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF HUMAN SERVICES

**NOTICE OF RECODIFICATION**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>590.280</td>
<td>Health Status</td>
</tr>
<tr>
<td>590.290</td>
<td>On-the-Job Training</td>
</tr>
<tr>
<td>590.300</td>
<td>Default on Educational Loans</td>
</tr>
<tr>
<td>590.310</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.315</td>
<td>Eligibility for Participation in the Program for Self-Employment</td>
</tr>
<tr>
<td>590.320</td>
<td>Program for Self-Employment</td>
</tr>
<tr>
<td>590.330</td>
<td>Ineligible Costs</td>
</tr>
<tr>
<td>590.340</td>
<td>Bidding Requirements (Repealed)</td>
</tr>
<tr>
<td>590.350</td>
<td>Recovery of Tools, Equipment, Supplies and Initial Stock</td>
</tr>
<tr>
<td>590.360</td>
<td>Transfer of Title</td>
</tr>
<tr>
<td>590.370</td>
<td>Limitation of Financial Participation (Repealed)</td>
</tr>
<tr>
<td>590.375</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.380</td>
<td>Bidding Requirements (Repealed)</td>
</tr>
<tr>
<td>590.400</td>
<td>Vehicle Adaptation</td>
</tr>
<tr>
<td>590.410</td>
<td>DHS-DRS Financial Participation in Van Adaptation</td>
</tr>
<tr>
<td>590.420</td>
<td>Environmental Modification</td>
</tr>
<tr>
<td>590.430</td>
<td>Written Agreements for Environmental Modification</td>
</tr>
<tr>
<td>590.440</td>
<td>Compliance with Capital Development Board Specifications</td>
</tr>
<tr>
<td>590.450</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.460</td>
<td>Types of Services</td>
</tr>
<tr>
<td>590.470</td>
<td>Services</td>
</tr>
<tr>
<td>590.480</td>
<td>Qualifications for Services Provided by Individuals</td>
</tr>
<tr>
<td>590.490</td>
<td>Payment for Support Services Provided by Individuals and Conditions of Service Provision</td>
</tr>
<tr>
<td>590.500</td>
<td>Provision of Services (Repealed)</td>
</tr>
<tr>
<td>590.510</td>
<td>Definitions (Repealed)</td>
</tr>
<tr>
<td>590.520</td>
<td>Purpose of Equipment Loans (Repealed)</td>
</tr>
<tr>
<td>590.530</td>
<td>Criteria for Loan of Equipment/Aids (Repealed)</td>
</tr>
<tr>
<td>590.540</td>
<td>Equipment/Aids Loan Request Procedures and Approval Process (Repealed)</td>
</tr>
<tr>
<td>590.550</td>
<td>Duration of Loans (Repealed)</td>
</tr>
<tr>
<td>590.560</td>
<td>Maintenance and Return of Equipment/Aids (Repealed)</td>
</tr>
<tr>
<td>590.570</td>
<td>Assistance in Obtaining Permanent Equipment/Aids</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

(Repealed)

590.580 Limitations on Available Equipment/Aids
(Repealed)

590.590 Provision of Services

590.600 Transportation and Temporary Lodging

590.610 Other Goods and Services

590.620 Equipment Sets

590.630 Provision of Placement Services

590.640 Description of Services

590.650 Provision of Services

590.660 Increased Costs

590.670 Determination of the Need for Increased Costs

590.675 Determination of Client Financial Participation in Maintenance (Repealed)

590.680 Exceptions

590.700 Provision of Services

590.710 Definitions

590.720 Scope of Services

590.730 Provision of Services

590.740 Definitions

590.750 Secondary Transitional Experience Program (STEP)

5) Outline of the Section Numbers and Headings of the Part as Recodified:

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Headings</th>
</tr>
</thead>
<tbody>
<tr>
<td>590.10</td>
<td>General Applicability</td>
</tr>
<tr>
<td>590.20</td>
<td>Availability of Services</td>
</tr>
<tr>
<td>590.30</td>
<td>Effect of Financial Status on Services</td>
</tr>
<tr>
<td>590.35</td>
<td>Effect of Comparable Benefits</td>
</tr>
<tr>
<td>590.40</td>
<td>Choice of Service Providers</td>
</tr>
<tr>
<td>590.45</td>
<td>DHS-DRS Bidding Procedure</td>
</tr>
<tr>
<td>590.50</td>
<td>Provision of Services</td>
</tr>
<tr>
<td>590.60</td>
<td>Qualification of Medical and Psychological Service Providers</td>
</tr>
<tr>
<td>590.70</td>
<td>Treatment of Acute Conditions</td>
</tr>
<tr>
<td>590.80</td>
<td>Medication and Treatment</td>
</tr>
<tr>
<td>590.90</td>
<td>Hearing Aids</td>
</tr>
<tr>
<td>590.100</td>
<td>Binaural Hearing Aids</td>
</tr>
<tr>
<td>590.110</td>
<td>Speech and Language Services</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

590.120   Low Vision Devices
590.130   Mental Restoration Services
590.140   Heart Surgeries
590.150   Kidney Transplant and Related Services
590.160   Chiropractic Services
590.170   Prosthetic and Orthotic Devices
590.180   Wheelchairs
590.190   Prohibited Services
590.200   Provision of Services
590.210   Qualification of Training Facilities/Institutions
590.220   Purpose and Types of Training
590.230   Financial Guidelines for Training Services
590.240   Graduate School Training
590.250   Choice of Training Facility/Institution
590.260   Summer School
590.270   Grades and Attendance
590.280   Health Status
590.290   On-the-Job Training
590.300   Default on Educational Loans
590.310   Provision of Services
590.315   Eligibility for Participation in the Program for Self-Employment
590.320   Program for Self-Employment
590.330   Ineligible Costs
590.350   Recovery of Tools, Equipment, Supplies and Initial Stock
590.360   Transfer of Title
590.375   Provision of Services
590.380   Bidding Requirements (Repealed)
590.400   Vehicle Adaptation
590.410   DHS-DRS Financial Participation in Van Adaptation
590.420   Environmental Modification
590.430   Written Agreements for Environmental Modification
590.440   Compliance with Capital Development Board Specifications
590.450   Provision of Services
590.460   Types of Services
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision
590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
590.580 Limitations on Available Equipment/Aids (Repealed)
590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets
590.630 Provision of Placement Services
590.640 Description of Services
590.650 Provision of Services
590.660 Increased Costs
590.670 Determination of the Need for Increased Costs
590.675 Determination of Client Financial Participation in Maintenance (Repealed)
590.680 Exceptions
590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services
590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

6) Conversion Table of Present and Recodified Parts:

<table>
<thead>
<tr>
<th>Present Part</th>
<th>Recodified Part</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

<table>
<thead>
<tr>
<th>590.10</th>
<th>590.10</th>
</tr>
</thead>
<tbody>
<tr>
<td>590.20</td>
<td>590.20</td>
</tr>
<tr>
<td>590.30</td>
<td>590.30</td>
</tr>
<tr>
<td>590.35</td>
<td>590.35</td>
</tr>
<tr>
<td>590.40</td>
<td>590.40</td>
</tr>
<tr>
<td>590.45</td>
<td>590.45</td>
</tr>
<tr>
<td>590.50</td>
<td>590.50</td>
</tr>
<tr>
<td>590.60</td>
<td>590.60</td>
</tr>
<tr>
<td>590.70</td>
<td>590.70</td>
</tr>
<tr>
<td>590.80</td>
<td>590.80</td>
</tr>
<tr>
<td>590.90</td>
<td>590.90</td>
</tr>
<tr>
<td>590.100</td>
<td>590.100</td>
</tr>
<tr>
<td>590.110</td>
<td>590.110</td>
</tr>
<tr>
<td>590.120</td>
<td>590.120</td>
</tr>
<tr>
<td>590.130</td>
<td>590.130</td>
</tr>
<tr>
<td>590.140</td>
<td>590.140</td>
</tr>
<tr>
<td>590.150</td>
<td>590.150</td>
</tr>
<tr>
<td>590.160</td>
<td>590.160</td>
</tr>
<tr>
<td>590.170</td>
<td>590.170</td>
</tr>
<tr>
<td>590.180</td>
<td>590.180</td>
</tr>
<tr>
<td>590.190</td>
<td>590.190</td>
</tr>
<tr>
<td>590.200</td>
<td>590.200</td>
</tr>
<tr>
<td>590.210</td>
<td>590.210</td>
</tr>
<tr>
<td>590.220</td>
<td>590.220</td>
</tr>
<tr>
<td>590.230</td>
<td>590.230</td>
</tr>
<tr>
<td>590.240</td>
<td>590.240</td>
</tr>
<tr>
<td>590.250</td>
<td>590.250</td>
</tr>
<tr>
<td>590.260</td>
<td>590.260</td>
</tr>
<tr>
<td>590.270</td>
<td>590.270</td>
</tr>
<tr>
<td>590.280</td>
<td>590.280</td>
</tr>
<tr>
<td>590.290</td>
<td>590.290</td>
</tr>
<tr>
<td>590.300</td>
<td>590.300</td>
</tr>
<tr>
<td>590.310</td>
<td>590.310</td>
</tr>
<tr>
<td>590.315</td>
<td>590.315</td>
</tr>
<tr>
<td>590.320</td>
<td>590.320</td>
</tr>
<tr>
<td>590.330</td>
<td>590.330</td>
</tr>
<tr>
<td>590.340</td>
<td>None</td>
</tr>
<tr>
<td>590.350</td>
<td>590.350</td>
</tr>
<tr>
<td>590.360</td>
<td>590.360</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

| 590.370 | None |
| 590.375 | 590.375 |
| 590.380 | 590.380 |
| 590.390 | None |
| 590.400 | 590.400 |
| 590.410 | 590.410 |
| 590.420 | 590.420 |
| 590.430 | 590.430 |
| 590.440 | 590.440 |
| 590.450 | 590.450 |
| 590.460 | 590.460 |
| 590.470 | 590.470 |
| 590.480 | 590.480 |
| 590.490 | 590.490 |
| 590.500 | 590.500 |
| 590.510 | 590.510 |
| 590.520 | 590.520 |
| 590.530 | 590.530 |
| 590.540 | 590.540 |
| 590.550 | 590.550 |
| 590.560 | 590.560 |
| 590.570 | 590.570 |
| 590.580 | 590.580 |
| 590.590 | 590.590 |
| 590.600 | 590.600 |
| 590.610 | 590.610 |
| 590.620 | 590.620 |
| 590.630 | 590.630 |
| 590.640 | 590.640 |
| 590.650 | 590.650 |
| 590.660 | 590.660 |
| 590.670 | 590.670 |
| 590.675 | 590.675 |
| 590.680 | 590.680 |
| 590.700 | 590.700 |
| 590.710 | 590.710 |
| 590.720 | 590.720 |
| 590.730 | 590.730 |
| 590.740 | 590.740 |
DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

590.750 590.750

As a result of this recodification, previously repealed Sections 590.340, 590.370, and 590.390 are removed for this Part.
STATE BOARD OF EDUCATION

NOTICE OF CORRECTION TO NOTICE ONLY

1) **Heading of the Part:** School Food Service

2) **Code Citation:** 23 Ill. Adm. Code 305

3) **The Notice of Proposed Amendments being corrected appeared at:** 32 Ill. Reg. 4692; April 4, 2008

4) **The information being corrected is as follows:** The initial regulatory flexibility analysis failed to mention that some charter schools established pursuant to 105 ILCS 5/Art. 27A may be affected by the proposed amendments. While not subject to the requirements of the proposed amendments, a food and beverage vendor operating as a small business may be affected indirectly by the rulemaking should the vendor be unable to offer items meeting the nutrition standards. Therefore the rules may affect some not-for-profit entities and small businesses.
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 1, 2008 through April 7, 2008 and have been scheduled for review by the Committee at its April 15, 2008 or May 20, 2008 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>5/21/08</td>
<td>Department of Revenue, Lottery (General) (11 Ill. Adm. Code 1770)</td>
<td>1/25/08, 32 Ill. Reg. 1071</td>
<td>5/20/08</td>
</tr>
<tr>
<td>5/21/08</td>
<td>Department of Central Management Services, Access to Information (2 Ill. Adm. Code 751)</td>
<td>9/21/07, 31 Ill. Reg. 13261</td>
<td>5/20/08</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS IN RESPONSE TO THE OBJECTION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Department of Personnel

2) Code Citation: 80 Ill. Adm. Code 420

3) Section Numbers: Proposed Action:

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.10</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.200</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.210</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.300</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.310</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.320</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.330</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.340</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.350</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.360</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.370</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.380</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.390</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.400</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.410</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.420</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.430</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.435</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.600</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.610</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.620</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.630</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.640</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.645</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.660</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.670</td>
<td>New</td>
</tr>
<tr>
<td>420.700</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.715</td>
<td>Repealed</td>
</tr>
<tr>
<td>420.720</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.740</td>
<td>New</td>
</tr>
<tr>
<td>420.760</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.770</td>
<td>Amendment</td>
</tr>
<tr>
<td>420.800</td>
<td>Amendment</td>
</tr>
</tbody>
</table>
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS IN RESPONSE TO THE
OBJECTION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

420.810 Amendment
420.820 Amendment
420.825 New
420.830 Amendment
420.835 Repealed
420.1000 Amendment
420.1010 Amendment
420.1020 Repealed
420.1030 Amendment

4) Date Notice of Emergency Rule Published in the Illinois Register: February 29; 2008; 32 Ill. Reg. 3013


6) Date Agency Submitted this repealer to JCAR for approval: April 12, 2008

7) Summary of Action taken by the Agency: On March 11, 2008, the Joint Committee on Administrative Rules (JCAR) objected to the above-referenced emergency rulemaking. The Secretary of State acknowledges that upon further review of proposed rules, not all revisions are true emergencies within the context of JCAR's jurisdiction. However, rather than split the proposed rules between emergency and non-emergency, the Secretary of State accepts the objections of JCAR and it hereby repeals the emergency rulemaking effective upon filing with the Secretary of State. Further, the Secretary of State wishes to proceed with its full changes as proposed rulemaking.
PROCLAMATIONS

2008-104
Parkinson's Disease Awareness Month

WHEREAS, Parkinson's disease is a progressive disorder of the central nervous system, affecting approximately 1.5 million Americans; and

WHEREAS, clinically, the disease is characterized by a decrease in spontaneous movements, gait difficulty, postural instability, rigidity and tremor; and

WHEREAS, Parkinson's disease affects both men and women in almost equal numbers. The frequency of the disease is considerably higher in the over-60 age group, although there is an alarming increase of patients of younger age. In consideration of the increased life expectancy in this country and worldwide, an increasing number of people are expected to be afflicted with Parkinson's disease; and

WHEREAS, in 1961, The American Parkinson Disease Association, Inc. was founded to provide patient and family support for those affected by this devastating disorder. The association also supports and funds ongoing research in the hope of finding a cure; and

WHEREAS, the American Parkinson Disease Association provides support and education through 63 chapters, 57 information and referral centers, and 800 support groups throughout the United States; and

WHEREAS, the State of Illinois recognizes the efforts of the Midwest Chapter of the American Parkinson Disease Association to raise funds and promote awareness to fight Parkinson's disease, thereby improving the quality of life for those living with the disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2008 as PARKINSON'S DISEASE AWARENESS MONTH in Illinois, to raise awareness of this devastating illness and in recognition of the work of the American Parkinson Disease Association.

Issued by the Governor March 24, 2008
Filed by the Secretary of State March 28, 2008.

2008-105
Food Allergy Awareness Week
WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, thereby causing a person to have a severe allergic reaction, or an anaphylaxis—a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes if untreated; and

WHEREAS, there are eight types of foods that account for ninety percent of allergic reactions, such as: peanuts, tree nuts (walnuts, pecans, brazil nuts, etc.) fish, shellfish, eggs, milk, soy, and wheat. The leading cause of severe allergic reactions, however, is peanuts; and

WHEREAS, approximately 12 million Americans suffer from food allergies, and it is estimated that food allergy reactions cause 30,000 visits to the emergency room and 150 deaths each year; and

WHEREAS, swelling of the tongue and throat, vomiting, difficulty breathing, or the presence of a rash, are some symptoms of food allergy and anaphylaxis, and typically appear within minutes to two hours after a person has eaten the food he or she is allergic to; and

WHEREAS, the Food Allergy and Anaphylaxis Network (FAAN) is a national, nonprofit organization, established in 1991. The mission of FAAN is to raise public awareness, educate, and advance research on the issue of food allergies and anaphylaxis; and

WHEREAS, currently, there is no cure for food allergies and the only way to avoid a reaction is for an individual to avoid the food that is causing the reaction:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11–17, 2008 as FOOD ALLERGY AWARENESS WEEK in Illinois to raise awareness of food allergies and to educate the public about the associated health risks.

Issued by the Governor March 25, 2008
Filed by the Secretary of State March 28, 2008.

2008-106
Global Youth Service Days

WHEREAS, Youth Service America (YSA) is a resource center dedicated to providing local, national and global volunteer opportunities for youth ages 5 to 25; and
PROCLAMATIONS

WHEREAS, YSA believes that "a strong youth service movement will create healthy communities, foster citizenship, knowledge and the personal development of young people;" and

WHEREAS, there is a strong correlation between youth service and lifelong adult volunteering and philanthropy; and

WHEREAS, through community service, young people build character and learn valuable skills, including time management, teamwork, needs-assessment and leadership, that are highly sought after by employers; and

WHEREAS, service learning combines meaningful service to the community with academic curriculum to benefit both participants and the communities they serve; and

WHEREAS, Global Youth Service Days, a program of Youth Service America, is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year; and

WHEREAS, this event has garnered national support from many corporate, fraternal and not-for-profit organizations, including this year’s sponsor, the State Farm Companies Foundation; and

WHEREAS, this year, Global Youth Service Days will be held from April 25-27:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 25–27, 2008 as GLOBAL YOUTH SERVICE DAYS in Illinois in support of Youth Service America, and to commend all young volunteers for their contributions to our communities.

Issued by the Governor March 25, 2008
Filed by the Secretary of State March 28, 2008.

2008-107

Illinois Electric and Telephone Cooperatives Youth Day

WHEREAS, for many years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students; and

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and
WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour taking place on June 13-20, 2008; and

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol April 9, 2008 for 275 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation's governing bodies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2008 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor March 25, 2008
Filed by the Secretary of State March 28, 2008.

2008-108
Order Sons of Italy/Alzheimer's Association "Partners in Progress" Day

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and

WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and

WHEREAS, to date, OSIA members have given more than $83 million to educational programs, disaster relief, cultural advancement and medical research; and
WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer's disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and

WHEREAS, joining their cause will be the Alzheimer's Association, a group that provides services to Alzheimer's patients and their families; and

WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 17, 2008. Members of the Order, along with other volunteers, will be collecting donations to help the 2.5 million Americans affected by this debilitating disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2008 as ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor March 26, 2008
Filed by the Secretary of State March 28, 2008.

2008-109
Autism Awareness Month

WHEREAS, autism, a developmental disorder, is the third most common developmental disability in the United States, affecting nearly half a million people; and

WHEREAS, autism is a spectrum disorder where symptoms and characteristics may present themselves in a variety of combinations, from mild to severe. This complex and lifelong developmental disability can result in significant impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the brain, and generally manifests during the first 3 years of life. The disorder is four times more likely in males than in females, but can affect anyone, regardless of race or ethnicity; and

WHEREAS, although autism was first identified in 1943, it remains a relatively unknown disability. A majority of the public, including many professionals in the medical,
PROCLAMATIONS

educational, and vocational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, although there is no cure for autism at this time, doctors, therapists, and educators can help children and adults with autism overcome or adjust to many difficulties. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of individuals afflicted with this disorder; and

WHEREAS, Illinois is honored to take part in the annual observance of Autism Awareness Month in order raise public awareness of autism in the hope that it will lead to a better understanding of the disorder:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2008 as AUTISM AWARENESS MONTH in Illinois, and encourage all citizens to work together to ensure that individuals with autism are accurately diagnosed and appropriately treated throughout their lives.

Issued by the Governor March 26, 2008
Filed by the Secretary of State March 28, 2008.

2008-110
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 of the difficulties they face. 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 common goal is to improve the lives of all those affected by developmental disabilities; and

WHEREAS, on April 15, 2008, 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 April 15, 2008 as DEVELOPMENTAL DISABILITY AND AUTISM FAMILY DAY in Illinois.

Issued by the Governor March 26, 2008
Filed by the Secretary of State March 28, 2008.

2008-111
Foster Parent Appreciation Month

WHEREAS, more than 15,951 children are under the care of the Department of Children and Family Services due to abuse, neglect or abandonment; and

WHEREAS, thousands of caring foster families have opened their hearts and homes to provide for the physical, health and educational needs of those children; and

WHEREAS, foster parents meet a very special need in our society by ensuring children receive attention, respect, love, compassion, and guidance; and

WHEREAS, foster parents are called upon to support both children and their parents during efforts to safely reunite families of origin, when possible, and contribute to alternative permanency options; and

WHEREAS, specialized training and support services are now being provided to foster parents serving older youth, who now constitute the majority of children in DCFS care, as well as youth with intensive special needs; and

WHEREAS, there remains a significant demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children can move beyond the trauma that brought
them into the child welfare system and prepare them for fulfilling, productive lives in the future:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **FOSTER PARENT APPRECIATION MONTH** in Illinois.

Issued by the Governor March 26, 2008  
Filed by the Secretary of State March 28, 2008.

**2008-112**  
**Apprenticeship Week**

WHEREAS, apprenticeship training is a key component in developing skilled workers in various trades and crafts. As part of a continuing program initiated by the government in 1937, this specialty training is supported by most industry and labor related fields; and

WHEREAS, industry professionals make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

WHEREAS, this year, the Illinois State Apprenticeship Committee and Conference will be held May 19-23. This event is intended to promote the exchange of information and ideas between all crafts and trades:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19 – 23, 2008 as **APPRENTICESHIP WEEK** in Illinois, and encourage all citizens to recognize the benefits that apprenticeship opportunities provide for the state.

Issued by the Governor March 26, 2008  
Filed by the Secretary of State March 28, 2008.

**2008-113**  
**Student Council Week**

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and
WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and

WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and

WHEREAS, this year, the 74th Annual Illinois Association of Student Councils State Convention will be held May 8-10 at the Springfield Hilton Hotel. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 4-10, 2008 as STUDENT COUNCIL WEEK in Illinois in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor March 26, 2008
Filed by the Secretary of State March 28, 2008.

2008-114

Days of Remembrance

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and
PROCLAMATIONS

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust. This year's observances will take place from Sunday, April 27 through Sunday, May 4, including Holocaust Remembrance Day, or Yom Hashoah, on May 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27 – May 4, 2008 as DAYS OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor March 27, 2008
Filed by the Secretary of State March 28, 2008.

2008-115
National Environmental Education Week

WHEREAS, environmental education bolsters core environmental literacy in our k-12 students by featuring actual grade-appropriate "e-literacy" goals and content standards. It also encourages schools to partner with local museums, nature centers, zoos, science centers, aquariums, and local parks; and

WHEREAS, National Environmental Education Week, created as a full week of educational preparation for Earth Day, involves many k-12 classrooms, university campuses, and informal settings such as nature centers, zoos, aquariums, and museums; and

WHEREAS, collaborative efforts will increase the amount of environmental education taking place in America's classrooms prior to Earth Day, while drawing educator attention to the larger opportunities and value of environmental education for both education and environmental stewardship; and
WHEREAS, also during this week, the professional environmental education community will have an opportunity to annually feature its accomplishments with the nation's educational leaders; and

WHEREAS, National Environmental Education Week, coordinated by the National Environmental Education Foundation in cooperation with hundreds of outstanding environmental education organizations, education associations, and agencies, will become an annually anticipated event for local participation in schools and various education centers in this state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13 - 19, 2008 as NATIONAL ENVIRONMENTAL EDUCATION WEEK in Illinois, and encourage all citizens to recognize the importance of our environment by participating in the week's festivities in preparation for Earth Day 2008.

Issued by the Governor March 27, 2008
Filed by the Secretary of State March 28, 2008.

2008-116
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 and culture, as well as 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
PROCLAMATIONS

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 it 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, 2008 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 March 27, 2008
Filed by the Secretary of State March 28, 2008.

2008-117
Cheap Trick Day

WHEREAS, one of the most prolific musical groups to come from the State of Illinois has been the rock group Cheap Trick; and

WHEREAS, Cheap Trick's roots lie in Fuse, a late-1960s Rockford band formed by Rick Nielsen and bassist Tom Petersson. During the early 1970s, the band toured throughout Illinois, performing at every state university; and

WHEREAS, Cheap Trick signed with Epic Records in 1976, releasing their self-titled debut in early 1977. The record sold well in America, however, the group became a massive success in Japan, going gold upon release; and

WHEREAS, to date, Cheap Trick has performed over 5,000 live performances, including USO tours in 12 countries with the 1st Airborne Rock and Roll Division; made 28 albums and sold over 20 million records; recorded songs for hit TV shows and movies such as That 70's Show, The Colbert Report, Top Gun and Daddy Day Care; appeared on the cover of Rolling Stone magazine, which named Cheap Trick among their Top 10 Greatest Live Acts and Songs lists; performed on Saturday Night Live; and been commemorated with a special Rockford Illinois Vehicle Sticker; and
WHEREAS, despite their monumental success in the music industry, Cheap Trick's band members still consider the City of Rockford and the State of Illinois to be their home; and

WHEREAS, in their honor, the Illinois State Senate passed a resolution on October 11, 2007, SR0255, sponsored by Senators Dave Syverson, J. Bradley Burzynski and Rickey R. Hendon, designating April 1 of every year as Cheap Trick Day. To ring in the first anniversary, there will be a concert at Northern Illinois University on March 29 followed by a big celebration on April 1:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 1, 2008 as **CHEAP TRICK DAY** in Illinois in commemoration of Cheap Trick's amazing career, and I offer them my best wishes for continued success.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

**2008-118**

**Earth Hour**

WHEREAS, on March 29 nearly 200 cities around the world will make a statement about climate change by turning their lights off for an hour; and

WHEREAS, Earth Hour was created by the World Wildlife Fund in Sydney, Australia in 2007, and in one year has grown from an event in one city to a global movement. In 2008, millions of people, businesses, governments and civic organizations will participate in Earth Hour; and

WHEREAS, Chicago was chosen as the flagship Earth Hour city in the United States, and we will be joined by Atlanta, Phoenix and San Francisco, as well as Copenhagen, Toronto, Melbourne, Brisbane, Bangkok, Dubai, Dublin, Christchurch and Tel Aviv globally; and

WHEREAS, as part of Earth Hour, the State of Illinois will turn off lights in state-occupied buildings in Chicago and Springfield, and whether at home or work, or in a big city or small town, I encourage everyone to participate as well to demonstrate that, by working together, each one of us can make a positive impact to help combat the effects of global warming:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim 8-9 p.m. March 29, 2008 as **EARTH HOUR** in Illinois in support of this remarkable movement to
raise awareness about global warming and climate change, and I challenge everyone to make Earth Hour part of your everyday life.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

2008-119
Lincoln Pilgrimage Weekend

WHEREAS, in 1926, R. Allan Stephens, a former Boy Scouts of America Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike; and

WHEREAS, Mr. Stephens believed that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency if they also walked the same 20-mile route followed by Lincoln from New Salem to Springfield; and

WHEREAS, Lincoln's outstanding example of perseverance caused Mr. Stephens to propose encouraging Boy Scouts to walk in Lincoln's steps from New Salem to Springfield and presenting those who successfully completed the trail an award; and

WHEREAS, the trail is scenic and historically accurate, and while participating in the hike, the Scouts foster environmental stewardship by picking up litter along the route; and

WHEREAS, the Illinois Environmental Protection Agency teams with the Abraham Lincoln Council of the Boy Scouts of America in order to further earth stewardship and promote environmental consciousness; and

WHEREAS, Illinois Environmental Protection Agency employees, as well as Sangamon Valley Radio Club amateur radio operators, support the Lincoln Trail Hike by volunteering their services to assist the Scouts; and

WHEREAS, the Lincoln Trail Hike is one of a series of events, collectively known as the Lincoln Pilgrimage, honoring the life, achievements and ideals of the 16th President; and

WHEREAS, Czech Republic President Vaclav Klaus and Boy Scouts of America National President William F. "Rick" Cronk will be honored guests at the 2008 Lincoln Pilgrimage; and
PROCLAMATIONS

WHEREAS, held this year over the weekend of April 26-27, thousands of Scouts will participate in the 63rd Annual Lincoln Pilgrimage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26 - 27, 2008 as **LINCOLN PILGRIMAGE WEEKEND** in Illinois in support of the Boy Scouts of America, and to commemorate the heritage of our favorite son and the nation's greatest president, Abraham Lincoln.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

2008-120
Illinois Environmental Education Week

WHEREAS, Illinois is blessed with abundant natural resources and is working to preserve, protect, steward and maintain these resources for the economic and environmental health of future generations of this state; and

WHEREAS, recent national studies show youth are faced with health and learning challenges based in part on lack of activity in natural and outdoor settings; and

WHEREAS, thousands of Illinois educators and volunteers in classrooms and in informal settings provide conservation and environmental education aimed at developing environmentally literate citizens capable of making healthy and sustainable lifestyle choices and of carefully stewarding Illinois' natural resources; and

WHEREAS, conservation and environmental education helps K-12 students meet Illinois Learning Standards and provides them real-world, inquiry-based and hands-on experience with Illinois' natural resources; and

WHEREAS, environmental education by its very nature encompasses many partners willing to work together to provide our youth with learning opportunities in natural settings; and

WHEREAS, the collaborative efforts of educators and volunteers throughout the year are promoted and encouraged during Environmental Education Week prior to Earth Day; and

WHEREAS, this year Environmental Education Week, which also encourages volunteerism and participation in schools and various nature and outdoor education centers, parks, museums and aquaria in Illinois, is from April 13-19:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13-19, 2008 as **ILLINOIS ENVIRONMENTAL EDUCATION WEEK** in Illinois in support of environmental studies, and to encourage everyone to learn how they can better conserve and preserve our environment.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

**2008-121**
**AARP Day**

WHEREAS, this year the American Association of Retired Persons (AARP) turns 50; and

WHEREAS, founded in 1958 by retired educator Ethel Percy Andrus, AARP is a voluntary, nonprofit, nonpartisan membership organization with a history of leading positive social change by harnessing the individual and collective power of its members to make life better for all Illinois residents as they age; and

WHEREAS, AARP's "army of useful citizens" in our state includes numerous volunteers whose selfless service includes money management and tax preparation assistance, safe driving courses, advocacy, job training, intergenerational learning, community rebuilding, home visitation, and nonpartisan voter education; and

WHEREAS, AARP has amplified its members' voices on issues of statewide importance such as affordable, quality healthcare, lifetime financial security, and consumer protection; and

WHEREAS, AARP has helped to foster proactive policies that enable our citizens to achieve the quality of life and peace of mind they deserve; and

WHEREAS, AARP shares Illinois' belief that diversity in age, economic status, attitudes, ability, and lifestyles is a source of profound state and national strength; and

WHEREAS, AARP works to develop strong communities that are characterized by affordable and appropriate housing, ease of mobility, and features and services that support the lives and lifestyles of people of all ages; and

WHEREAS, AARP has successfully built important alliances statewide among businesses, communities and Illinois residents of all generations; and
PROCLAMATIONS

WHEREAS, AARP continues to advocate for an economic environment throughout our state that supports and promotes the loyalty, reliability, flexibility, and potential of mature workers; and

WHEREAS, AARP recognizes that ensuring the protection, safety, integrity, involvement, security, health, lifestyle, and wellbeing of citizens 50 years of age and older is not a destination but a continuing journey; and

WHEREAS, in celebration of their 50th anniversary, the AARP will hold a rally in the Illinois State Capitol rotunda on Wednesday, May 28:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 28, 2008 as AARP DAY in Illinois to commemorate AARP’s 50th anniversary, and I offer them my best wishes for continued success.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

2008-122
Illinois Arts and Humanities Month

WHEREAS, the arts and humanities are the embodiment of all things beautiful and entertaining in the world – the enduring record of human achievement; and

WHEREAS, the arts and humanities enhance every aspect of life in Illinois - improving our economy, enriching our civic life, driving tourism and exerting a profound positive influence on the education of our children; and

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, we use the humanities – history, literature, philosophy – to explore what it means to be human; and

WHEREAS, the arts and humanities play a unique and intrinsically valuable role in the lives of our families, our communities, and our state; and

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organization, communities, and states
across the country, as well as by the White House and Congress for more than two decades:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **ILLINOIS ARTS AND HUMANITIES MONTH** and urge all citizens to celebrate and promote the arts and culture in our state.

Issued by the Governor March 28, 2008
Filed by the Secretary of State March 28, 2008.

**2008-80 (Revised)**
Infant Immunization Awareness Week

WHEREAS, vaccines are considered one of the most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 14 childhood diseases by the time they reach 2 years of age; and

WHEREAS, national immunization levels are at or near record highs for most vaccines and Illinois immunization levels among children younger than 2 years of age in 2007, as measured by the National Immunization Survey, resulted in levels of more than 78 percent for the expanded series of vaccinations; and

WHEREAS, vaccine preventable diseases are at an all-time low in the country and state, but these diseases still exist and continued vaccination is necessary to reach levels high enough to protect everyone from potential outbreaks; and

WHEREAS, National Infant Immunization Week (NIIW) focuses local and national attention on the importance of timely and proper immunization for infants and toddlers 24 months and under and serves as a call to parents, caregivers, and healthcare providers to participate in activities and events to increase the awareness of immunizing children before their 2nd birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local health coalitions, and health advocate organizations to promote and support immunization activities throughout the state; and
ILLINOIS REGISTER 6802

PROCLAMATIONS

WHEREAS, the week of April 19 – 26, 2008 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 19 – 26, 2008 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and urge public and private health care providers, parents, and children's caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor March 4, 2008
Filed by the Secretary of State April 4, 2008.

2008-123
Bataan Day

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend the country's ideals of freedom and democracy. Many of the brave Americans who have answered their country's call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and
risking their lives to protect others, these proud patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2008 as BATAAN DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 31, 2008
Filed by the Secretary of State April 4, 2008.

2008-124
Children's Memorial Flag Day

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year; and

WHEREAS, the negative effects of child abuse are felt in every state and in every community in this country, and therefore it is important that these issues are addressed on a national level; and

WHEREAS, the Child Welfare League of America has promoted the Children's Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently every year from child abuse; and

WHEREAS, the Children's Memorial Flag has become a recognizable symbol of the need to remain diligent in the mission of protecting children from abuse; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, it is essential that as a country, we become more aware of the negative effects of child abuse and its prevention within our communities, and become involved in supporting parents to raise their children in a safe and nurturing environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 25, 2008 as CHILDREN'S MEMORIAL FLAG DAY in Illinois, and encourage all citizens to memorialize the thousands of children across the country who die from child abuse each year, and furthermore, ask all citizens to increase their participation in efforts to prevent child abuse.
WHEREAS, Kids Day America/International is a special day that Chiropractors' offices around
the world host every year to teach kids about health, safety and the environment; and

WHEREAS, Kids Day America/International offers children a fun atmosphere where they can
not only learn, but also win prizes and enjoy recreational activities; and

WHEREAS, the day's educational safety activities include local police and fire officials
teaching children proper bicycle helmet safety and fire and smoke safety; and

WHEREAS, during Kids Day America/International, kids also learn about healthy eating and
exercise habits, as well as the negative effects that drugs and alcohol can have on
a person's health. Additionally, children can get a free spinal health examination
from local chiropractors; and

WHEREAS, Kids Day America/International teaches children about pollution control, and how
they can help the environment by recycling and performing other environmentally
conscious activities; and

WHEREAS, with the aid of local police and sheriff's departments, every child that attends Kids
Day America/International has the opportunity to complete their very own Child
Safety ID Card, which is an important measure in keeping our children safe; and

WHEREAS, on Saturday, May 17, The Doctors Inn of Plainfield, Illinois will feature a variety
of exhibits, demonstrations and activities specifically geared towards kids for
Kids Day America/International:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May
17, 2008 as KIDS DAY AMERICA/INTERNATIONAL in Illinois, and encourage all citizens
to support events that help the children of Illinois to become better educated and more well-
rounded individuals.
WHEREAS, the Asian longhorned beetle is an invasive species that originated in Asia and poses a tremendous threat to the trees and forest resources of North America; and

WHEREAS, the Asian longhorned beetle was first detected in the United States in New York and has also been found in Illinois and New Jersey; and

WHEREAS, infested trees numbering 1,551 have been found and removed from Northeastern Illinois and over 2,682 non-host trees have been replanted; and

WHEREAS, over the last several years, almost 300,000 potential host trees have been treated with insecticide as a protective measure against infestation development, with nearly 100,000 trees being treated in 2004 alone; and

WHEREAS, various groups and organizations including the United States Department of Agriculture's Animal & Plant Health Inspection Service and Forest Service, the Illinois Department of Agriculture, the City of Chicago, and other towns and villages in Northeastern Illinois have worked tremendously well together to detect, control and eradicate this pest from our state; and

WHEREAS, two quarantined areas referred to as Summit and Addison were deregulated in 2004, and several other quarantined areas known as Ravenswood, Kilbourne Park, Park Ridge, Bensenville and Loyola were deregulated in 2005, and the final remaining quarantined area in and around Oz Park located in the City of Chicago was deregulated by the State of Illinois' Director of Agriculture on July 12, 2006; and

WHEREAS, the last quarantined area in and around Oz Park has experienced four years of negative beetle survey results:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2008 as ASIAN LONGHORNED BEETLE ERADICATION DAY in Illinois, and urge all citizens to recognize the tremendous work put forth by these groups involved and to join in celebration of their efforts in the complete eradication of this pest.

Issued by the Governor April 1, 2008
Filed by the Secretary of State April 4, 2008.
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, the Trafficking Victims Protection Act of 2000 is being reauthorized to provide added protections for victims of human trafficking and more stringent penalties for those convicted of human trafficking, and will provide funding to assist and serve victims of human trafficking, and to investigate severe forms of human trafficking; 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, you can help a victim by calling the Trafficking Information and Referral Hotline at (888) 373-7888, which will help you determine whether or not you have encountered victims of human trafficking, and 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 April 26, 2008 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 April 1, 2008
Filed by the Secretary of State April 4, 2008.

2008-128
Shaken Baby Syndrome Awareness Week

WHEREAS, every year, as many as 3,000 children in the United States are diagnosed with
Shaken Baby Syndrome (SBS), and thousands more are misdiagnosed and go
undetected; and

WHEREAS, Shaken Baby Syndrome is caused when a caregiver shakes a baby or young child
and can cause loss of vision, brain damage, paralysis, seizures and even death.
While most victims are less than 1 year of age, some are as old as 5; and

WHEREAS, in recent years, Shaken Baby Syndrome has received a lot of attention, and there
are many terrific education and prevention programs available today for parents,
caregivers, healthcare professionals, social workers, law enforcement personnel
and others who have a direct stake in the care of children; and

WHEREAS, some promising new medical research has found that hospital-based education
and prevention programs can significantly reduce the incidence of Shaken Baby
Syndrome, by perhaps as much as 55 percent, by educating parents of newborn
children about the danger SBS represents to the health and wellbeing of their
child and ways they can prevent shaking injuries; and

WHEREAS, in an effort to raise more awareness about SBS, local and national advocacy
groups will hold events across the country during Shaken Baby Syndrome
Awareness Week from April 20-26:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April
21-27, 2008 as SHAKEN BABY SYNDROME AWARENESS WEEK in Illinois in honor of
all the victims of SBS, survivors and non-survivors alike, including Taylor Nicole (Pinkas)
Rogers of Edwardsville, Kristina Simmons of Decatur and Reagan Williams of Danville.
Issued by the Governor April 1, 2008
Filed by the Secretary of State April 4, 2008.

2008-129
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 43rd 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 2008 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 April 2, 2008
Filed by the Secretary of State April 4, 2008.

2008-130
Supportive Living Week

WHEREAS, the Supportive Living Program has proven to be one of the most successful models for affordable assisted living in the country, and offers seniors and persons with disabilities care, compassion, comfort and cost in an environment that helps promote independence and wellness; and

WHEREAS, there are 147 Supportive Living facilities with over 11,000 apartments operating or soon to be operating throughout Illinois; and
WHEREAS, Supportive Living is the largest federal Medicaid home and community-based assisted living waiver program in the country with 11,500 persons that can be served annually; and

WHEREAS, Supportive Living has been lauded by the residents and their families for the high quality of life and services provided; and

WHEREAS, these services, such as medication supervision, personal care, homemaking, laundry, and a 24-hour staff to meet resident's scheduled and unscheduled needs, promote an active, independent lifestyle for residents; and

WHEREAS, research has shown that there are positive health benefits associated with socialization, keeping active, and having one's health status monitored to provide early detection and treatment; and

WHEREAS, by combining apartment-style housing with these services, residents can live independently and take part in decision-making where personal choice, dignity, privacy and individuality are emphasized; and

WHEREAS, Supportive Living is cost-effective for the State as rates are lower for residents of supportive living facilities who might otherwise reside in nursing facilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 28 to May 2, 2008, as SUPPORTIVE LIVING WEEK in Illinois, and encourage seniors and persons with disabilities to take advantage of the program whenever possible.

 Issued by the Governor April 2, 2008
 Filed by the Secretary of State April 4, 2008.

2008-131

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 an estimated 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, Alpha-1 is widely under-diagnosed and misdiagnosed. In fact, it is estimated that less than 10 percent of those predicted to have Alpha-1 have been diagnosed. It often takes an average of five 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 alcohol. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage; and

WHEREAS, throughout the month of May, organizations in the Alpha-1 Community, including the Alpha-1 Association, the Alpha-1 Foundation, and AlphaNet, will be conducting various awareness activities throughout the state designed to educate the medical community and citizens on this serious and often fatal disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as ALPHA-1 AWARENESS MONTH in Illinois to raise awareness of this disease, and to encourage citizens and the medical community to educate themselves about Alpha-1 Antitrypsin Deficiency.

Issued by the Governor April 2, 2008
Filed by the Secretary of State April 4, 2008.

2008-132
National Nursing Home Week

WHEREAS, Love is Ageless 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
PROCLAMATIONS

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, during the week of May 11 - 17 the Illinois Health Care Association and the American Health Care Association are organizing activities to observe National Nursing Home Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11 – 17, 2008 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 2, 2008
Filed by the Secretary of State April 4, 2008.

2008-133
Lyme Disease Awareness Month

WHEREAS, ticks carrying the bacteria Borrelia burgdorferi that causes Lyme Borreliosis, commonly known as Lyme Disease, continue to spread across Illinois; and

WHEREAS, the number of reported cases of Lyme Disease among residents of Illinois has steadily increased, yet the Centers for Disease Control estimates that on average there are 10 missed cases for every case reported; and

WHEREAS, Lyme Disease is difficult to diagnose because it imitates other conditions and no reliable laboratory test can prove who is infected or bacteria-free, which often leads to misdiagnosis; and

WHEREAS, early indicators of infection include flu-like symptoms characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and
WHEREAS, weeks or months later, patients with untreated or under-treated Lyme Disease can suffer from serious, permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen, blood vessels and kidneys. For this reason it is imperative that all who develop this disease receive immediate treatment; and

WHEREAS, the best solution to the threat of Lyme Disease is to educate people about the seriousness of the illness and the need to practice personal prevention techniques when engaging in outdoor activities, such as frequent tick checks, use of tick repellants and proper tick removal; and

WHEREAS, in an effort to raise awareness about Lyme Disease, Illinois is honored to take part in the annual observance of Lyme Disease Awareness Month this May:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **LYME DISEASE AWARENESS MONTH** in Illinois to draw attention to this spreading problem and the importance of early detection and treatment.

Issued by the Governor April 3, 2008
Filed by the Secretary of State April 4, 2008.

2008-134
A Day of Remembrance

WHEREAS, Friday, April 4 marks the 40th anniversary of Martin Luther King, Jr.'s assassination; and

WHEREAS, at the time of his death in 1968, Dr. King was a leading advocate for racial equality, social justice, and universal peace; and

WHEREAS, in the period between 1955 and 1968, Dr. King traveled more than six million miles and spoke on more than 2,500 occasions, appearing and speaking wherever there was injustice and civil unrest; and

WHEREAS, during that time, Dr. King helped lead a successful bus boycott in Montgomery, Alabama to end segregation on city buses and improve treatment of passengers. King also led a massive civil rights protest in Birmingham, Alabama that drew worldwide attention to the appalling treatment of African Americans in the South; and

WHEREAS, Dr. King is best known, however, for his "I Have A Dream" speech during the peaceful March on Washington demonstration for civil rights, in which he
eloquently described a day when "all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! Free at last! Thank God Almighty, we are free at last"; and

WHEREAS, in January of 2006, Dr. King's wife, Coretta Scott King, passed away. She was at Dr. King's side during his finest hours, including when he received the Nobel Peace Prize in 1964, and during his historic march for voting rights in Selma, Alabama in 1965. Along with her husband, she left behind a legacy of courage and compassion, and her message of equal rights and peace for all continues to make our world a better place; and

WHEREAS, although it has been 40 years since Dr. King's death, his words and teachings still resonate today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4, 2008 as A DAY OF REMEMBRANCE and order all State facilities to fly their flags at half-staff from sunrise to sunset in honor of the life and death of Dr. Martin Luther King, Jr., whose dream of racial equality, social justice, and universal peace we embrace and strive to realize.

Issued by the Governor April 3, 2008
Filed by the Secretary of State April 4, 2008.

2008-135
Civil Air Patrol Week

WHEREAS, the Civil Air Patrol, a civilian auxiliary of the United States Air Force, was established to help America during World War II, and remains dedicated to volunteer public service in the interest of community, state and national welfare; and

WHEREAS, the members of the Civil Air Patrol, Illinois Wing, are prepared to give their time and resources for the benefit of their fellow Americans through aerial and ground search and rescue operations, humanitarian and mercy flights and many other services in times of emergency; and

WHEREAS, the members of the Illinois Wing, and the members of the national Civil Air Patrol have distinguished themselves through service to their communities and country; and
PROCLAMATIONS

WHEREAS, the Civil Air Patrol offers an outstanding program of leadership training and development, as well as career motivation to its teenage cadet members; and

WHEREAS, the Civil Air Patrol has contributed to the reserve and guard components of the State of Illinois in addition to the active duty military by preparing its members to assume leadership roles in military careers should they choose a career in uniform and by providing current military members with additional leadership opportunities as mentors and instructors; and

WHEREAS, the Illinois Wing of the Civil Air Patrol strongly supports the deployed military and their families through Operation Homefront and also supports veterans through efforts such as Wreaths Across America; and

WHEREAS, the members of the Great Lakes Region of the Civil Air Patrol will come together for the weekend of April 11 - 13 for the purpose of improving training, sharing ideas and renewing friendships:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 11 – 18, 2008 as CIVIL AIR PATROL WEEK in Illinois, and encourage all citizens to observe this week by honoring the men, women and cadet members of the Civil Air Patrol.

Issued by the Governor April 3, 2008
Filed by the Secretary of State April 4, 2008.

2008-136
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 and 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
ILLINOIS REGISTER

08

PROCLAMATIONS

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 17 – 23, 2008 as NATIONAL SAFE BOATING WEEK in Illinois, and encourage all citizens to practice safe boating habits.

Issued by the Governor April 3, 2008
Filed by the Secretary of State April 4, 2008.

2008-137
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 every day; 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 forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year's theme, "Building Safely: Where You Live, Work and Play," encourages all Americans to raise their awareness of the importance of building
and fire safety, green and sustainable building, pool, spa and hot tub safety, and new technologies in the construction industry. It also presents appropriate steps everyone can take to ensure that the places where they live, work, play, and learn are safe; 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, as well as the countless lives that have been saved because of the building safety codes adopted and enforced by local and state agencies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5 – 11, 2008 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 April 3, 2008
Filed by the Secretary of State April 4, 2008.

---

**2008-138**

**Jewish Sports Heritage Month**

WHEREAS, sports, physical education and fitness programs are important in fostering active and constructive leisure habits, as well as improving the health and wellbeing and quality of life for all people; and

WHEREAS, throughout our nation's history, sports have also served as a forum for combating prejudice and racism by illustrating the ability of men and women from different backgrounds to come together and work toward a common goal; and

WHEREAS, the National Jewish Sports Hall of Fame and Museum is dedicated to honoring the long list of Jewish sports legends who have helped dissolve social stereotypes and prejudice through their accomplishments in the athletic world; and

WHEREAS, the National Jewish Sports Hall of Fame and Museum focuses public attention on the outstanding contributions of Jewish men and women in professional sports; and

WHEREAS, Illinois joins with the directors of the National Jewish Sports Hall of Fame and Museum in expressing our great admiration for the contributions made by Jewish men and women in professional sports throughout the country:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2008 as JEWISH SPORTS HERITAGE MONTH in Illinois, and encourage all citizens to recognize Jewish athletes, coaches, broadcasters, and executives who have distinguished themselves in the world of sports and earned the respect of a nation.

Issued by the Governor April 4, 2008
Filed by the Secretary of State April 4, 2008.

2008-139
National Pollinator Week

WHEREAS, pollinator species such as birds and insects are essential partners of farmers and ranchers in producing much of our food supply; and

WHEREAS, pollination plays a vital role in the health of our national forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse ecosystems; and

WHEREAS, the State of Illinois has managed wildlife habitats and public lands such as state forests and grasslands for decades; and

WHEREAS, the State of Illinois provides producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wildlands; and

WHEREAS, Illinois is proud to join with the United States Senate and the United States Department of Agriculture in declaring June 22 – 28, 2008, 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 22 – 28, 2008 as NATIONAL POLLINATOR WEEK in Illinois, and encourage all citizens to recognize the value and the fragility of the ecosystem services provided by pollinating species.
2008-140
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 9,750 members and 210 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 treasures 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 1 – 7, 2008 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 April 4, 2008
Filed by the Secretary of State April 4, 2008.

2008-141
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 22 – 28, 2008 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 4, 2008
Filed by the Secretary of State April 4, 2008.
# ILLINOIS ADMINISTRATIVE CODE
## Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 16 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

### Proposed Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>83</td>
<td>466</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>35</td>
<td>1500</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>68</td>
<td>1247</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>68</td>
<td>1485</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>89</td>
<td>120</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>89</td>
<td>140</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>59</td>
<td>132</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>89</td>
<td>50</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>86</td>
<td>100</td>
<td></td>
<td>04/01/2008</td>
</tr>
<tr>
<td>86</td>
<td>110</td>
<td></td>
<td>04/01/2008</td>
</tr>
</tbody>
</table>

### Adopted Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>330</td>
<td>04/07/2008</td>
<td>04/07/2008</td>
</tr>
<tr>
<td>68</td>
<td>1450</td>
<td>04/02/2008</td>
<td>04/02/2008</td>
</tr>
<tr>
<td>89</td>
<td>160</td>
<td>03/31/2008</td>
<td>03/31/2008</td>
</tr>
<tr>
<td>92</td>
<td>1030</td>
<td>04/04/2008</td>
<td>04/04/2008</td>
</tr>
</tbody>
</table>

### Emergency Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>83</td>
<td>466</td>
<td>04/01/2008</td>
<td>04/01/2008</td>
</tr>
<tr>
<td>89</td>
<td>50</td>
<td>04/01/2008</td>
<td>04/01/2008</td>
</tr>
<tr>
<td>80</td>
<td>420</td>
<td>04/02/2008</td>
<td>04/02/2008</td>
</tr>
</tbody>
</table>

### Peremptory Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>140</td>
<td>04/01/2008</td>
<td>04/01/2008</td>
</tr>
</tbody>
</table>

### Notice of Corrections

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>305</td>
<td></td>
<td>03/04/2008</td>
</tr>
</tbody>
</table>

### Notice of Codification Changes

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>590</td>
<td></td>
<td>03/04/2008</td>
</tr>
</tbody>
</table>

### Executive Orders and Proclamations

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>08</td>
<td>104</td>
<td>03/24/2008</td>
<td>03/24/2008</td>
</tr>
<tr>
<td>08</td>
<td>105</td>
<td>03/25/2008</td>
<td>03/25/2008</td>
</tr>
<tr>
<td>08</td>
<td>106</td>
<td>03/25/2008</td>
<td>03/25/2008</td>
</tr>
<tr>
<td>08</td>
<td>107</td>
<td>03/25/2008</td>
<td>03/25/2008</td>
</tr>
<tr>
<td>08</td>
<td>108</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>109</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>110</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>111</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>112</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>113</td>
<td>03/26/2008</td>
<td>03/26/2008</td>
</tr>
<tr>
<td>08</td>
<td>114</td>
<td>03/27/2008</td>
<td>03/27/2008</td>
</tr>
<tr>
<td>08</td>
<td>115</td>
<td>03/27/2008</td>
<td>03/27/2008</td>
</tr>
<tr>
<td>08</td>
<td>116</td>
<td>03/27/2008</td>
<td>03/27/2008</td>
</tr>
<tr>
<td>08</td>
<td>117</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>118</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>119</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>120</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>121</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>122</td>
<td>03/28/2008</td>
<td>03/28/2008</td>
</tr>
<tr>
<td>08</td>
<td>80</td>
<td>03/04/2008</td>
<td>03/04/2008</td>
</tr>
<tr>
<td>08</td>
<td>123</td>
<td>03/31/2008</td>
<td>03/31/2008</td>
</tr>
</tbody>
</table>
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

80 - 420 ........................................6782
# ORDER FORM

<table>
<thead>
<tr>
<th>Option</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription to the Illinois Register (52 Issues)</td>
<td>$290.00</td>
</tr>
<tr>
<td>- New</td>
<td></td>
</tr>
<tr>
<td>- Renewal</td>
<td></td>
</tr>
<tr>
<td>Electronic Version of the Illinois Register (E-mail Address Required)</td>
<td>$290.00</td>
</tr>
<tr>
<td>- New</td>
<td></td>
</tr>
<tr>
<td>- Renewal</td>
<td></td>
</tr>
<tr>
<td>Back Issues of the Illinois Register (Current Year Only)</td>
<td>$10.00</td>
</tr>
<tr>
<td>- Volume #________ Issue#________ Date________</td>
<td></td>
</tr>
<tr>
<td>Microfiche sets of the Illinois Register 1977 – 2003</td>
<td>$200.00</td>
</tr>
<tr>
<td>- Specify Year(s)</td>
<td></td>
</tr>
<tr>
<td>Cumulative/Sections Affected Indices 1990 - 2005</td>
<td>$5.00</td>
</tr>
<tr>
<td>- Specify Year(s)</td>
<td></td>
</tr>
<tr>
<td>(Processing fee for credit cards purchases, if applicable.)</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

**TOTAL AMOUNT OF ORDER** $__________

☐ Check  Make Checks Payable To: **Secretary of State**

☐ VISA  ☐ Master Card  ☐ Discover (There is a $2.00 processing fee for credit card purchases.)

Card #: ___________________________ Expiration Date: _______

Signature: ___________________________

**Fax Order To:** (217) 524-0308

Send Payment To: Secretary of State  Department of Index  Administrative Code Division  111 E. Monroe  Springfield, IL  62756

Name:  Attention:  ID #:

Address:  

City:  State:  Zip Code:  

Phone:  Fax:  E-Mail:

Published by **JESSE WHITE** • Secretary of State  
www.cyberdriveillinois.com