

2002

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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

If I may draw your attention to:

1 Ill. Adm. Code 100.130 Illinois Administrative Code Organization

- b)4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body

of the Code.

1 Ill. Adm. Code 100.500 Requirements for Filing

- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Part or Section number. Each Section shall begin on a new page.

SECRETARY OF STATE

DEPARTMENT OF INDEX

111 East Monroe
Springfield, Illinois 62756

TO: RULEMAKING AGENCIES, BOARDS, COMMISSIONS AND DEPARTMENTS

DATE: October 4, 2002

REF: Compatible Format for Submission of Administrative Rules

To Whom It May Concern:

As publisher of the Illinois Administrative Code (Code) and Illinois Register (Register), the Office of the Secretary of State, Index Department, must, occasionally, make adjustments to the requirements for submission of rules for publication in the Register. Over the past year, the Joint Committee on Administrative Rules (JCAR) and the Legislative Information Systems (LIS) has developed a new (Microsoft Word XP) system to track and maintain their version of the Administrative Code and the Illinois Register. The Secretary of State also has begun utilizing Microsoft XP to process the Register and the Code. **Therefore, effective January 1, 2003, Index Department will no longer accept submissions of entries for the Register from state agencies unless it is on a Microsoft Word format.** Any information that cannot be developed in Microsoft Word due to special characters or mapping will need to be scanned by the agency and embedded into the document.

If you have any questions, please feel welcome to contact me.

Thank you,

Terry Long, Administrator
Administrative Code Division and
Public Records Division
Department of Index

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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

2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
Issue 4	January 14, 2002	January 25, 2002	Issue 41	September 30, 2002	October 11, 2002
Issue 5	January 22, 2002	February 01, 2002	Issue 42	October 07, 2002	October 18, 2002
Issue 6	January 28, 2002	February 08, 2002	Issue 43	October 14, 2002	October 25, 2002
Issue 7	February 04, 2002	February 15, 2002	Issue 44	October 21, 2002	November 01, 2002
Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25 22, 2002
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Issue 29	July 08, 2002	July 19, 2002			
Issue 30	July 15, 2002	July 26, 2002			
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Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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July 2001 - 675 - GA-82

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Motor Vehicle Advertising
- 2) Code Citation: 14 Ill. Adm. Code 475
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
475.110	Amendment
475.330	Repeal
475.420	Amendment
475.530	Amendment
475.560	New Section
475.590	Amendment
- 4) Statutory Authority: Implementing Section 2, and authorized by Section 4, of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4].
- 5) A Complete Description of the Subjects and Issues Involved: Part 475 describes practices in the advertising of motor vehicles for sale or lease that are considered by the Attorney General to constitute unfair or deceptive acts for purposes of the enforcement of Section 2 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2]. These amendments were developed over the last year in response to certain concerns regarding motor vehicle advertising practices, which arose subsequent to the most recent amendments to these regulations in March 2001. These concerns were voiced during regular meetings of law enforcement, industry, and trade group representatives at the Attorney General's Auto Dealers Advisory Council. Specific changes are described below.

With respect to general provisions, Section 475.110 is amended by adding definitions for "Limited Rebate" and "Shopped Area". The definition for "Limited Rebate" is added to clarify Section 475.530 concerning rebates, and the definition for "Shopped Area" is added to clarify Section 475.560, a new regulation concerning shopped price.

With respect to price advertising, the repeal of Section 475.330 eliminates the prohibition against advertising "low prices" or words of similar import. Section 475.420 is amended to require that dealers comply with the Federal Truth In Lending Act, 15 USC 1601, et seq., when advertising buy-down rates.

With respect to other advertising practices, Section 475.530 is amended to broaden its applicability to the advertising of rebates in connection with leases and installment payment amounts, and to prohibit dealers from advertising a total rebate amount if a portion of that amount consists of a limited rebate. Section 475.560 is added to allow

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NOTICE OF PROPOSED AMENDMENTS

manufacturers to advertise a “shopped price” as an alternative to a manufacturer’s suggested retail price. The “shopped price” is determined through an independent survey of selling prices at dealerships within the shopped area. This new Section sets out certain criteria which must be met before a manufacturer can advertise a “shopped price”. Section 475.590 is amended to allow dealers to advertise or offer a free gift in connection with the purchase or lease of a vehicle, if the free gift is offered through a manufacturer’s program or a manufacturer’s authorized and approved dealer advertising association.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: Neither creates nor modifies a State mandate within the meaning of Section 3 (b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing throughout the first notice period to:

Patricia Kelly, Chief
Consumer Protection Division
Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
(312) 814-3749

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: automobile dealerships, advertising firms or any other individuals who create auto ads, e.g., newspapers, radio stations, etc.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: same experience previously required to comply with the Motor Vehicle Advertising Regulations

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NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 475
MOTOR VEHICLE ADVERTISING

SUBPART A: GENERAL PROVISIONS

Section
475.110 Definitions

SUBPART B: GENERAL ADVERTISING PRACTICES

Section
475.210 Clear and Conspicuous – Disclosure of Material Terms
475.220 Footnotes and Asterisks
475.230 Print Size
475.240 Photographs and Illustrations
475.250 Abbreviations

SUBPART C: PRICE ADVERTISING

Section
475.310 Advertised Price
475.320 Advertising Limitations
475.330 Low Prices (~~Repealed~~)
475.340 Lowest Prices – Guaranteed Lowest Prices
475.350 Price Matching
475.360 Disclosure of Basis for Price Comparison
475.370 Sales
475.380 Liquidation Sale
475.390 Range of Savings or Price Comparison Claims
475.410 Dealer Cost/Invoice Pricing
475.420 Buy-Down Rate

SUBPART D: OTHER ADVERTISING PRACTICES

Section
475.510 Demonstrator, Executive, Official, or Promotional Vehicles

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475.520	Rental Vehicles
475.530	Rebates
475.540	Trade-Ins
475.550	No Money Down
<u>475.560</u>	<u>Shopped Price</u>
475.570	Factory Outlet
475.580	Contract Add-Ons
475.590	Gifts and Free Offers

SUBPART E: CREDIT SALES ADVERTISING

Section	
475.610	Credit Sales Advertising Disclosures
475.620	Advertised Terms Unavailable
475.630	Advertised Finance Rate
475.640	Advertisement of Credit Terms

SUBPART F: LEASE ADVERTISING

Section	
475.710	Lease Advertising Disclosures
475.720	Other Limitations, Restrictions or Conditions (Repealed)

SUBPART G: EXEMPTION PROVISIONS

Section	
475.810	Exemption

AUTHORITY: Implementing Sections 2 and 3 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2, 3 and 4].

SOURCE: Adopted at 15 Ill. Reg. 17949, effective December 3, 1991; amended at 25 Ill. Reg. 4819, effective March 20, 2001; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 475.110 Definitions

"Advertisement" (including the terms "advertise" and "advertising") means any oral, written, graphic, or pictorial statement made concerning motor vehicles by

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

publication, dissemination, solicitation or circulation, in the course of "trade" and "commerce," as those terms are defined in this Section~~herein~~. Advertisement includes any statement or representation made in a newspaper, magazine, or other publication; or on radio or television; or appearing in any notice, handbill, sign, billboard, banner, poster, display, circular, pamphlet, letter, or other printed material; or contained in any window sticker or price tag.

"Buy-down rate" means a financing rate which, as a result of the dealer's advance payment of finance charges to a third party, is below the prevailing market financing rate.

"Clear and ~~conspicuous~~ Conspicuous" (including the terms "clearly" and "conspicuously") means that the statement, representation or term being conveyed is: in close proximity to the statement, representation or term it clarifies, modifies, or explains, or to which it otherwise relates; readily noticeable; reasonably understandable by the person(s) to whom it is directed; and not contradictory to any terms it purports to clarify, modify or explain.

A statement, representation or term is not clear and conspicuous unless it shall:

For printed, written, typed or graphic advertisements;

employ abbreviations only if they are commonly understood by the public (e.g., abbreviations commonly understood – AC, AM/FM, AUTO, AIR, 2DR, CYL, MSRP, and e.g., abbreviations not commonly understood – WAC, PEG) or approved by federal or State ~~state~~ law (e.g., terms allowed by the Federal Truth in Lending Act, 15 USC U.S.C.-1601, et seq., or the Consumer Leasing Act of 1976, 15 USC U.S.C.-1601, et seq., such as "APR");

be of sufficient prominence in terms of print, size and color contrast, as compared with the remainder of the advertisement, so as to be readily noticeable to the person(s) to whom it is directed. Any type size which is 10-point type or larger is deemed readily noticeable.

For radio advertisements and the audio portion of television advertisements or advertisements in any other audio-visual medium;

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be at a decibel level equal to the highest decibel level used in the advertisement; and

be at a speed equal to or slower than any other statement, representation or term contained in the advertisement.

For required superimposed written copy ("super") in a television advertisement or advertisements in any other audio-visual medium;

the minimum height of supers should be:

capital and lower case letters: 24 video scanlines;

capital letters only: 18 video scanlines;

appear on the screen for a duration sufficient to allow a viewer to have a reasonable opportunity to read and understand the statement, representation or term.

It shall be a rebuttable presumption that the super is sufficient if the super meets the following on-screen minimum display time:

three seconds for the first line of text; and

one second for each additional line.

"Dealer" means a dealer as defined in the Illinois Vehicle Code and includes used car dealers, also as defined in the Vehicle Code therein [625 ILCS 5] (Ill. Rev. Stat. 1989, ch. 95 ½, pars. 1-100 et seq.).

"Dealer's ~~cost~~ Cost" (including but not limited to: "cost," "factory invoice," "factory billing") means the actual cost or total consideration paid by the dealer to the manufacturer for the vehicle, and where no other consideration, fee or charge, including, without limitation, overhead, rebates, promotional fees, advertising, or any other consideration, has been or will be paid by the manufacturer or a third party to the dealer prior or subsequent to the purchase of the vehicle, which in any way reduces, diminishes or offsets the cost to the dealer of purchasing the vehicle.

"Demonstrator" means a motor vehicle of a current or previous model year that ~~which~~ has not been registered or titled to a member of the public prior to the

ATTORNEY GENERAL

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appearance of the advertisement, and had been used by the dealership personnel for demonstration purposes.

"Documentary service fee" or words of similar import, including, without limitation, "documentation and handling" fee or "D and H" fee, means a fee for services actually rendered to, for, or on behalf of the retail buyer in preparing, handling, and processing documents pertaining to the motor vehicle and the closing of the transaction, and shall not exceed the amount of ~~forty dollars~~ (\$40.00); provided, however, ~~this said~~ fee may be adjusted on January 1st of each calendar year for inflation, employing the Consumer Price Index published by the United States Department of Labor as the basis for adjustment.

"Executive ~~vehicle~~" or "~~official Official~~" ~~vehicle~~ ~~Vehicle~~ means a motor vehicle ~~that which~~ has been driven exclusively by executives of the parent motor vehicle manufacturer's personnel or by an executive of an authorized dealer in the same make of car, as defined in the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] ~~(Ill. Rev. Stat. 1989, ch. 121 1/2, par. 262L(g))~~.

"Free" means without charge or cost, monetary or otherwise, to the recipient, and includes terms of essentially identical import, such as "give away". A free offer in conjunction with the sale or lease of goods or services is one that conveys to customers the message that the goods or services are offered at no cost in conjunction with the purchase of other goods or services for no more than their regular price.

"Leased ~~vehicle Vehicle~~" means a vehicle ~~that which~~ has been driven for a specific period of time pursuant to a lease, as that term is defined in the Illinois Vehicle Code ~~(Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 1-100 et seq.)~~.

"Limited rebate" means any payment of money to a consumer, or any payment to a dealer or third party on behalf of a consumer, on the condition that the consumer purchase or lease a motor vehicle, and that is confined, restricted, or circumscribed to a certain class of consumers, such that it is not generally available to every consumer seeking to purchase or lease the motor vehicle, including, but not limited to, on the basis of the consumer's status, sponsorship, affiliation, or association.

"Motor ~~vehicle Vehicle~~" means a motor vehicle as defined in the Illinois Vehicle Code ~~(Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 1-100 et seq.)~~.

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NOTICE OF PROPOSED AMENDMENTS

"New ~~motor vehicle~~ ~~Motor Vehicle~~" means a motor vehicle ~~that which~~ is of the current or previous model year and ~~that which~~ has not been previously registered or titled except to a franchised distributor or franchised new vehicle dealer.

"Rebate" means the payment of money to a consumer or payment to a dealer or third party on behalf of a consumer on the condition that the consumer purchase or lease a motor vehicle, unless the rebate is offered through a manufacturer's rebate program or a third party independent of the dealer.

"Rental ~~vehicle~~ ~~Vehicle~~" means a vehicle ~~that which~~ has been offered to the public for business or personal use driving for short periods of time, such as on a daily or weekly basis.

"Shopped area" means the geographic area where the motor vehicle advertisements are disseminated and where the shopped dealerships are located.

"Trade" and ~~"commerce~~ ~~Commeree~~" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State, as defined in the Consumer Fraud and Deceptive Business Practices Act (~~Ill. Rev. Stat. 1989, ch. 121 1/2, par. 261(f)~~).

"Trade area" means the geographic area where the motor vehicle dealership is located and where the dealer's advertisements are disseminated.

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

SUBPART C: PRICE ADVERTISING

Section 475.330 Low Prices (Repealed)

~~It is an unfair or deceptive act to advertise the term "low prices", or words of similar import, in the advertisement, unless the prices offered are lower than those usually offered by the dealer or other dealers in the same trade area.~~

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

Section 475.420 Buy-Down Rate

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- a) It is an unfair or deceptive act to advertise the sale of any motor vehicle at a "buy-down" rate, as that term is defined in Section 475.110 herein, without clearly and conspicuously disclosing in the advertisement that the interest rate is not exclusively sponsored or subsidized by the manufacturer, if such is, in fact, true. "Manufacturer" includes any subsidiaries of the manufacturer that advertise or offer motor vehicle financing.
- b) It is an unfair or deceptive act to advertise or offer below market finance rates, unless the advertised "buy-down" rate complies with the Federal Truth In Lending Act. without clearly and conspicuously disclosing that the difference between the "cash" and "credit" price (i.e., buy-down rate) is a hidden finance charge, which may, in fact, affect the purchase price and which must be included in the Annual Percentage Rate (APR) calculation.

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

SUBPART D: OTHER ADVERTISING PRACTICES

Section 475.530 Rebates

- a) It is an unfair or deceptive act to advertise any cash rebates, including, without limitation, a payment or an offset to a consumer or payment to a dealer or third party on behalf of the consumer on the condition that the consumer purchase or lease a motor vehicle, unless the rebate is offered through a manufacturer's rebate program.
- b) It is an unfair or deceptive act for any dealer to advertise a price or amount of an installment payment, wherein rebates have been deducted, unless every consumer seeking to purchase or lease the advertised vehicle is eligible for may purchase the rebate vehicle at the advertised price.
- c) Dealers may advertise the availability of a limited rebate if the terms of the limitation are clearly and conspicuously disclosed. It is an unfair or deceptive act for any dealer to advertise a price or amount of an installment payment in which limited rebates have been deducted, or to advertise a total amount of rebate if a portion of the total consists of a limited rebate.

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

Section 475.560 Shopped Price

It is an unfair or deceptive act to advertise any sale or lease price modified by phrases such as "based on shopped price", "based on a recent survey of prices", or similar terms, unless:

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- a) the model of vehicle selected is a model sold and available at most dealer stores of the same line make in the shopped area in which the advertisement appears;
- b) the survey conducted is independent, and the survey agency used to conduct the survey was not related to or affiliated with any manufacturer or dealer carrying that vehicle in inventory;
- c) the survey takes place immediately prior to the first advertisement being placed;
- d) at least one half of the dealers of the applicable line make in the shopped area were surveyed;
- e) the survey result has not been used over an extended period if costs or other factors change such that the average survey price has become significantly less than the prevailing price in the shopped area, and in no event shall be used for a period exceeding 90 days;
- f) if the product is pictured in the survey ad, the picture is of the exact type and model surveyed; also the picture includes only features included in the survey price;
- g) the dates of the survey period and the numbers of dealers shopped are disclosed in the ad, with a statement that individual dealer prices may be higher or lower; and
- h) all dealerships shopped for the survey are located within the shopped area.

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

Section 475.590 Gifts and Free Offers

- a) It is an unfair or deceptive act to advertise or offer free prizes, gifts or other incentives in connection with the purchase or lease of a vehicle where the vehicle is sold or leased at a price arrived at through bargaining or negotiation, unless the dealer meets the requirements of subsection (b) of this Section.
- b) A Provided, however, a free prize, gift or other incentive may be advertised or offered in connection with the purchase or lease of a vehicle if:
 - 1) the free prize, gift or other incentive is offered through a manufacturer's program or a manufacturer's authorized and approved dealer advertising association without any participation by the dealer, excluding dues or assessments that are required to participate in the advertising association. The program or association shall be clearly and conspicuously disclosed; and
 - 2) all material terms and conditions relating to the offer are clearly and conspicuously disclosed at the outset of the offer; and
 - 2) ~~the receipt of the free prize, gift or incentive is not contingent upon the purchase of a motor vehicle.~~
- c) Nothing in this Section shall prohibit a dealer from including a warranty with the

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

purchase or lease of a vehicle. A warranty shall not be advertised as free using the word "free".

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Number: 1501.523 Proposed Action:
New Section
- 4) Statutory Authority: 110 ILCS 805/2-12
- 5) A Complete Description of the Subjects and Issues Involved: Legislation was passed in the spring of 1999 that allows community college foundations to request a State matching grant of \$2 for every \$3 received in local funds if appropriated funds become available. The Illinois Community College Board received an appropriation to disburse challenge grants to Illinois Community College Foundations during fiscal year 2002. However, the appropriation was subsequently reduced to zero in the November 2001 appropriation reductions. No funds are currently available and no funds were included in fiscal year 2003. Should funds become available in the future, rules must be in place before applications may be received and funds distributed.
- 6) Will this proposed amendment replace an emergency rule making currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
(217) 785-0053
Fax: (217) 524-6195

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

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

- 12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because: The Agency did not anticipate filing amendments to this Part when the agendas were submitted.

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

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1501.522	Deferred Maintenance Grants (Repealed)
<u>1501.523</u>	<u>Foundation Matching Grants</u>

SUBPART F: CAPITAL PROJECTS

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1501.601	Definition of Terms
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SUBPART H: PERSONNEL

Section

1501.801	Definition of Terms
1501.802	Sabbatical Leaves

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

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at

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10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART E: FINANCE

1501.523 Foundation Matching Grants

- a) An eligible community college foundation, as referred to in this Section, is defined as a 501(c)(3) entity formed to benefit a community college district, students, and taxpayers of a community college district as provided for in the Public Community College Act and meets the criteria to receive an award as provided for in this Section. A foundation shall establish its eligibility by submitting a copy of its articles of incorporation (the first year of application only), a copy of its most recent signed federal 990 tax return, and a copy of the foundation's most recently completed external audit with the other components of an application.
- b) Requests for foundation matching grant awards (referred to in this Section as challenge grants) must be submitted in a format prescribed by the ICCB no later than December 1 of each year.

ILLINOIS COMMUNITY COLLEGE BOARD

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- c) Each community college foundation shall have the opportunity to apply for a \$25,000 challenge grant. The award amount shall be prorated to a reduced amount if sufficient funds are not available in the State's Academic Improvement Trust Fund to provide an initial grant of \$25,000 to those eligible foundations that submit an application no later than December 1.
- d) In order to be eligible to receive a challenge grant, the community college foundation board must establish, as part of the application process, that the foundation board has:
- 1) established an academic improvement trust fund as a depository for private contributions and awarded challenge grants;
 - 2) \$3 of local match available (contributions received after July 1, 1999, for the purpose of matching the State challenge grants) for each \$2 of State funds; and
 - 3) raised a minimum of \$10,000 from private sources and the contributions must be in excess of the total average annual cash contributions made to the community college foundation in the three fiscal years before July 1, 1999 (fiscal years 1997, 1998, 1999).
- e) Any unmatched excess funds remaining in the State's Academic Improvement Trust Fund, on April 1 of the fiscal year in which an appropriation is received, for community college foundations after the award of the initial \$25,000 challenge grants will be available for matching by any community college foundation. No community college foundation will receive more than \$100,000 in challenge grants in any one State fiscal year.
- f) The community college foundation board is responsible for determining the use of the proceeds of the challenge grants and such uses may include:
- 1) scientific equipment;
 - 2) professional development and training for faculty, and
 - 3) student scholarships and other activities appropriate to improving the quality of education at the community college. The community college foundation may not use the proceeds of the challenge grant for a capital campaign or program.
- g) Each community college foundation receiving grant funds shall file a report with the ICCB in a format prescribed by the ICCB detailing how the funds were utilized within 60 days after the foundation's fiscal year end and submit a copy of the external audit of the fiscal year just ended as soon as it is completed.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Compulsive Gambling
- 2) Code Citation: 77 Ill. Adm. Code 2059
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2059.101	New Section
2059.103	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Lottery Law [20 ILCS 1605/10.7] the Bingo License and Tax Act [230 ILCS 25/4.3], the Illinois Gaming Act [230 ILCS 30/8.1] and the Illinois Horse Racing Act [230 ILCS 5/34.1].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking creates this Part to meet the Department of Human Services responsibility to provide text and/or signs concerning assistance for compulsive gamblers.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: this rulemaking was not anticipated during the development of those agendas.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: LICENSUREPART 2059
COMPULSIVE GAMBLING

Section

2059.101	Applicability
2059.103	Compulsive Gambling Text

AUTHORITY: Implementing and authorized by Section 10.7 of the Illinois Lottery Law [20 ILCS 1605/10.70, Section 4.3 of the Illinois Bingo License and Tax Act [230 ILCS 24/4.3], Section 8.1 of the Illinois Gaming Act [230 ILCS 30/8.1] and Section 34.1 of the Illinois Horse Racing Act [230 ILCS 5/34.1].

SOURCE: Adopted at 26 Ill. Reg. _____, effective _____.

Section 2059.101 Applicability

This Part shall apply to the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA) related to its responsibility to provide text and/or signs, concerning assistance for compulsive gambling, to the Illinois Departments of the Lottery and Revenue and the Illinois Racing Board for use as referenced by statute.

Section 2059.103 Compulsive Gambling Text

- a) The text for applicable placards, signs and paper notices shall be as follows: “If you or someone you know has a gambling problem, crisis counseling and referral services can be accessed by calling the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse”. OASA’s toll-free telephone number (both voice and TTY) shall also be included with this text.
- b) OASA shall provide signs that display this text to the Illinois Department of Revenue and the Illinois Racing Board for use, distribution and placement as designated by statute.
- c) The Illinois Department of the Lottery shall utilize this text and its own designated toll-free telephone number on all placards and paper notices, as designated by statute.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Registration and Operator Requirements for Radiation Installations
- 2) Code Citation: 32 Ill. Adm. Code 320
- 3) Section Number: 320.10 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to increase the annual radiation machine registration fee paid by every operator of a radiation installation. The fee increase shall occur in two steps over a 3-year period.
- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Rob Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected. This amendment will increase the machine registration fees for all operators of radiation installations including small businesses, small municipalities and not for profit corporation that possess radiation machines.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

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

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 320

REGISTRATION AND OPERATOR REQUIREMENTS
FOR RADIATION INSTALLATIONS

Section

320.10	Registration
320.15	Incorporations by Reference (Repealed)
320.20	Amendments and Changes in Status
320.30	Discontinued Use (Repealed)
320.40	Exemptions
320.50	Noncompliance (Repealed)
320.60	Requirements for All Operators of Radiation Installations
320.70	Additional Requirements for Operators of Class D Radiation Installations

AUTHORITY: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990; amended at 18 Ill. Reg. 3363, effective February 22, 1994; amended at 20 Ill. Reg. 6912, effective May 1, 1996; amended at 23 Ill. Reg. 14488, effective January 1, 2000; amended at 27 Ill. Reg. _____, effective _____.

Section 320.10 Registration

- a) For purposes of registration pursuant to this Part, the phrase "radiation installation" shall mean any location or facility where radiation machines are located.
- b) Installation Registration
 - 1) Any operator of a radiation installation shall register such radiation installation with the Department of Nuclear Safety (Department). The operator shall register the installation before the installation is placed in operation, on a form prescribed by the Department which shall include:
 - A) The operator's name;
 - B) The location and confines of the radiation installation; and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- C) The type, manufacturer, model, serial number and room location of radiation machines possessed.
- 2) Radiation machines that are located in a single building or in a group of buildings ~~that which~~ are contiguous to one another, and used by the same operator, shall be treated as a single radiation installation unless requested otherwise in writing by the operator and approved by the Department.
- c) Installation Classifications
Radiation installations shall be divided into the following 4 classes:
- 1) *Class A - Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines.* [420 ILCS 40/25(f)] Class A installations shall be inspected at intervals not exceeding 5 years.
- 2) *Class B - Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders.* [420 ILCS 40/25(f)] Class B installations shall be inspected at intervals not exceeding 2 years.
- 3) *Class C - Class C shall include installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations.* [420 ILCS 40/25(f)] Class C installations shall be inspected at intervals not exceeding 1 year.
- 4) *Class D - Class D shall include all hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines.* [420 ILCS 40/25(f)] Class D installations shall be inspected at intervals not exceeding 1 year.
- d) Machine Registration
- 1) Every operator of a radiation installation shall register radiation machines annually on a form prescribed by the Department.
- 2) An annual registration fee for each machine possessed on January 1 of each year shall be submitted with the registration form.
- A) The registration fee for calendar years 2003 and 2004 ~~This fee,~~ based on the type of facility and radiation machines possessed, is

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

listed in this subsection (d)(2)(A) as follows:

Facility Type	Fee Per Radiation Machine
Class A – Dental and veterinary offices.	\$3521
Class A – Installations only using commercially manufactured cabinet radiation machines.	\$5026
Class B – Offices or clinics of persons licensed under the Medical Practice Act, and all installations using portable radiographic/fluoroscopic units.	\$11050
Class B – Podiatric offices.	\$7037.50
Class B – All installations using spectroscopy, non-commercially manufactured cabinet units, non-cabinet baggage/package units, and/or electron beam welders.	\$11050
Class C – Installations using diffraction, open or closed radiography machines, x-ray gauges, and installations with test booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines.	\$17090
Class D – All hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines.	\$7035

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- B) The registration fee for calendar year 2005 and thereafter, based on the type of facility and radiation machines possessed, is listed in this subsection (d)(2)(B) as follows:

<u>Facility Type</u>	<u>Fee Per Radiation Machine</u>
<u>Class A – Dental and veterinary offices.</u>	<u>\$ 50</u>
<u>Class A – Installations only using commercially manufactured cabinet radiation machines</u>	<u>\$ 75</u>
<u>Class B – Offices or clinics of persons licensed under the Medical Practice Act, and all installations using portable radiographic/fluoroscopic units.</u>	<u>\$ 175</u>
<u>Class B – Podiatric offices.</u>	<u>\$ 100</u>
<u>Class B – All installations using spectroscopy, noncommercially manufactured cabinet units, non-cabinet baggage/ package units, and/or electron beam welders.</u>	<u>\$ 175</u>
<u>Class C – Installations using diffraction, open or closed radiography machines, x-ray gauges, and installations with test booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines.</u>	<u>\$ 250</u>
<u>Class D – All hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines.</u>	<u>\$100</u>

- 3) *Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection [420 ILCS 40/25(f-1)] and resultant fee.*

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NOTICE OF PROPOSED AMENDMENT

- 4) Radiation installation not specified as Class A, B, C or D shall be assigned an inspection interval, classification and resultant fee by the Department, based on the radiation machines' use and associated radiation hazard.
- 5) *The Department shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid, the Department may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of the Act. Fees collected under ~~this the~~ Section are not refundable. [420 ILCS 40/24.7]*

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Administrative Case Reviews and Court Hearings
- 2) Code Citation: 89 Ill. Adm. Code 316
- 3) Section Number: 316.40 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USC 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and the Adoption Act [750 ILCS 50]
- 5) Effective Date of Amendment: November 8, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted rulemaking is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: May 10, 2002, 26 Ill. Reg. 6899
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: There is no difference between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rulemaking currently in effect? No
- 14) Are there any proposed amendments to this Part pending? No
- 15) Summary and Purpose of the Adopted Amendment: The amendment eliminates the 90-day administrative case review, thus making the six-month administrative case review the first case, review after the temporary custody hearing. The 90-day Administrative Case Review is duplicative of work that has already been done. During the first 90-days of any case, there are numerous activities that occur and address the planning and discussion

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that are covered at the 90-day Administrative Case Review. In addition, at any time throughout the life of a case, a caseworker and supervisor may request an unscheduled Administrative Case Review.

In addition, the Department has expanded its reasons for scheduling special administrative case reviews to include cases of workers, teams, offices, and purchase of service agencies when those workers, teams, offices, and agencies are shown to be in non-compliance with mandated requirements.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
FAX: (217) 557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The full text of the adopted amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 316

ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

Section	
316.10	Purpose
316.20	Definitions
316.30	Administrative Case Review System
316.40	Frequency of Administrative Case Reviews
316.50	Conduct and Participation at Administrative Case Reviews
316.60	Notice of Administrative Case Reviews
316.70	Roles and Responsibilities of the Administrative Case Reviewer
316.80	Caseworker Responsibilities at the Administrative Case Review
316.90	Decision Review
316.100	Appealability of Decisions
316.110	The Department's Role in the Juvenile Court
316.120	Permanency Hearings
316.130	Caseworker Responsibilities at the Permanency Hearing
316.140	Compliance with the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USC 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2528, effective February 1, 1999; amended at 26 Ill. Reg. 16909, effective Nov 8, 2002.

Section 316.40 Frequency of Administrative Case Reviews

- a) The first administrative case review shall be conducted within six months ~~within 90 days~~ after the temporary custody hearing.
- ~~b) The second administrative case review shall be conducted within six months after the temporary custody hearing.~~
- ~~b)e)~~ Following the six month administrative case review, administrative case reviews shall be conducted every six months ~~thereafter~~.
- ~~c)d)~~ Additional Administrative Case Reviews

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) The Division of Administrative Case Review may schedule more frequent case reviews for the following reasons: on cases that may require more than the scheduled six-month review. Such cases may be ones in which it is important that follow-up to the recommendations made at the last administrative case review is monitored. For example, cases for which concurrent planning, as described in 89 Ill. Adm. Code 315 (Permanency Planning) is being utilized. The caseworker and supervisor must attend administrative case reviews scheduled by the Division of Administrative Case Review outside of the normal cycle.
- A) the case requires more than the scheduled six-month review. Such cases may be ones in which it is important that follow-up to the recommendations made at the last administrative case review is monitored. For example, cases for which concurrent planning, as described in 89 Ill. Adm. Code 315 (Permanency Planning), is being utilized;
 - B) the biological family requests an administrative case review prior to the first six-month review; or
 - C) cases of workers, teams, offices, and purchase of service agencies are selected for special reviews because those workers, teams, offices, and agencies are shown to be in non-compliance with mandated requirements. Non-compliance of mandated requirements may include, but is not limited to:
 - i) failure to establish and implement procedures for assessment and service planning;
 - ii) failure to set and conduct family meetings; and
 - iii) failure to comply with current and ongoing consent decrees.
- 2) The caseworker and supervisor must attend all administrative case reviews scheduled by the Division of Administrative Case Review in accordance with this subsection (c).

(Source: Amended at 26 Ill. Reg. 16909, effective Nov 8, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Acoholism and Substance Abuse Treatment and Intervention Licenses
- 2) Code Citation: 77 Ill. Adm. Code 2060
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2060.103	Amended
2060.229	Repealed
2060.305	Amended
2060.509	Amended
- 4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].
- 5) Effective Date of Amendments: November 8, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 12, 2002, 26 Ill. Reg. 10173
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In the Table of Contents, Section 2060.417, added "Assessment for".

In Section 2060.103, a comma is added after "Americans with Disabilities Act of 1990 (ADA)".

Also in Section 2060.103, in the definition of ASAN Patient Placement Criteria, a comma is added after "(ASAMPPC-2R)".

In the definition of "Patient", "hereunder" is stricken and "under this Part" is added.

In Section 2060.305(a)(4), added "Section 12181 of" after "specified in".

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In Section 2060.509(h)(1), "of the date after" is stricken and "date of" is added.

In Section 2060.509(h)(2), "such" is stricken and "the" is added.

- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment repeals the Section on "Deemed Status". Also included are revisions and corrections to the e-mail address and chapter numbers of the Life Safety Code of the National Fire Protection Agency.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Robert Doyle, Bureau 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

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: LICENSUREPART 2060
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT
AND INTERVENTION LICENSES

SUBPART A: GENERAL REQUIREMENTS

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2060.101	Applicability
2060.103	Incorporation by Reference and Definitions

SUBPART B: LICENSURE REQUIREMENTS

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2060.203	Off-Site Delivery of Services
2060.205	Unlicensed Practice
2060.207	Organization Representative
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2060.211	License Application Forms
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2060.215	Period of Licensure
2060.217	License Processing/Review Requirements
2060.219	Renewal of Licensure
2060.221	Change of Ownership/Management
2060.223	Dissolution of the Corporation
2060.225	Relocation of Facility
2060.227	License Certificate Requirements
2060.229	Deemed Status (<u>Repealed</u>)

SUBPART C: REQUIREMENTS – ALL LICENSES

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2060.305	Facility Requirements
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2060.309	Professional Staff Qualifications

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2060.311	Staff Training Requirements
2060.313	Personnel Requirements and Procedures
2060.315	Quality Improvement
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2060.319	Confidentiality – Patient Information
2060.321	Confidentiality – HIV Antibody/AIDS Status
2060.323	Patient Rights
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2060.401	Levels of Care
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2060.407	Group Treatment
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2060.417	<u>Assessment for</u> Patient Placement
2060.419	Assessment for Treatment Planning
2060.421	Treatment Plans
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SUBPART E: REQUIREMENTS – INTERVENTION LICENSES

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2060.501	General Requirements
2060.503	DUI Evaluation
2060.505	DUI Risk Education

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2060.507 Designated Program
2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4488, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10803, effective August 23, 1999; amended at 25 Ill. Reg. 11063, effective August 14, 2001; amended at 26 Ill. Reg. 16913, effective Nov 8, 2002.

SUBPART A: GENERAL REQUIREMENTS

Section 2060.103 Incorporation by Reference and Definitions

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

"Admission" means what occurs after a patient has completed an assessment, received placement into a level of care, and been accepted for and begins such treatment.

"Adolescent" means a person who is at least 12 years of age and under 18 years of age.

"Adult" means a person who is 18 years of age or older.

"Alcohol and Drug Evaluation Report Summary" means the form, developed by the Office of the Secretary of State and required for use by the Illinois courts when granting judicial driving privileges, as defined in Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201].

"Alcohol and Drug Evaluation Uniform Report" means the form, mandated by the Department and produced from the DUI Service Reporting System (DSRS), that is required to report a summary of the DUI evaluation to the circuit court or the Office of the Secretary of State.

"Americans with Disabilities Act of 1990 (ADA)", 42 USC 12101, is the federal law requiring that public accommodations offer their services equally to persons without discrimination based on disabilities. An organization may not deny its

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services, offer unequal services or separate services, or have policies and procedures that have a discriminatory effect based on a disability, and shall remove barriers where possible and provide alternatives where not possible.

"ASAM Patient Placement Criteria" means the American Society of Addiction Medicine's Patient Placement Criteria for the Treatment of Substance-Related Disorders, Fourth Edition (ASAMPPC-2R), 4601 North Park Avenue, Upper Arcade Suite 101, Chevy Chase MD 20815 (2001, no later amendments or editions included).

"Assessment" means the process of collecting and professionally interpreting data and information from an individual and/or collateral sources, with the individual's permission, about alcohol and other drug use and its consequences as a basis for establishing a diagnosis of a substance use disorder, determining the severity of the disorder and comorbid conditions and identifying the appropriate level and intensity of substance abuse treatment, as well as needs for other services.

"Associate Director" means the Associate Director of the Department of Human Services Office of Alcoholism and Substance Abuse (OASA).

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] or a physician under federal authority who issues prescriptions pursuant to 21 CFR 1301.25 (2000).

"Authorized Organization Representative" means the individual in whom authority is vested for the management, control and operation of all services at a facility and for communication with the Department regarding the status of the organization's licenses at that facility.

"CDC Tuberculosis Guidelines" means "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities", MMWR 1994 (no. RR13).

"Case Management" means the provision, coordination, or arrangement of ancillary services designed to support a specific patient's substance abuse treatment with the goal of improving clinical outcomes.

"Chemical Test" means, in the context of intervention services, a breath, blood or urine test that measures the blood alcohol concentration (BAC) and/or drug concentration.

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"Client" means a person who receives intervention services as defined in this Part.

"Clinical Services" means substance abuse assessment, individual or group counseling, and discharge planning. The organization may also determine that other specified activities require the services of a professional staff member.

"Continuing Recovery Plan" means a plan developed with the patient prior to discharge that identifies recommended activities, support groups, referrals and any other necessary follow-up activities that will support and enhance patient progress, to date.

"Continuum of Care" means a structure of interlinked treatment services (either offered by one organization or through linkage agreements with other organizations) that is designed so a patient's changing needs will be met as that individual moves through the treatment and recovery process.

"Controlled Substance" means a drug or substance, or immediate precursor, that is enumerated in the Schedules of Article II of the Illinois Controlled Substances Act [720 ILCS 570] and in the Cannabis Control Act [720 ILCS 550].

~~"Deemed Status" means an exemption from routine inspection for specified Sections of this Part based upon the organization's accreditation from a national accrediting body recognized by the Department.~~

"Department" means the Department of Human Services.

"Detoxification" means the process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.

"Discharge" means the point at which the patient's treatment is terminated either by successful completion or by some other action initiated by the patient and/or the organization.

"Drunk and Drugged Driving Prevention Fund" means a special fund in the State Treasury created by Section 50-20 of the Alcoholism and Other Drug Abuse and Dependency Act out of which the Department may provide reimbursement for DUI evaluation and risk education services to indigent DUI offenders pursuant to this Part, and that it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or

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combination thereof as defined in the Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 2-5] or a similar provision of a local ordinance.

"DUI Evaluation" means the service provided to a person relative to a DUI offense in order to determine the nature and extent of the use of alcohol or other drugs as required by the Unified Code of Corrections [730 ILCS 5] and Section 6-206.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-206.1].

"DUI Service Reporting System (DSRS)" means the computer software that shall be utilized to summarize all evaluation and risk education service statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report" and other associated forms.

"Early Intervention" means services that are sub-clinical or pre-treatment and are designed to explore and address problems or risk factors that appear to be related to substance use and/or to assist individuals in recognizing the harmful consequences of inappropriate substance abuse.

"Facility" means the building or premises that are used for treatment and intervention services as specified in this Part.

"Good Cause" means conditions that would prevent a reasonable licensee from meeting one or more of the requirements of this Part.

"Incident" means any action by staff or patients that led, or is likely to lead, to adverse effects on patient services.

"Indigent DUI Offender" means anyone who has proven inability to pay the full cost of the DUI evaluation or risk education service as determined through criteria established by the U.S. Department of Health and Human Services and published in the Federal Register and whose costs for such DUI services may be reimbursed from the Drunk and Drugged Driving Prevention Fund, subject to availability of such funds.

"Individual Counseling" means a therapeutic interaction between a patient and professional staff that includes but is not limited to the following: assessment of the patient's needs; development of a treatment plan to meet those identified needs; continual assessment of patient progress toward identified treatment plan goals and objectives; referral, if necessary; and discharge planning.

"Informed Consent" means a legally valid written consent by an individual or

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legal guardian that authorizes treatment, intervention or other services or the release of information about the individual, and that gives appropriate information to the individual so that he or she can authorize the service or disclosure with understanding of the consequences.

"Intervention" means activities or services that assist persons and their significant others in coping with the immediate problems of substance abuse or dependence and in reducing their substance use. Such services facilitate emotional and social stability and involve referring persons for treatment, as needed.

"Investigational New Drugs" means those substances that require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (2000).

"LAAM" means levo-alpha-acetyl-methadol that is a synthetic opioid agonist whose opioid effect is slower in onset and longer in duration (72 hours) than methadone and that is used in opioid maintenance therapy.

"Life Safety Code of 2000" means the National Fire Protection Association's Life Safety Code of 2000, National Fire Protection Association, 1 N. Batterymarch Park, Quincy MA 02269 (2000, no later amendments or editions included).

"Linkage Agreement" means a written agreement with an external organization to supplement existing levels of care and to arrange for other specialty services not directly provided by the organization.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) that is used in opioid maintenance therapy.

"Mission Statement" means the reason for existence for the organization and/or specific setting or service.

"Opioid Maintenance Therapy (OMT)" means the medical prescription, medical monitoring and dispensing of opioid compounds (such as Methadone and LAAM) as a medical adjunct to substance abuse treatment.

"Off-Site Delivery of Services" means licensable services that are delivered at a location separate from the licensed facility.

"Organization" means any public or private agency, corporation, unit of State or

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local government or other legal entity acting individually or as a group that seeks licensure or is licensed to operate one or more substance abuse treatment or intervention services.

"Patient" means a person who receives substance abuse treatment services as defined in this Part from an organization licensed under this Part ~~hereunder~~.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 and this State to distribute or dispense in accordance with Section 312 of the Illinois Controlled Substances Act [720 ILCS 510], conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Professional Staff" means any person who provides clinical services or who delivers intervention services as defined in this Part.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Recovery Home" means alcohol and drug free housing authorized by an intervention license issued by the Department, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

"Relapse" means a process manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction.

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"Residential Extended Care" (formerly halfway house) means residential clinical services for adults (17 year olds may be admitted provided that their assessment includes justification based on their behavior and life experience) or adolescents provided by professional staff in a 24 hour structured and supervised treatment environment. This type of service is primarily designed to provide residents with a safe and stable living environment in order to develop sufficient recovery skills.

"Revocation" means the termination of a treatment or intervention license, or any portion thereof, by the Department.

"Risk" means, in the context of intervention services, the designation (minimal, moderate, significant, or high) assigned to a person who has completed a substance abuse evaluation as a result of a charge for DUI that describes the person's probability of continuing to operate a motor vehicle in an unsafe manner. This assignment is based upon the following factors: the nature and extent of the person's substance use; chemical testing results; prior dispositions for DUI, statutory summary suspensions or reckless driving convictions reduced from a DUI; and any other significant dysfunction resulting from substance use or dependence.

"Secretary" means the Secretary of the Department of Human Services or his or her designee.

"Significant Incident" means any occurrence at a licensed facility that requires the services of the coroner and/or that renders the facility inoperable.

"Significant Other" means the spouse, immediate family member, other relative or individual who interacts most frequently with the patient in a variety of settings and who may also receive substance abuse services.

"Substance Abuse or Dependence" means maladaptive patterns of substance use leading to a clinically significant impairment or distress as defined in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV), 1400 K Street NW, Washington, DC 20005 (1994, no later amendments or editions included).

"Support Staff" means any staff who do not deliver clinical or intervention services.

"Transfer" means the process that occurs when a patient can no longer receive services at an organization because the appropriate level of care is not available,

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or the movement of the patient from one level of care to another within an organization's continuum of care.

"Treatment" means a continuum of care provided to persons addicted to or abusing alcohol or other drugs that is designed to identify and change patterns of behavior that are maladaptive, destructive and/or injurious to health; or to restore appropriate levels of physical, psychological, and/or social functioning.

"Treatment Plan" means an individually written plan for a patient that identifies the treatment goals and objectives based upon a clinical assessment of the patient's individual problems, needs, strengths and weaknesses.

"Tuberculosis Services" means counseling the person regarding tuberculosis; testing to determine whether the person has been infected with mycobacteria tuberculosis to determine the appropriate form of treatment; and providing for or referring the infected person for appropriate medical evaluation and treatment.

"U.S. Drug Enforcement Administration rules and regulations pertaining to medical dispensary services" means 21 CFR 1301.71-1301.76, 1304, and 1307.2 (2000).

"Universal Precautions" means the following guidelines published by the U.S. Centers ~~Center~~ for Disease Control and Prevention:

"Recommendations for Prevention of HIV Transmission in Health Care Settings", MMWR 1987; 36 (2s); and

"Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings, MMWR 1988; 37 (no. 24).

"Utilization Review" means a quality protective function that attempts to ensure that the patient is receiving an appropriate level of services, in accordance with assessed clinical conditions. Utilization review activities focus primarily in four major areas:

the appropriateness and clinical necessity of admitting a patient to a level of care;

the appropriateness and clinical necessity of continuation of the initiated level of care;

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the initiation and completion of timely discharge planning; and
the appropriateness and clinical necessity and timelines of support services.

(Source: Amended at 26 Ill. Reg. 16913, effective Nov 8, 2002)

SUBPART B: LICENSURE REQUIREMENTS

Section 2060.229 Deemed Status (Repealed)

- a) ~~The Department shall grant deemed status to specified Sections of this Part to any organization that has received national accreditation for its substance abuse services from any of the following accrediting bodies:~~
 - 1) ~~The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);~~
 - 2) ~~The Commission on Accreditation of Rehabilitation Facilities (CARF);~~
 - 3) ~~The Council on Accreditation of Services for Families and Children (COA).~~
- b) ~~Deemed status shall be granted by accredited site.~~
- e) ~~The specific Sections of this Part for which deemed status shall be granted will be determined annually by OASA relative to each accrediting body. Organizations shall be notified at the beginning of each fiscal year concerning the deemed status determination for their applicable sites based upon the following criteria:~~
 - 1) ~~a review of the most recent survey results from the accrediting body;~~
 - 2) ~~evidence of one complete licensure survey relative to all Sections of this Part and demonstrated compliance for a minimum of two years thereafter;~~
 - 3) ~~certification from the organization that it will maintain compliance with all applicable standards under which it is accredited; and~~
 - 4) ~~certification from the organization that it will immediately notify the Department if accreditation is revoked.~~
- d) ~~Organizations shall be granted deemed status according to the exception process specified in Section 2060.303(f) of this Part.~~
- e) ~~The Department reserves the right to inspect and determine compliance with all aspects of this Part, regardless of deemed status, should evidence warrant such inspection.~~
- f) ~~The Department reserves the right to revoke deemed status should evidence warrant that revocation.~~

(Source: Repealed at 26 Ill. Reg. 16913, effective Nov 8, 2002)

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SUBPART C: REQUIREMENTS – ALL LICENSES

Section 2060.305 Facility Requirements

- a) At the time of application for initial or renewal licensure, all organizations, with the exception of Recovery Homes that are subject to the provisions specified in Section 2060.509 of this Part, shall, on a form supplied by the Department, document full compliance with all applicable provisions specified in this Section and, specifically, with the following:
 - 1) all local and State health, safety, sanitation, building and zoning codes;
 - 2) all applicable sections, as specified in this Section, of the National Fire Protection Association's (NFPA) Life Safety Code of 2000;
 - 3) the facility requirements specified in the Environmental Barriers Act [410 ILCS 25] and the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
 - 4) the facility requirements specified in Section 12181 of the Americans with Disabilities Act of 1990 (42 USC ~~12181~~12101).
- b) The days and hours of operation shall be posted at each facility where treatment or intervention services are provided. This information shall be displayed in a location that is visible to all persons.
- c) Each facility shall also:
 - 1) have a written emergency preparedness plan that ensures appropriate disaster preparedness and continuation of services, if possible, after a disaster. This plan shall contain provisions for a tornado and fire drill at least annually, identify the role of the facility in a community-wide disaster and have an emergency evacuation plan, including provisions for disabled persons; and
 - 2) have areas for confidential interviewing, counseling, and administration and public reception and waiting areas.
- d) Residential extended care facilities shall comply with the provisions specified in Chapter ~~26 20~~-(Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 for any building housing 16 or fewer residents and with the provisions specified in Chapter ~~29 17~~-(Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 for any building housing 17 residents or more.
- e) Inpatient treatment facilities shall comply with the provisions specified in Chapter ~~28 16~~-(New Hotels and Dormitories) of the NFPA Life Safety Code of 2000.
- f) All existing outpatient treatment facilities shall comply with Chapter ~~39 27~~-(Existing Business Occupancies) of the NFPA Life Safety Code of 2000. Any outpatient treatment facility constructed after promulgation of this Part shall comply with Chapter ~~38 26~~-(New Business Occupancies) of the NFPA Life Safety

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Code of 2000.

- g) Organizations shall also ensure, as applicable:
- 1) that each bedroom is kept clean and organized;
 - 2) that each bedroom is occupied only by those of the same sex, except in situations where children are in residence with a parent in treatment;
 - 3) a separate bedroom is provided for any 16 or 17 year old patient admitted to an adult inpatient service or any patient 17 years old or younger admitted to medically monitored detoxification services;
 - 4) a minimum of 80 square feet is provided in a single bedroom and 60 square feet per bed in a multi-bed room with no more than four beds per room;
 - 5) at least three feet of space is provided at the foot or head and one side of each bed and at least three feet between each bed;
 - 6) that bunk beds will not be used for any detoxification patient and all other beds shall be non-folding, at least 36 inches wide and have flame retardant mattresses;
 - 7) that each inpatient bedroom is an outside room with not less than the equivalent of ten percent of its floor area devoted to windows, which shall be covered with curtains, blinds, or shades;
 - 8) that no inpatient bedroom opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility;
 - 9) that no bedroom is in an attic or in an area with a floor more than three feet below the adjacent ground level;
 - 10) that each inpatient has a wardrobe, locker, or closet;
 - 11) that each bedroom has a swinging door no less than 32 inches in width that opens directly into a corridor or to the outside;
 - 12) that doors in inpatient facilities that lead to corridors shall not be lockable from the inside;
 - 13) that each bathroom contains a toilet and sink and that each tub or shower is enclosed with space for drying and dressing (the sink may be omitted from a bathroom that serves two adjacent bedrooms if each of these rooms contains a sink);
 - 14) that a bathroom is accessible to each central bathing area and that a minimum of one toilet, one sink and one bathtub or shower for each sex shall be provided on each inpatient floor occupied by both sexes;
 - 15) that one sink, one toilet and one bathtub or shower is provided for each eight beds on each floor where bathrooms are not adjacent to bedrooms;
 - 16) that all bathrooms are well lighted and vented to the outside, either by means of a window that can be opened or by an exhaust fan; that no bathroom, other than for employees, shall open directly into a kitchen, pantry, food preparation area or food storage room;

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- 17) that, in inpatient facilities with a capacity to serve more than 20 patients, a separate enclosed room is available for group counseling, other than the one used for recreation or dining;
- 18) that any facility that provides 24 hour care or that provides any meals shall do so under the direction, as an employee or through a contractual agreement, of a licensed dietician (LD) or a licensed nutrition counselor (LNC);
- 19) that the dietitian or licensed nutrition counselor shall develop a written plan for the provision of food services that describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to patients;
- 20) that all nutritional aspects of patient care, including any specific dietary patient needs, shall be under the direction of the licensed dietitian, the licensed nutrition counselor or other persons who are supervised by the licensed dietitian or the licensed nutrition counselor;
- 21) that the dining area is supervised and staffed to provide assistance to the patients when needed, shall be sized and equipped to accommodate the age and number of patients served and shall be separate from the kitchen area;
- 22) that the preparation or cooking of regularly scheduled hot meals is restricted to kitchen areas that shall be designed and equipped to meet the requirements of the services provided, including provisions for food receiving, storage, and preparation, dish and pot washing, and waste disposal;
- 23) that there is access to a handwashing sink and toilet and that all equipment and appliances are installed to permit thorough cleaning of all equipment, walls, baseboards, and non-absorbent floor material and that each kitchen has an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher; and
- 24) that if laundry is done at the facility, space for soiled linen sorting, laundry equipment, including washers and dryers, and clean linen storage space is provided. If laundry is done outside the facility, a soiled linen storage room or area shall be provided.

(Source: Amended at 26 Ill. Reg. 16913, effective Nov 8, 2002)

SUBPART E: REQUIREMENTS – INTERVENTION LICENSES

Section 2060.509 Recovery Homes

Recovery Homes are alcohol and drug free housing components whose rules, peer-led groups,

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staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility. In order to be called a Recovery Home, the home shall:

- a) provide a structured alcohol and drug free environment for congregate living that shall offer regularly scheduled peer-led or community gatherings (self-help groups, etc.) that are held a minimum of five days per week and provide recovery education groups weekly;
- b) have written linkage agreements with substance abuse providers in accordance with the provisions specified in Section 2060.329 of this Part;
- c) establish a referral network to be utilized by residents for any necessary medical, mental health, substance abuse, vocational or employment resources;
- d) establish a budget that specifies monthly operating expenses and demonstrates sufficient income to meet these expenses plus emergency reserve by providing documentation of access to a minimum sum equivalent to the total of two months of operating expenses;
- e) comply with all applicable zoning and local building ordinances and the provisions specified in Chapter ~~26 20~~-(Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 (no later amendments or editions included) for any building housing 16 or fewer residents and with the provisions specified in Chapter ~~29 17~~-(Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 (no later amendments or editions included) for any building housing 17 or more residents;
- f) maintain fire, hazard, liability and other insurance coverages appropriate to the administration of a recovery home;
- g) employ at least one full-time Recovery Home Operator who is responsible for the daily operations at the Recovery Home (i.e., fiscal, personnel, rule compliance, etc.) who shall:
 - 1) either:
 - A) hold clinical certification from IAODAPCA or receive that certification within two years after the date of employment; or
 - B) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcohol Programs (AHHAP), RR 2 Box 415, Kerhonkson, NY 12446; or
 - C) have a minimum of 2000 hours of work experience or 4000 hours of volunteer experience in the field of substance abuse of which 1500 hours shall have been in direct Recovery Support Systems Services (i.e., Residential Extended Care Facility or Recovery Home); and
 - 2) provide three letters of recommendation from substance abuse

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- professional staff as defined in Section 2060.309 of this Part; and
- 3) provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care Programs (~~IARECP~~), Box 269180, Chicago, Illinois 60626, ~~website: AHHAP.org~~ ~~email address: IAECRECOVERY@aol.com~~; and
- h) have on-site at least one Recovery Home Manager who oversees all Recovery Home activities under the direction of the Recovery Home Operator. Recovery Home Managers shall:
- 1) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcoholism Programs of North America, Inc. (AHHAP), RR2 Box 415 Kerhonkson, NY 12446, or receive such certification within two years ~~after the date of~~ ~~of the date~~ ~~after~~ employment; or
 - 2) hold certification from IAODAPCA or receive ~~the such~~ certification within two years after the date of employment; or
 - 3) have a minimum of 1000 hours of work experience or 2000 hours of volunteer experience in the field of substance abuse of which 750 hours shall have been in direct Recovery Support Systems Services (i.e., Residential Extended Care Facility or Recovery Home) and provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care (~~IAEC~~), Box 269180, Chicago, Illinois, 60626, ~~website: AHHAP.org~~ ~~e-mail address: IAECRECOVERY@aol.com~~.
- The Recovery Home Operator may also function as the Recovery Home Manager as long as the requirements for both positions are met.

(Source: Amended at 26 Ill. Reg. 16913, effective Nov 8, 2002)

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- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
302.100	Amended
302.212	Amended
302.213	Repeal
APPENDIX C	Added
TABLE A	Added
TABLE B	Added
TABLE C	Added
- 4) Statutory Authority: 415 ILCS 5/13 and 27
- 5) Effective Date of Amendments: November 8, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments is on file in the Board's office at 100 W. Randolph, Suite 11-500, Chicago, Illinois, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2002; 26 Ill. Reg. 8707
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The Board deleted the portion of 302. Table A that allowed dependent values that were less than 7.6 ph to have an acute standard greater than 15 mg/l. Pursuant to 302.212(a), total ammonia nitrogen may not exceed 15 mg/l.

The Board made other non-substantive and clarifying changes.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
302.105	Amendment	7/5/02; 26 Ill. Reg. 9580
302.208	Amendment	7/5/02; 26 Ill. Reg. 9580
302.504	Amendment	7/5/02; 26 Ill. Reg. 9580
302.575	Amendment	7/5/02; 26 Ill. Reg. 9580

- 15) Summary and Purpose of the Amendments: This rulemaking is explained in more detail in the Board's opinion and order of October 17, 2002, in Docket R02-19, available from the address in item 16 below. The rulemaking was initiated by a proposal filed by the Illinois Association of Wastewater Agencies on January 17, 2002.

In summary, these amendments to 35 Ill. Adm. Code 302 modify the acute and chronic general use water quality standards from un-ionized ammonia to total ammonia nitrogen. The amendments also add a sub-chronic general use total ammonia nitrogen water quality standard. Additionally, the amendments repeal the rule allowing alternative standards for effluent modified waters. See also the companion amendments to Part 304 in this issue of the *Illinois Register*.

- 16) Information and questions regarding this adopted rulemaking may be directed to:

Catherine Glenn
Pollution Control Board
100 W. Randolph St.
James R. Thompson Center
Suite 11-500
Chicago IL 60601
(312) 814-6923

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the above address. Please refer to the Docket number R02-19 in your request, or download from the Board's Web site at www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDs ZIDS
302.103	Stream Flows
302.104	Main River Temperatures
302.105	Antidegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Total Ammonia Nitrogen and Un-ionized Ammonia
302.213	Effluent Modified Waters (Ammonia) (Repealed)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	
302.301	Scope and Applicability
302.302	Algicide Permits

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302.303	Finished Water Standards
302.304	Chemical Constituents
302.305	Other Contaminants
302.306	Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section	
302.401	Scope and Applicability
302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section	
302.501	Scope, Applicability, and Definitions
302.502	Dissolved Oxygen
302.503	pH
302.504	Chemical Constituents
302.505	Fecal Coliform
302.506	Temperature
302.507	Thermal Standards for Existing Sources on January 1, 1971
302.508	Thermal Standards for Sources <u>Under</u> under Construction But Not in Operation on January 1, 1971
302.509	Other Sources
302.510	Incorporations by Reference
302.515	Offensive Conditions
302.520	Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.521	Supplemental Antidegradation Provisions for BCCs
302.525	Radioactivity
302.530	Supplemental Mixing Provisions for BCCs

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- 302.535 Ammonia Nitrogen
- 302.540 Other Toxic Substances
- 302.545 Data Requirements
- 302.550 Analytical Testing
- 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values – General Procedures
- 302.555 Determining the Tier I Lake Michigan ~~Basin~~ Acute Aquatic ~~Life~~ Toxicity Criterion (LMAATC): Independent of Water Chemistry
- 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
- 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
- 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
- 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
- 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife
- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health – General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance – General Procedures
- 302.615 Determining the Acute Aquatic Toxicity Criterion – Toxicity Independent of Water Chemistry

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302.618	Determining the Acute Aquatic Toxicity Criterion – Toxicity Dependent on Water Chemistry
302.621	Determining the Acute Aquatic Toxicity Criterion – Procedure Procedures for Combinations of Substances
302.627	Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance – General Procedures
302.630	Determining the Acute Chronic Aquatic Toxicity Criterion – Procedure for Combination of Substances
302.633	The Wild and Domestic Animal Protection Criterion
302.642	The Human Threshold Criterion
302.645	Determining the Acceptable Daily Intake
302.648	Determining the Human Threshold Criterion
302.651	The Human Nonthreshold Criterion
302.654	Determining the Risk Associated Intake
302.657	Determining the Human Nonthreshold Criterion
302.658	Stream Flow for Application of Human Nonthreshold Criterion
302.660	Bioconcentration Factor
302.663	Determination of Bioconcentration Factors Factor
302.666	Utilizing the Bioconcentration Factor
302.669	Listing of Derived Criteria

APPENDIX A	References to Previous Rules
APPENDIX B	Sources of Codified Sections
<u>APPENDIX C</u>	<u>Maximum total ammonia nitrogen concentrations allowable for certain combination of pH and temperature</u>
<u>TABLE A</u>	<u>pH-Dependent Values of the AS (Acute Standard)</u>
<u>TABLE B</u>	<u>Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Absent</u>
<u>TABE C</u>	<u>Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Present</u>

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill.

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Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505, effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective Nov 8, 2002.

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.100 Definitions

Unless otherwise specified, the definitions of the Environmental Protection Act (Act) [415 ILCS 5] (~~Ill. Rev. Stat. 1987 ch. 111 ½, par. 1001 et seq.~~) and 35 Ill. Adm. Code 301 apply to this Part. As used in this Part, each of the following definitions has the specified meaning.

"Acute Toxicity" means the capacity of any substance or combination of substances to cause mortality or other adverse effects in an organism resulting from a single or short-term exposure to the substance.

"Adverse Effect" means any gross or overt effect on an organism, including but not limited to reversible histopathological damage, severe convulsions, irreversible functional impairment and lethality, as well as any non-overt effect on an organism resulting in functional impairment or pathological lesions which may affect the performance of the whole organism, or which reduces an organism's ability to respond to an additional challenge.

"Chronic Toxicity" means the capacity of any substance or combination of substances to cause injurious or debilitating effects in an organism which result from exposure for a time period representing a substantial portion of the natural life cycle of that organism, including but not limited to the growth phase, the reproductive phases or such critical portions of the natural life cycle of that organism.

"Criterion" means the numerical concentration of one or more toxic substances derived in accordance with the procedures in Subpart F of this Part which, if not exceeded, would assure compliance with the narrative toxicity standard of Section

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302.210 of this Part.

"Early Life Stages" of fish means the pre-hatch embryonic period, the post-hatch free embryo or yolk-sac fry, and the larval period, during which the organism feeds. Juvenile fish, which are anatomically similar to adults, are not considered an early life stage.

"Hardness" means a water quality parameter or characteristic consisting of the sum of calcium and magnesium concentrations expressed in terms of equivalent milligrams per liter as calcium carbonate. Hardness is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Mixing Zone" means a portion of the waters of the State identified as a region within which mixing is allowed pursuant to Section 302.102(d) of this Part.

"Total Residual Chlorine" or "TRC" means those substances which include combined and uncombined forms of both chlorine and bromine and which are expressed, by convention, as an equivalent concentration of molecular chlorine. TRC is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Toxic substance" means a chemical substance ~~that which~~ causes adverse effects in humans, or in aquatic or terrestrial animal or plant life. Toxic substances include, but are not limited to, those substances listed in 40 CFR 302.4, incorporated by reference in 35 Ill. Adm. Code 301.106, or any "chemical substance" as defined by the Illinois Chemical Safety Act [430 ILCS 45] ~~(Ill. Rev. Stat. 1987, ch. 111 ½, pars. 951 et seq.)~~

"ZID" or "Zone of Initial Dilution" means a portion of a mixing zone, identified pursuant to Section 302.102(e) of this Part, within which acute toxicity standards need not be met.

(Source: Amended at 26 Ill. Reg. 16931, effective Nov 8, 2002)

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.212 Total Ammonia Nitrogen ~~and Un-ionized Ammonia~~

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- a) Total ammonia nitrogen (as N: STORET Number 00610) ~~must shall~~ in no case exceed 15 mg/L.
- b) ~~The total Un-ionized~~ ammonia nitrogen (as N: STORET Number ~~0061000612~~) ~~shall not exceed the acute, and chronic, and sub-chronic standards are determined by the equations given in subsections (b)(1) and (b)(2) of this Section below subject to the provisions of Section 302.208(a) and (b), and Section 302.213 of this Part. Attainment of each standard must be determined by subsections (c) and (d) of this Section in mg/L.~~

- 1) The acute standard (AS) is calculated using the following equation:

$$\underline{AS} = \frac{0.411}{1 + 10^{7.204 - \text{pH}}} \pm \frac{58.4}{1 + 10^{\text{pH} - 7.204}}$$

~~From April through October, the Acute Standard (AS) shall be 0.33 mg/L and the Chronic Standard (CS) shall be 0.057 mg/L.~~

- 2) The chronic standard (CS) is calculated using the following equations:

A) During the Early Life Stage Present period, as defined in subsection (e) of this Section:

- i) When water temperature is less than or equal to 14.51°C:

$$\underline{CS} = \left\{ \frac{0.0577}{1 + 10^{7.688 - \text{pH}}} \pm \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right\} (2.85)$$

- ii) When water temperature is above 14.51°C:

$$\underline{CS} = \left\{ \frac{0.0577}{1 + 10^{7.688 - \text{pH}}} \pm \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right\} (1.45 * 10^{0.028 * (25 - T)})$$

Where T = water temperature, degrees Celsius

B) During the Early Life Stage Absent period, as defined in subsection (e) of this Section:

- i) When water temperature is less than or equal to 7°C:

$$\underline{CS} = \left\{ \frac{0.0577}{1 + 10^{7.688 - \text{pH}}} \pm \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right\} (1.45 * 10^{0.504})$$

- ii) When water temperature is greater than 7°C:

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$$CS = \left\{ \frac{0.0577}{1 + 10^{7.688 - \text{pH}}} \pm \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right\} (1.45 * 10^{0.028 * (25 - T)})$$

Where T = Water Temperature, degrees Celsius

~~From November through March, the AS shall be 0.14 mg/L and the CS shall be 0.025 mg/L.~~

- c) ~~3) The sub-chronic standard is equal to 2.5 times the chronic standard. Attainment of the Total Ammonia Nitrogen Water Quality Standards For purposes of this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia nitrogen as N shall be computed according to the following equations:~~
- ~~1) The acute standard of total ammonia nitrogen (in mg/L) must not be exceeded at any time except in those waters for which the Agency has approved a ZID pursuant to Section 302.102.~~
 - ~~2) The 30-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the chronic standard (CS) except in those waters in which mixing is allowed pursuant to Section 302.102 of this Part. Attainment of the chronic standard (CS) is evaluated pursuant to subsection (d) of this Section by averaging at least four samples collected at weekly intervals or at other sampling intervals that statistically represent a 30-day sampling period. The samples must be collected in a manner that assures a representative sampling period.~~
 - ~~3) The 4-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the sub-chronic standard except in those waters in which mixing is allowed pursuant to Section 302.102. Attainment of the sub-chronic standard is evaluated pursuant to subsection (d) of this Section by averaging the daily sample results collected over a period of four consecutive days within the 30-day averaging period. The samples must be collected in a manner that assures a representative sampling period.~~

$$U = \frac{N}{[0.94412(1 + 10^*) + 0.0559]}$$

and $N = U [0.94412(1 + 10^*) + 0.0559]$

where: $X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$

U ≡ Concentration of un-ionized ammonia as N in mg/L
=

N ≡ Concentration of ammonia nitrogen as N in mg/L
=

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- d) ~~T = Temperature in degrees Celsius~~
The water quality standard for each water body must be calculated based on the temperature and pH of the water body measured at the time of each ammonia sample. The concentration of total ammonia in each sample must be divided by the calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period. The following tables indicate the maximum total ammonia nitrogen concentrations (mg/L as N) allowable pursuant to subsections (a) and (b) of this Section for certain combinations of pH and temperature:

1) ~~Summer (April through October) Acute un-ionized ammonia 0.33 mg/L~~

	pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C								
55	12.8	15.0	15.0	15.0	15.0	13.8	7.9	4.6	1.7
60	15.6	15.0	15.0	15.0	15.0	11.2	6.5	3.8	1.4
65	18.3	15.0	15.0	15.0	15.0	9.8	5.3	3.1	1.2
70	21.1	15.0	15.0	15.0	13.2	7.6	4.4	2.6	1.1
75	23.9	15.0	15.0	15.0	10.9	6.3	3.7	2.2	0.9
80	26.7	15.0	15.0	15.0	9.0	5.2	3.1	1.9	0.8
85	29.4	15.0	15.0	13.1	7.5	4.4	2.6	1.6	0.7
90	32.2	15.0	15.0	10.9	6.3	3.7	2.2	1.4	0.7

2) ~~Summer (April through October) Chronic un-ionized ammonia 0.057 mg/L~~

	pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C								
55	12.8	15.0	15.0	7.4	4.2	2.4	1.4	0.8	0.3
60	15.6	15.0	15.0	7.0	3.4	1.9	1.1	0.7	0.2
65	18.3	15.0	15.0	4.9	2.8	1.6	0.9	0.5	0.2
70	21.1	15.0	12.6	4.0	2.3	1.3	0.8	0.5	0.2
75	23.9	15.0	10.3	3.3	1.9	1.1	0.6	0.4	0.2
80	26.7	15.0	8.6	2.7	1.6	0.9	0.5	0.3	0.1
85	29.4	15.0	7.8	2.3	1.3	0.8	0.4	0.3	0.1
90	32.2	15.0	5.8	1.9	1.1	0.6	0.4	0.2	0.1

3) ~~Winter (November through March) Acute un-ionized ammonia 0.14 mg/L~~

	pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C								
32	0.0	15.0	15.0	15.0	15.0	15.0	9.2	5.2	1.7
35	1.7	15.0	15.0	15.0	15.0	14.1	8.0	4.5	1.5
40	4.4	15.0	15.0	15.0	15.0	11.3	6.4	3.7	1.3

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45	7.2	15.0	15.0	15.0	15.0	9.0	5.1	2.9	1.0
50	10.0	15.0	15.0	15.0	12.8	7.3	4.1	2.4	0.9
55	12.8	15.0	15.0	15.0	10.3	5.9	3.4	2.0	0.7
60	15.6	15.0	15.0	14.8	8.4	4.8	2.7	1.6	0.6
4)	Winter (November through March) Chronic un-ionized ammonia 0.025 mg/L								
	pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
	°F	°C							
32	0.0	15.0	15.0	9.1	5.1	2.9	1.6	0.9	0.3
35	1.7	15.0	15.0	7.9	4.4	2.5	1.4	0.8	0.3
40	4.4	15.0	15.0	6.3	3.6	2.0	1.1	0.7	0.2
45	7.2	15.0	15.0	5.0	2.8	1.6	0.9	0.5	0.2
50	10.0	15.0	12.7	4.0	2.3	1.3	0.7	0.4	0.2
55	12.8	15.0	10.2	3.3	1.8	1.0	0.6	0.3	0.1
60	15.6	15.0	8.3	2.6	1.5	0.9	0.5	0.3	0.1

- e) The Early Life Stage Present period occurs from March through October. In addition, during any other period when early life stages are present, and where the water quality standard does not provide adequate protection for these organisms, the water body must meet the Early Life Stage Present water quality standard. All other periods are subject to the Early Life Stage Absent period.

BOARD NOTE: Acute and chronic standard concentrations for total ammonia nitrogen (in mg/L) for different combination of pH and temperature are shown in Appendix C.

(Source: Amended at 26 Ill. Reg. 16931, effective Nov 8, 2002)

Section 302.213 Effluent Modified Waters (Ammonia) **(Repealed)**

- a) ~~Effluent modified waters are those waters or portions of waters that the Agency has determined, pursuant to 35 Ill. Adm. Code 309: Subpart A, to have the potential to exceed, and are therefore not subject to, the chronic ammonia standards of Section 302.212(b) downstream of an effluent outfall and outside of any allowable mixing zone. The Agency shall not identify a waterbody as an effluent modified water if it:~~
- 1) ~~has uses known to be adversely impacted by ammonia as designated under 35 Ill. Adm. Code 303.201 outside of any allowable mixing zone; or~~
 - 2) ~~exceeds the acute standard of Section 302.212(b) of this Part.~~
- b) ~~All effluent discharges to an effluent modified water must meet the requirements of 35 Ill. Adm. Code 304.122(d) prior to dilution with the receiving water.~~

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(Source: Repealed at 26 Ill. Reg. 16931, effective Nov 8, 2002)

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Section 302.APPENDIX C Maximum total ammonia nitrogen concentrations allowable for certain combinations of pH and temperature**Section 302.TABLE A pH-Dependent Values of the AS (Acute Standard)**

<u>pH</u>	<u>Acute Standard (mg/L)</u>
<u>7.6</u>	<u>15.0</u>
<u>7.7</u>	<u>14.4</u>
<u>7.8</u>	<u>12.1</u>
<u>7.9</u>	<u>10.1</u>
<u>8.0</u>	<u>8.41</u>
<u>8.1</u>	<u>6.95</u>
<u>8.2</u>	<u>5.73</u>
<u>8.3</u>	<u>4.71</u>
<u>8.4</u>	<u>3.88</u>
<u>8.5</u>	<u>3.20</u>
<u>8.6</u>	<u>2.65</u>
<u>8.7</u>	<u>2.20</u>
<u>8.8</u>	<u>1.84</u>
<u>8.9</u>	<u>1.56</u>
<u>9.0</u>	<u>1.32</u>

(Source: Added at 26 Ill. Reg. 16931, effective Nov 8, 2002)

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Section 302.TABLE B Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Absent

pH	Temperature, °Celsius									
	0-7	8	9	10	11	12	13	14	15	16
6	11.3	10.6	9.92	9.30	8.72	8.17	7.66	7.19	6.74	6.32
6.1	11.2	10.5	9.87	9.25	8.67	8.13	7.62	7.15	6.70	6.28
6.2	11.2	10.5	9.81	9.19	8.62	8.08	7.58	7.10	6.66	6.24
6.3	11.1	10.4	9.73	9.12	8.55	8.02	7.52	7.05	6.61	6.19
6.4	11.0	10.3	9.63	9.03	8.47	7.94	7.44	6.98	6.54	6.13
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74	1.63
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.99
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.95	0.89	0.84
8.7	1.26	1.18	1.11	1.04	0.98	0.92	0.86	0.80	0.75	0.71
8.8	1.07	1.01	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60
8.9	0.92	0.86	0.81	0.76	0.71	0.66	0.62	0.58	0.55	0.51
9.0	0.79	0.74	0.69	0.65	0.61	0.57	0.54	0.50	0.47	0.44

* At 15° C and above, the criterion for fish ELS Absent is the same as the criterion for fish ELS

POLLUTION CONTROL BOARD
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Present.

(Source: Added at 26 Ill. Reg. 16931, effective Nov 8, 2002)

POLLUTION CONTROL BOARD

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Section 302.TABLE C Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Present

pH	Temperature, °Celsius									
	<u>0</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>20</u>	<u>22</u>	<u>24</u>	<u>26</u>	<u>28</u>	<u>30</u>
<u>6</u>	<u>6.95</u>	<u>6.95</u>	<u>6.32</u>	<u>5.55</u>	<u>4.88</u>	<u>4.29</u>	<u>3.77</u>	<u>3.31</u>	<u>2.91</u>	<u>2.56</u>
<u>6.1</u>	<u>6.91</u>	<u>6.91</u>	<u>6.28</u>	<u>5.52</u>	<u>4.86</u>	<u>4.27</u>	<u>3.75</u>	<u>3.30</u>	<u>2.90</u>	<u>2.55</u>
<u>6.2</u>	<u>6.87</u>	<u>6.87</u>	<u>6.24</u>	<u>5.49</u>	<u>4.82</u>	<u>4.24</u>	<u>3.73</u>	<u>3.28</u>	<u>2.88</u>	<u>2.53</u>
<u>6.3</u>	<u>6.82</u>	<u>6.82</u>	<u>6.19</u>	<u>5.45</u>	<u>4.79</u>	<u>4.21</u>	<u>3.70</u>	<u>3.25</u>	<u>2.86</u>	<u>2.51</u>
<u>6.4</u>	<u>6.75</u>	<u>6.75</u>	<u>6.13</u>	<u>5.39</u>	<u>4.74</u>	<u>4.17</u>	<u>3.66</u>	<u>3.22</u>	<u>2.83</u>	<u>2.49</u>
<u>6.5</u>	<u>6.67</u>	<u>6.67</u>	<u>6.06</u>	<u>5.33</u>	<u>4.68</u>	<u>4.12</u>	<u>3.62</u>	<u>3.18</u>	<u>2.80</u>	<u>2.46</u>
<u>6.6</u>	<u>6.57</u>	<u>6.57</u>	<u>5.97</u>	<u>5.25</u>	<u>4.61</u>	<u>4.05</u>	<u>3.56</u>	<u>3.13</u>	<u>2.75</u>	<u>2.42</u>
<u>6.7</u>	<u>6.44</u>	<u>6.44</u>	<u>5.86</u>	<u>5.15</u>	<u>4.52</u>	<u>3.98</u>	<u>3.50</u>	<u>3.07</u>	<u>2.70</u>	<u>2.37</u>
<u>6.8</u>	<u>6.29</u>	<u>6.29</u>	<u>5.72</u>	<u>5.03</u>	<u>4.42</u>	<u>3.89</u>	<u>3.42</u>	<u>3.00</u>	<u>2.64</u>	<u>2.32</u>
<u>6.9</u>	<u>6.12</u>	<u>6.12</u>	<u>5.56</u>	<u>4.89</u>	<u>4.30</u>	<u>3.78</u>	<u>3.32</u>	<u>2.92</u>	<u>2.57</u>	<u>2.35</u>
<u>7</u>	<u>5.91</u>	<u>5.91</u>	<u>5.37</u>	<u>4.72</u>	<u>4.15</u>	<u>3.65</u>	<u>3.21</u>	<u>2.82</u>	<u>2.48</u>	<u>2.18</u>
<u>7.1</u>	<u>5.67</u>	<u>5.67</u>	<u>5.15</u>	<u>4.53</u>	<u>3.98</u>	<u>3.50</u>	<u>3.08</u>	<u>2.70</u>	<u>2.38</u>	<u>2.09</u>
<u>7.2</u>	<u>5.39</u>	<u>5.39</u>	<u>4.90</u>	<u>4.31</u>	<u>3.78</u>	<u>3.33</u>	<u>2.92</u>	<u>2.57</u>	<u>2.26</u>	<u>1.99</u>
<u>7.3</u>	<u>5.08</u>	<u>5.08</u>	<u>4.61</u>	<u>4.06</u>	<u>3.57</u>	<u>3.13</u>	<u>2.76</u>	<u>2.42</u>	<u>2.13</u>	<u>1.87</u>
<u>7.4</u>	<u>4.73</u>	<u>4.73</u>	<u>4.30</u>	<u>3.78</u>	<u>3.32</u>	<u>2.92</u>	<u>2.57</u>	<u>2.26</u>	<u>1.98</u>	<u>1.74</u>
<u>7.5</u>	<u>4.36</u>	<u>4.36</u>	<u>3.97</u>	<u>3.49</u>	<u>3.06</u>	<u>2.69</u>	<u>2.37</u>	<u>2.08</u>	<u>1.83</u>	<u>1.61</u>
<u>7.6</u>	<u>3.98</u>	<u>3.98</u>	<u>3.61</u>	<u>3.18</u>	<u>2.79</u>	<u>2.45</u>	<u>2.16</u>	<u>1.90</u>	<u>1.67</u>	<u>1.47</u>
<u>7.7</u>	<u>3.58</u>	<u>3.58</u>	<u>3.25</u>	<u>2.86</u>	<u>2.51</u>	<u>2.21</u>	<u>1.94</u>	<u>1.71</u>	<u>1.50</u>	<u>1.32</u>
<u>7.8</u>	<u>3.18</u>	<u>3.18</u>	<u>2.89</u>	<u>2.54</u>	<u>2.23</u>	<u>1.96</u>	<u>1.73</u>	<u>1.52</u>	<u>1.33</u>	<u>1.17</u>
<u>7.9</u>	<u>2.80</u>	<u>2.80</u>	<u>2.54</u>	<u>2.24</u>	<u>1.96</u>	<u>1.73</u>	<u>1.52</u>	<u>1.33</u>	<u>1.17</u>	<u>1.03</u>
<u>8</u>	<u>2.43</u>	<u>2.43</u>	<u>2.21</u>	<u>1.94</u>	<u>1.71</u>	<u>1.50</u>	<u>1.32</u>	<u>1.16</u>	<u>1.02</u>	<u>0.90</u>
<u>8.1</u>	<u>2.10</u>	<u>2.10</u>	<u>1.91</u>	<u>1.68</u>	<u>1.47</u>	<u>1.29</u>	<u>1.14</u>	<u>1.00</u>	<u>0.88</u>	<u>0.77</u>
<u>8.2</u>	<u>1.79</u>	<u>1.79</u>	<u>1.63</u>	<u>1.43</u>	<u>1.26</u>	<u>1.11</u>	<u>0.97</u>	<u>0.86</u>	<u>0.75</u>	<u>0.66</u>
<u>8.3</u>	<u>1.52</u>	<u>1.52</u>	<u>1.39</u>	<u>1.22</u>	<u>1.07</u>	<u>0.94</u>	<u>0.83</u>	<u>0.73</u>	<u>0.64</u>	<u>0.56</u>
<u>8.4</u>	<u>1.29</u>	<u>1.29</u>	<u>1.17</u>	<u>1.03</u>	<u>0.91</u>	<u>0.80</u>	<u>0.70</u>	<u>0.62</u>	<u>0.54</u>	<u>0.48</u>
<u>8.5</u>	<u>1.09</u>	<u>1.09</u>	<u>0.99</u>	<u>0.87</u>	<u>0.76</u>	<u>0.67</u>	<u>0.59</u>	<u>0.52</u>	<u>0.46</u>	<u>0.40</u>
<u>8.6</u>	<u>0.92</u>	<u>0.92</u>	<u>0.84</u>	<u>0.73</u>	<u>0.65</u>	<u>0.57</u>	<u>0.50</u>	<u>0.44</u>	<u>0.39</u>	<u>0.34</u>
<u>8.7</u>	<u>0.78</u>	<u>0.78</u>	<u>0.71</u>	<u>0.62</u>	<u>0.55</u>	<u>0.48</u>	<u>0.42</u>	<u>0.37</u>	<u>0.33</u>	<u>0.29</u>
<u>8.8</u>	<u>0.66</u>	<u>0.66</u>	<u>0.60</u>	<u>0.53</u>	<u>0.46</u>	<u>0.41</u>	<u>0.36</u>	<u>0.32</u>	<u>0.28</u>	<u>0.24</u>
<u>8.9</u>	<u>0.56</u>	<u>0.56</u>	<u>0.51</u>	<u>0.45</u>	<u>0.40</u>	<u>0.35</u>	<u>0.31</u>	<u>0.27</u>	<u>0.24</u>	<u>0.21</u>
<u>9</u>	<u>0.49</u>	<u>0.49</u>	<u>0.44</u>	<u>0.39</u>	<u>0.34</u>	<u>0.30</u>	<u>0.26</u>	<u>0.23</u>	<u>0.20</u>	<u>0.18</u>

(Source: Added at 26 Ill. Reg. 16931, effective Nov 8, 2002)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Effluent Standards
 - 2) Code Citation: 35 Ill. Adm. Code 304
 - 3) Section Number: 304.122 Adopted Action:
Amendment
 - 4) Statutory Authority: 415 ILCS 5/13 and 27.
 - 5) Effective Date of amendment: November 8, 2002
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this amendment 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: June 6, 2002, 26 Ill. Reg. 8722
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 12) Differences between proposal and final version: There are no differences.
 - 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | <u>Section Number</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
|-----------------------|------------------------|-----------------------------|
| 304.120 | Amendment | 7/5/02; 26 Ill. Reg. 9602 |
- 15) Summary and Purpose of the Rulemaking: This rulemaking is explained in more detail in the Board's opinion and order of October 17, 2002, in Docket R02-19, available from the address in item 16 below. The rulemaking was initiated by a proposal filed by the Illinois Association of Wastewater Agencies on January 17, 2002.

POLLUTION CONTROL BOARD

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These amendments are a companion action to the repeal at Section 302.213 allowing alternative standards for effluent modified waters. These amendments repeal the effluent modified water provision found in the effluent portion of the Board's water quality regulations at 35 Ill. Adm. Code 304.122.

- 16) Information and questions regarding this adopted rulemaking may be directed to:

Catherine Glenn
Pollution Control Board
100 W. Randolph St.
James R. Thompson Center
Suite 11-500
Chicago IL 60601
(312) 814-6923

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the above address. Please refer to the Docket number R02-19 in your request. You may also download the opinions and orders from the Board's Web site at www.ipcb.state.il.us.

The full text of the adopted amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section

304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section

304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges

POLLUTION CONTROL BOARD

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304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg.

POLLUTION CONTROL BOARD

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7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687, effective December 31, 1998; amended in R02-10 at 26 Ill. Reg. 16948, effective Nov 8, 2002.

~~BOARD NOTE: This Part implements the Illinois Environmental Protection Act of July 1, 1994.~~

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.122 Total Ammonia Nitrogen (as N: STORET number 00610)

- a) No effluent from any source which discharges to the Illinois River, the Des Plaines River downstream of its confluence with the Chicago River System or the Calumet River System, and whose untreated waste load is 50,000 or more population equivalents shall contain more than 2.5 mg/L of total ammonia nitrogen as N during the months of April through October, or 4 mg/L at other times.
- b) Sources discharging to any of the above waters and whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants and whose total ammonia nitrogen as N discharge exceeds 45.4 kg/day (100 pounds per day) shall not discharge an effluent of more than 3.0 mg/L of total ammonia nitrogen as N.
- c) In addition to the effluent standards set forth in subsections (a) and (b) of this Section, all sources are subject to Section 304.105 ~~unless the Agency determines as part of the NPDES Permit Program under 35 Ill. Adm. Code 309: Subpart A~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

~~that alternate effluent standards are applicable pursuant to subsection (d) of this Section.~~

- d) ~~All dischargers to effluent modified waters as defined at 35 Ill. Adm. Code 302.213, except for treatment works qualifying under Section 304.120(c), shall have an effective NPDES permit with monthly average effluent limits of 1.5 mg/L total ammonia as N during the months of April through October, and 4.0 mg/L total ammonia as N at other times, as well as the following restrictions:~~
- 1) ~~Dischargers achieving lower ammonia concentrations than given above, yet not meeting the chronic water quality standards of 35 Ill. Adm. Code 302.212(b), shall maintain their existing level of performance consistent with the facility's expected organic and hydraulic loadings for the duration of their NPDES permit.~~
 - 2) ~~New or expanded discharges that increase ammonia loading to general use waters and/or create effluent modified waters or portions of waters must demonstrate compliance to the Agency with the nondegradation requirements at 35 Ill. Adm. Code 302.105.~~

(Source: Amended at 26 Ill. Reg. 16948, effective Nov 8, 2002)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1150.70	Amendment
1150.100	Amendment
1150.105	New Section
- 4) Statutory Authority: Illinois Architecture Practice Act of 1989 [225 ILCS 305]
- 5) Effective Date of Amendments: November 12, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: March 8, 2002, at 26 Ill. Reg. 3389
- 10) Has JCAR issued a Statement of Objection to these amendments? Yes
 - A) Statement of Objection: October 25, 2002, 26 Ill. Reg. 15327
 - B) Agency Response: November 22, 2002, 26 Ill. Reg. 16990
 - C) Date Agency Response Submitted for Approval to JCAR: November 8, 2002
- 11) Differences between proposal and final version: The Association of Licensed Architects (ALA) was added in Section 1150.105 as an acceptable CE provider.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. All agreed upon non-substantive technical changes were made.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: Public Act 91-133, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. Among its changes was the addition of continuing education; these amendments implement this provision.
- 16) Information and questions regarding these amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1150
ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10	Education Requirements and Diversified Professional Training Requirements
1150.20	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination/Acceptance of Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	Architecture Complaint Committee
1150.100	Renewals
1150.110	Granting Variances
<u>1150.105</u>	<u>Continuing Education Requirements</u>
<u>ILLUSTRATION A</u>	<u>Architect Seal Requirements</u>
APPENDIX A	Categories of Diversified Professional Training (Repealed)
APPENDIX B	Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois
APPENDIX C	Historical Summary of Examination Requirements
<u>ILLUSTRATION A</u>	<u>Architect Seal Requirements</u>

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days;

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amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective Nov 8, 2002.

Section 1150.70 Restoration

- a) A licensee seeking restoration of a license which has expired for less than 3 years shall have the license restored upon payment of \$20 plus the lapsed renewal fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 3 years shall have the license restored upon payment of the current renewal fee as specified by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application. The licensee shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act; or
 - 3) Other evidence of continued active practice of architecture for at least the last 3 years. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity under the direct supervision

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- and control of a licensed architect; or
- B) Lawfully practicing architecture as an employee of a governmental agency; or
 - C) Teaching architecture in a college or university program accredited by the NAAB; or
 - D) Attendance during the past 3 years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the Board.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
 - e) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.
 - f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant 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. Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 26 Ill. Reg. 16954, effective Nov 8, 2002)

Section 1150.100 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee required by Section 1150.75 and meeting the continuing education requirements set forth in Section 1150.105.
- 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 and to renew one's license.
- c) Every license issued to a professional design firm under the Act shall expire on

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April 30 of each odd numbered year. The holder of such license may renew that license for a two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1150.75.

- d) Practicing or operating on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Amended at 26 Ill. Reg. 16954, effective Nov 8, 2002)

Section 1150.105 Continuing Education Requirements

The continuing education required as a condition for license renewal under the Architecture Practice Act is set forth in this Section. All architects shall meet these requirements.

- a) Beginning with the November 30, 2004 renewal (for the period from December 1, 2002 through November 30, 2004) and every renewal thereafter, in addition to other requirements, an architect must have acquired continuing education for each 24-month period since the architect's last renewal of licensure, or be exempt from the continuing education requirements, as provided in subsection (h). Failure to comply with these requirements may result in non-renewal of the architect's license or other disciplinary action, or both.
- b) Renewal Period: Within any 24-month biennial renewal period during which 24 contact hours must be acquired, at least 16 contact hours must be public protection subjects, which are relevant to safeguarding public health, safety and welfare, and acquired in structured educational activities. A maximum of 8 contact hours may be in related practice subjects acquired either in structured educational activities or individually planned educational activities. Hours acquired in any 24-month period may not be carried over to a subsequent 24-month period. Continuing education hours need not be acquired within this jurisdiction, but may be acquired at any location.
- c) Restored Licensees: In addition to other requirements as set forth in Sections 16 and 17 of the Act and Sections 1150.65 and 1150.70 of this Part, a licensee who has placed his or her license on inactive status or has allowed a license to lapse for reasons other than active duty in the military service of the United States, as set forth in Section 16 of the Act, and desires to have the license restored shall evidence completion of all continuing education hours that would have been required in order to maintain the license in an active status, not to exceed 24 contact hours.
- d) Reporting and Record Keeping
- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the continuing education requirements set forth in this

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Section.

- 2) The Department may require evidence demonstrating compliance with the continuing education requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 4 years following the renewal period for which the continuing education was taken. Such evidence may include, but not be limited to the following:
 - A) Certificate of attendance;
 - B) Signed attendance receipts;
 - C) Sponsor's list of attendees (signed by a person in responsible charge of the activity);
 - D) Records showing activity claimed, sponsoring organization, location, duration, etc.;
 - E) A log of learning that may consist of diaries, summary of activities, photographs, public or organization records, receipts, etc.; or
 - F) Transcripts or records of continuing education credits maintained by an acceptable provider of continuing education as defined by subsection (f).
 - 3) The Department may conduct random audits to verify compliance with continuing education requirements.
 - 4) If the Department disallows any continuing education hours, unless the Department finds, following notice and hearing, that the licensee willfully disregarded these requirements, then the licensee shall have six months from notice of such disallowance to make up the deficiency by acquiring the required number of contact hours. Such contact hours shall not be used again for the next renewal.
 - 5) Where it is determined by the Department that the licensee has willfully disregarded these requirements, the licensee may be subject to discipline as set forth in Section 22 of the Act.
- e) Acceptable Activities
- 1) The following types of activities may qualify to fulfill the requirement for a minimum of 16 contact hours to be acquired in structured educational activities (all 24 hours may be acquired in such activities):
 - A) Contact hours in attendance at short courses or seminars, dealing with architectural subjects and sponsored by colleges or universities.
 - B) Contact hours in attendance at presentations on architectural subjects that are held in conjunction with meetings, conferences or conventions of architect professional organizations recognized by

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- the Department to the extent that contact hours are credited only to that portion of the meeting, conference or convention that comprises the educational program.
- C) Contact hours in attendance at short courses or seminars, relating to professional practice or new technology and offered by colleges, universities, professional organizations or system suppliers.
 - D) Teaching or instructing an architectural course, seminar, lecture, presentation or workshop shall constitute 3 contact hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. Teaching credit shall not apply to faculty teaching regularly scheduled curriculum courses at a college, university or other educational institution.
 - E) Contact hours spent in architectural research that is published or is formally presented to the profession or public.
 - F) Successfully completing structured architectural self-study courses, presented by correspondence, Internet, television, video or audio, ending with examination or other verification processes. The contact hours acquired for this activity shall be as recommended by the program sponsor.
 - G) College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal 15 contact hours. A quarter hour shall equal 10 contact hours.
 - H) Contact hours spent in educational tours of architecturally significant projects, where the tour is sponsored by a college, university or professional organization.
 - I) Authoring published papers, articles or books. A maximum of 12 contact hours may be acquired in this activity.
- 2) The following types of activities may qualify for the maximum of 8 contact hours allowed to be acquired in individually planned educational activities that are self-directed:
- A) Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards and commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards, code study committees or regulatory boards.
 - B) Contact hours for serving as a mentor or supervisor for the Intern Development Program (IDP) required to satisfy the diversified professional training requirements pursuant to Section 1150.10. Such service to an intern, or interns, shall be consistent with the responsibilities set forth in the current edition of the NCARB IDP

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- Guidelines for an intern's mentor and supervisor.
- C) Contact hours spent in planned activities, such as business and practice efficiency, business development, personal improvement, new skills and general education related to the practice of architecture.
 - D) Contact hours spent in unstructured self-study tours of architecturally significant projects where there is a clear objective to maintain and strengthen competency in a design or technical field.
 - E) Actively participating in a technical or professional society or organization shall be the equivalent of 2 contact hours. An individual shall serve as an officer or actively participate in a committee of the organization to receive credit for this activity. Contact hours shall be limited to 2 per organization and shall not be acquired until the completion of each year of service.
- 3) The content of public protection subjects acceptable for purposes of continuing education under subsection (e)(1) shall be limited to:
- A) Codes, statutes and administrative regulations governing the practice of architecture.
 - B) Environmental issues.
 - C) Professional ethics.
 - D) State licensing law.
 - E) Design proficiency.
 - F) Interface with other design disciplines (e.g., planners, consultants, specialists and financiers) other than through normal day-to-day contact.
 - G) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.
 - H) Specialization in preservation, adaptive reuse or building types.
 - I) Construction documents and services.
 - J) Materials and methods.
 - K) Mechanical, plumbing, electrical and life safety.
 - L) Structural technology.
 - M) Energy efficiency.
 - N) Project Administration.
 - O) Accessibility issues.
 - P) New technical/professional skills.
- f) Acceptable providers for structured educational activities shall include, but not be limited to:
- 1) American Institute of Architects (AIA).

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- 2) National Council of Architectural Registration Boards (NCARB).
- 3) Construction Specifications Institute (CSI).
- 4) Association of Licensed Architects (ALA).
- 5) Colleges, universities or other educational institutions.
- 6) Other technical or professional societies or organizations.
- g) The Department shall not pre-approve individual courses or programs.
- h) Exemptions: A licensee may be exempt from the foregoing continuing education requirements where one of the following situations occurs. Where an exemption is claimed, it is required that the renewal fee and any documentation needed to support the exemption be submitted for renewal of a license.
 - 1) A licensee shall not be required to report continuing education hours during the first biennial renewal period in which the licensee obtained initial licensure in Illinois, but shall be subject to the continuing education requirements for all subsequent biennial renewal periods.
 - 2) A licensee who is on full-time active duty in the military service of the United States, or is a licensee who is called to temporary active duty in the military service or Armed Forces of the United States for a period of time exceeding 120 consecutive days during the renewal period, where such activity restricts participation in a continuing education program.
 - 3) A licensee who demonstrates to the satisfaction of the Department that meeting these requirements would work an undue hardship by reason of disability, illness or other clearly mitigating circumstances. Such supporting documentation shall be in the form of a sworn statement by the licensee, a statement from a physician, or medical records that show that the disability, illness, or circumstance prevented the licensee's participation in the continuing education program during a substantial part of the renewal period. If the Department finds from such evidence that good cause has been shown for non-compliance, the Department shall waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period in which the undue hardship existed.
- i) Definitions
 - 1) "Contact Hour" means one 60 minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour. Credit shall be granted in half-hour increments. A qualifying activity of 30 to 49 minutes would be reported as 0.5 contact hours and an activity of 50 to 60 minutes would be reported as 1.0 contact hour.
 - 2) "Individually Planned Educational Activities" means educational activities in which the teaching methodology primarily consists of the architect himself or herself addressing public protection subjects or related practice

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subjects, which are not systematically presented by others, including the study of such related subjects, rendering service to the public and advancing the profession's and public's understanding of the practice of architecture.

- 3) "Structured Educational Activities" means educational activities in which the teaching methodology consists primarily of the systematic presentation of public protection subjects by qualified individuals or organizations, including monographs, course of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner. To qualify as a Structured Educational Activity, continuing education credit shall be awarded by the sponsor upon completion of the activity.

(Source: Added at 26 Ill. Reg. 16954, effective Nov 8, 2002)

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- 1) Heading of the Part: Nursing Education Scholarships
- 2) Code Citation: 77 Ill. Adm. Code 597
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
597.10	Amended
597.100	Amended
597.110	Amended
597.200	Amended
597.220	Amended
597.300	Amended
597.310	Amended
597.320	Amended
597.330	Added
- 4) Statutory Authority: 110 ILCS 975
- 5) Effective Date of Amendments: November 8, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Departments's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 10357, 7/12/02
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 597.330 (d) - added "The nursing employment obligation shall be deferred until he or she has completed a graduate degree in nursing".

In addition, various nonsubstantive typographical, grammatical and form changes were made in response to comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these amendments replace any emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements P.A. 92-43 that modifies the nursing scholarship regulations by modifying scholarship distribution among the 4 different nursing programs, and strikes the 500/year scholarship limit. Strikes specified dollar amounts awarded for baccalaureate degree, hospital-based diploma, associate degree, and practical nursing certificate program scholarships and instead bases awards levels on 75% of tuition and fees plus the uniform living allowance calculated by the Illinois Student Assistance Commission for the Monetary Award. Adds permanent disability to the circumstances under which the scholarship employment obligation may be excused.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Peggy Snyder
Rules Coordinator
Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761-0001
(217) 782-2043
rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 597
NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section
597.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
597.100 Eligibility
597.110 Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section
597.200 Scholarship Description
597.210 Determination of Financial Need
597.220 Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section
597.300 Contract
597.310 Repayment of Scholarship
597.320 Forgiveness of Scholarship
597.330 Deferment of Scholarship Obligation

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 21 Ill. Reg. 4828, effective March 29, 1997; amended at 23 Ill. Reg. 8824, effective August 1, 1999; amended at 26 Ill. Reg. 16965, effective Nov 8, 2002.

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SUBPART A: INTRODUCTION

Section 597.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution (Section 3(6) of the Law).

"Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution (Section 3(9) of the Law).

~~"Accepted for admission" means that a student has completed the requirements for entry into a practical nursing education program, associate degree in nursing program, associate degree of applied sciences in nursing program, hospital based nursing diploma program, or baccalaureate degree in nursing program at the approved institution, as documented by the institution~~

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State ~~that which has National League for Nursing accreditation or approval by the Department of Professional Regulation for~~ an the associate degree ~~program in nursing program, associate degree in of applied sciences in nursing, hospital-based diploma in nursing program, diploma, practical nursing education program of not less than one academic year, or baccalaureate degree in nursing program, or certificate in practical nursing program~~ (Section 3(3) of the Law).

~~"Associate degree or hospital based program" means a program offered by an approved institution and leading to the associate degree in nursing, associate degree of applied sciences in nursing or hospital based nursing program diploma~~ (Section 3 of the Law).

"Associate degree in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing and associate degree in applied sciences in nursing (Section 3(7) of the Law).

"Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing (Section 3(4) of the Law).

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~~"Board" means the Board of Higher Education created by the Board of Higher Education Act (Section 3 of the Law).~~

~~"Certificate in practical nursing program" means a program offered by an approved institution and leading to a certificate in practical nursing.~~

~~"Department" means the Illinois Department of Public Health (Section 3(2) of the Law).~~

~~"Director" means the Director of the Illinois Department of Public Health (Section 3 of the Law).~~

~~"Enrollment" means the establishment and maintenance of an individual's status as a nursing student in an approved institution, regardless of the terms used at the institution to describe such status (Section 3(5) of the Law).~~

~~"Fees" means those mandatory charges, in addition to tuition, that all students enrolled in a nursing program must pay, including required course or lab fees (Section 3(10) of the Law).~~

~~"Fees" means those mandatory charges, in addition to tuition, that all students must pay, including required course or lab fees.~~

~~"Full-time academic work" means enrollment for the number of hours required per term by a school for its full-time students.~~

~~"Full-time nursing employment" means providing direct patient care of at least 24 hours per week for those persons working weekend shifts or 35 hours or more per week for those working weekday shifts.~~

~~"Full-time nursing student" means a student who is enrolled in a nursing program for at least 12 credit hours per term or as otherwise determined as full-time by the school (Section 3(11) of the Law). "Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students~~

~~"Hospital-based diploma in nursing program" means a program offered by an approved institution and leading to a hospital-based diploma in nursing (Section 3(7) of the Law).~~

~~"Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] (Section 3(17) of the Law).~~

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"Nursing Education Scholarship Law" or "Law" means 110 ILCS 975 (~~Ill. Rev. Stat. 1991, ch. 144, pars. 2751 et seq.~~).

~~*"Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse providing direct patient care for at least one year for each year of scholarship assistance received through the nursing education scholarship program (Section 3(13) of the Law). "Part-time academic work" means enrollment for at least one-third of the number of hours required per term by a school for its fulltime students.*~~

"Part-time nursing employment" means providing direct patient care of between 17.5 hours and 34 hours ~~or more~~ per week.

"Part-time nursing student" means a student who is enrolled in a nursing program for at least one-third of the number of hours required per term by a school for its full-time students.

~~"Permanent legal residence" means the applicant's permanent home address.~~

~~"Professional nursing practice" means any type of nursing practice that is included in the definitions of professional nursing and practical nursing in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65].~~

~~"Registered nurse" or "Professional nurse" or "practical nurse" means holding a valid existing license in good standing as a registered professional nurse or licensed practical nurse issued by the Department of Professional Regulation under the Illinois Nursing Act of 1987.~~

~~*"Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] (Section 3(16) of the Law).*~~

~~"School term" means an academic term, such as a semester, quarter, or trimester, as defined by the approved institutions.~~

~~*"Student in good standing" means a student enrolled in a nursing program who maintains a cumulative grade point average equivalent to an academic grade of "C" or better (Section 3(19) of the Law).*~~

~~"Student in good standing" means a student maintaining at least a "C" average.~~

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"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor (Section 3(20) of the Law).

~~"Total and permanent disability" means a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs the ability of an individual to engage in the practice of professional nursing as evidenced by a written statement from the individual's attending physician.~~

"Tuition" means the established charges of an institution of higher learning for instruction at that institution (Section 3(21) of the Law).

~~"Tuition" means the established charges of an institution of higher learning for instruction at the institution.~~

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

In order to qualify for consideration~~To be eligible to receive a scholarship under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing the~~applicant:

- a) ~~That he or she has~~Has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States (Section 5(1) of the Law);
- b) Is enrolled or accepted for admission to an Illinois school in an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, or certificate in practical nursing program at an approved institution (Section 5(2) of the Law); and~~That he or she agrees to serve as a registered professional nurse or licensed practical nurse in Illinois in accordance with Section 6 of the Law (Section 5 of the Law); and~~
- c) Agrees to meet the nursing employment obligation (see the definition of "nursing employment obligation" in Section 597.10)~~That he or she is enrolled or accepted for admission to an approved practical nursing education program, associate~~

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~~degree nursing education program, hospital based diploma nursing education program or baccalaureate degree nursing education program. (Section 5(3) of the Law).~~

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

Section 597.110 Application

- a) Application forms are prescribed by the Department and are available at financial aid offices and departments of nursing at-in approved schools, as well as directly from the Department. ~~Applications submitted must include:~~
- ~~1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or State income tax return filed the year prior to application, a copy of a utility bill that includes applicant's name and address from one year prior to the application, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State;~~
 - ~~2) proof of applicant's enrollment in or acceptance for admission to an approved practical nursing education program, associate degree nursing education program, hospital based diploma nursing education program, or baccalaureate degree nursing education program, documented by academic advisor's signature on a form included in the application packet;~~
 - ~~3) a copy of applicant's Student Aid Report (SAR) which is generated from the needs analysis document used to determine Student Aid Methodology Family Contribution (SAMFC).~~
- b) Incomplete applications and applications ~~those~~ received after the application deadline will not be considered in the selection process ~~for scholarship awards~~. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections must ~~may~~ be made during this time period.
- c) Each person applying for such a scholarship shall be provided with a copy of 110 ILCS 975/6 at the time of application. (Section 6 of the Law)

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

- a) A full-time nursing student in good standing pursuing an associate degree in nursing may receive a scholarship for up to 2 academic years ~~Scholarships for~~

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~~tuition, fees, and living expenses will be awarded by the Department through approved institutions. Scholarships will be awarded to students who meet the eligibility requirements as outlined in Section 597.100 of this Part and who agree to the provisions of the contract~~

- b) ~~A full-time nursing student in good standing pursuing a hospital-based diploma in nursing may receive a scholarship for up to 3 academic years A full-time student pursuing an associate degree in nursing, a hospital based nursing diploma or a baccalaureate degree in nursing may receive a scholarship of up to \$2,500 per academic year for living expenses and up to \$2,000 per academic year for tuition and fees for a maximum of \$4,500 per academic year, less any other assistance as reported by the recipient's educational institution.~~
- c) ~~A full-time nursing student in good standing pursuing a baccalaureate degree in nursing may receive a scholarship for up to 4 academic years A part-time student pursuing an associate degree in nursing, a hospital based nursing diploma or a baccalaureate degree in nursing may receive a scholarship of up to \$2,000 per academic year for tuition and fees, less any other assistance as reported by the recipient's educational institution.~~
- d) ~~A full-time nursing student in good standing pursuing a certificate in practical nursing may receive a scholarship for up to one academic year A student pursuing an associate degree in nursing or a hospital based nursing diploma on a full-time basis may receive a scholarship for 3 academic years. A student pursuing an associate degree in nursing or a hospital based nursing diploma on a part-time basis may receive an aggregate of \$4,000 for the total time it takes to complete the degree. (Section 5 of the Law)~~
- e) ~~Full-time tuition and fees for students at approved private institutions shall not exceed the tuition and fee charges at community colleges and universities statewide and the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget for the academic year in which the scholarship is made A student pursuing a baccalaureate degree in nursing on a full-time basis may receive a scholarship for four academic years; or, if on a part-time basis, for an aggregate of \$4,000 for the total time it takes to complete the degree.~~
- f) ~~Part-time awards shall be determined by applying the proportion represented by the part-time enrollment to full-time enrollment ratio to the average per term scholarship amount for a student in the same nursing degree category A student pursuing a practical nursing certificate on a full-time basis may receive a scholarship for one academic year for a maximum of \$4,500.~~
- g) ~~Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing an associate degree in nursing or a hospital-based~~

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~~diploma in nursing at an Illinois Community College. A student pursuing a practical nursing certificate on a part-time basis may receive a scholarship for one academic year for a maximum of \$2,000.~~

- h) ~~Scholarship amounts for students pursuing associate degrees in nursing or baccalaureate degrees in nursing at a college or university shall include 75% of the weighted tuition and fees charged by public universities in Illinois plus the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget.~~ The scholarship is paid to an approved institution on behalf of the recipient and is based on tuition and fee amounts requested by the financial aid office at the institution up to the maximum amount. If enrollment is reported as full-time, a living expense stipend is also paid according to the following definitions:
- ~~1) two semesters are equivalent to an academic year and each semester of full-time enrollment warrants a stipend of \$1,250, not to exceed a maximum of \$2,500 during any one academic year.~~
 - ~~2) three quarters or trimesters are equivalent to an academic year and each quarter/trimester warrants a stipend of \$833, not to exceed a maximum of \$2,500 during any one academic year.~~
- i) ~~Scholarship amounts for students in certificate in practical nursing programs shall include 75% of the average tuition and fees charges at all practical nursing programs plus the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget. (Section 7 of the Law)~~ Scholarship awards for tuition and fees for students at approved private institutions shall not exceed the Statewide average tuition and fees for students at approved public institutions for the academic year in which the scholarship is made.

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

Section 597.220 Selection Criteria for Award of Scholarships

- a) ~~Scholarships awarded by the Department will be given to students who meet the eligibility requirements and who agree to the provisions of the contract.~~ Recipients shall be selected on the basis of the following criteria:
- ~~1) preference for renewal recipients;~~
 - ~~2) greatest financial need when the number of qualified applicants exceeds the number of scholarships to be awarded;~~
 - ~~3) in each of the education categories of associate degree in nursing, hospital-based nursing diploma, and baccalaureate degree in nursing, applicants with the least number of hours remaining to degree completion.~~
- b) Recipients shall be selected on the basis of the following criteria:
- 1) renewal recipients will receive preference;

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- 2) if in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall give priority in awarding scholarships to:
 - A) students in the greatest financial need as shown on a current standardized financial needs assessment form used by an approved institution;
 - B) students pursuing their education on a full-time or closest to full-time basis;
 - C) students having the fewest number of credit hours remaining to complete the degree;
 - D) students who already have a certificate in practical nursing, a hospital-based diploma in nursing or an associate degree in nursing and are pursuing a higher degree;
 - E) the recipient with the highest cumulative grade point average (GPA) as provided on a transcript or another official school form;
- 3) in the event of a tie, a lottery shall be used to award scholarships.
- c) Scholarship awards shall be distributed as follows:
 - 1) at least 50% of the scholarship awarded shall be for recipients who are pursuing baccalaureate degrees in nursing;
 - 2) 40% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a hospital-based diploma in nursing; and
 - 3) 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. (Section 5 of the Law) When multiple applicants meet the selection criteria equally, a lottery will be used to select scholarship recipients.
 - 1) A lottery will be used, for associate degree in nursing, hospital-based nursing diploma and baccalaureate degree in nursing applicants, to select between those who have the same number of credit hours remaining to complete their degree.
 - 2) A lottery will be used for practical nursing applicants who have equal financial need.
- e) At least one-half of the scholarships awarded shall be to recipients who attend State-supported schools (Section 5 of the Law).
- d) Of the 500 scholarships provided each year, at least 50 shall go to persons entering an approved practical nursing program of not less than one academic year (Section 5 of the Law). If program funds are not sufficient to provide 500 scholarships, at least 10 percent of the funding shall go to persons entering an approved practical nursing program of not less than one academic year.
- e) The Department shall develop and annually revise a scholarship distribution formula that, at a minimum, considers but is not limited to the following:
 - 1) The number of professional nurses licensed in the State by the Department

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- ~~of Professional Regulation (Section 10 of the Law).~~
- ~~2) The number of practical nurses licensed in the State by the Department of Professional Regulation (Section 10 of the Law).~~
 - ~~3) The number of scholarship applicants pursuing an approved practical nursing program of not less than one academic year, an associate degree in nursing, a hospital based nursing diploma, and a baccalaureate degree in nursing.~~
 - ~~4) The number of students enrolled in an approved practical nursing program of not less than one academic year, an associate degree in nursing, a hospital based nursing diploma, and a baccalaureate degree in nursing.~~

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

SUBPART D: TERMS OF PERFORMANCE

Section 597.300 Contract

- a) Prior to receiving scholarship ~~funding assistance~~ for any academic year, the ~~scholarship~~ recipient shall enter into a binding contract with the State of Illinois agreeing to the provisions of the Law and this Part.
- b) ~~The Department may shall require a scholarship recipient to reimburse the State for expenses, including but not limited to legal attorney's fees, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the scholarship contract (Section 4 of the Law).~~

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

Section 597.310 Repayment of Scholarship

- a) ~~Any recipient who defaults on the terms of the contract shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nursing employment obligation, together with interest at 7% per year on the unpaid balance. Recipients will be required to monetarily repay scholarship funds under the following circumstances:~~
 - ~~1) failure to complete studies due to academic failure or voluntary actions; or~~
 - ~~2) completion of studies but failure to meet the forgiveness requirement as stated in Section 597.320 of this Part.~~
- b) ~~Cash repayment must begin within 6 months following the date of the default action initiating the repayment. (Section 6 of the Law) Payments must begin 6 months following the date of the occurrence initiating the repayment.~~

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- 1) ~~Payments will include interest of 7% per year on the unpaid balance.~~
- 2) ~~All repayments must be completed within 6 years from the date of the occurrence initiating the repayment (Section 6 of the Law).~~
- c) Recipients ~~in default subject to repayment~~ shall enter into a Contract for Repayment ~~repayment contract~~ with the Department as soon as the reason status ~~reason status~~ for default payback ~~default payback~~ has been established. This Contract for Repayment ~~contract~~ shall specify the amount due ~~to be repaid~~, the repayment ~~for repayment~~ schedule ~~for repayment~~, and all other terms of the cash ~~cash~~ repayment. Interest charges shall be completely waived if the recipient repays the total scholarship amount prior to the first payment due date.
- d) In the event a ~~scholarship~~ recipient fails to pay monies owed to the Department, the Department may require a recipient to reimburse the State for expenses, including but not limited to legal fees, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the scholarship contract and be referred to the Attorney General or to a collection agency. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department. (Section 4 of the Law) ~~the Department shall refer the matter to the Department of Professional Regulation for licensure sanctions, to the Attorney General, or to a collection agency. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department.~~
- e) All cash repayments must be completed within 6 years from the date of the first annual cash payment. (Section 6 of the Law)
- f) In a breach of contract, the Department may utilize referral to the Department of Professional Regulation to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action concerning the recipient's credentials. (Section 4 of the Law)

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

Section 597.320 Forgiveness of Scholarship

- a) A recipient must graduate from the nursing program funded and provide a copy of the diploma or certificate that indicates the graduation date as soon as it is available ~~Forgiveness of the scholarship through nursing employment requires the recipient be licensed as a registered professional nurse or as a practical nurse in the State of Illinois.~~
- b) A recipient must be licensed as a registered professional nurse or as a licensed practical nurse in the State of Illinois and must provide a copy of the license as soon as it is available. For each full-time semester, the nursing employment

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- ~~obligation is 6 months of full-time employment; for each part-time semester, the nursing employment obligation is 3 months of full-time employment; for each full-time quarter/trimester, the nursing employment obligation is 4 months of full-time employment; for each part-time quarter/trimester, the nursing employment obligation is 2 months of full-time employment; for each full-time summer term, the full-time nursing employment obligation is 3 months of full-time employment; for each part-time summer term, the full-time nursing employment obligation is 1 1/2 months of full-time employment. The total nursing employment obligation for any one academic year shall not exceed 12 months of full-time employment.~~
- c) For each full-time semester, the nursing employment obligation is 6 months of full-time employment; for each part-time semester, the nursing employment obligation is 3 months of full-time employment; for each full-time quarter/trimester, the nursing employment obligation is 4 months of full-time employment; for each part-time quarter/trimester, the nursing employment obligation is 2 months of full-time employment; for each full-time summer term, the full-time nursing employment obligation is 3 months of full-time employment; for each part-time summer term, the full-time nursing employment obligation is 1 1/2 months of full-time employment. The total nursing employment obligation for any one academic year shall not exceed 12 months of full-time employment. ~~Beginning not later than 6 months after graduation, a recipient must begin nursing employment within the State of Illinois as a registered professional nurse or a licensed practical nurse. Fulfillment of the scholarship obligation through nursing employment must be completed within a 7 year period from the time of graduation.~~
- d) Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program or certificate in practical nursing program, a recipient shall begin meeting the required nursing employment obligation providing direct patient care. (Section 6 of the Law) Employment as a "license pending" nurse does not meet the nursing employment requirements. Fulfillment of the nursing employment obligation must be completed within a time period equivalent to twice the number of months of nursing employment obligation as described in subsection (c). ~~Forms to document nursing employment shall be sent to the recipient following graduation and licensure. Documentation forms will be forwarded periodically to the recipient until the nursing employment obligation is completed, at which time the recipient will be notified and the record closed.~~
- e) Forms to document full-time and/or part-time nursing employment shall be sent to the recipient following graduation and licensure. Documentation forms will be forwarded periodically until the nursing employment obligation is completed, at which time the recipient will be notified and the record closed. ~~If the recipient spends up to 4 years in military service before or after graduation, the period of~~

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- military service shall be excluded from the computation of that 7 year period (Section 6 of the Law).*
- f) If a recipient suffers total and permanent disability, the nursing employment obligation shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)~~*A recipient who is enrolled in an academic program leading to a graduate degree in nursing shall have the period of graduate study excluded from the computation of that 7 year period (Section 6 of the Law).*~~
- g) If a recipient dies or is adjudicated as incompetent, all scholarship obligations shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)~~*If a recipient dies or suffers total and permanent disability, the scholarship or any balance due on it shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)*~~

(Source: Amended at 26 Ill. Reg. 16965, effective Nov 8, 2002)

Section 597.330 Deferment of Scholarship Obligation

- a) The nursing employment obligation may be deferred and re-evaluated by a review of a written statement from the recipient every 6 months when the failure to fulfill the nursing employment obligation results from:
- 1) Involuntarily leaving the profession due to a decrease in the number of nurses employed in the State; or
 - 2) When the failure to fulfill the nursing employment obligation results from total and permanent disability.
- b) In order to defer the continuous nursing employment obligation, a recipient must request the deferment in writing from the Department.
- c) A recipient shall notify program staff within 30 days if the recipient spends up to 4 years in military service before or after graduation and after completion of the nursing employment obligation. The time spent in military service, up to 4 years, shall be excluded from the computation of the number of months of nursing employment obligation as described in Section 597.320(c).
- d) A recipient shall notify program staff within 30 days if the recipient is enrolled in an academic program leading to a graduate degree in nursing. The nursing employment obligation shall be deferred until he or she has completed a graduate degree in nursing
- e) If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated with the higher degree.

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- f) *The recipient must begin meeting the required nursing employment obligation no later than 6 months after the end of any deferment. (Section 6 of the Law)*

(Source: Added at 26 Ill. Reg. 16965, effective Nov 8, 2002)

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- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3) Section Number: 530.125 Adopted Action: Amendment
- 4) Statutory Authority: 320 ILCS 25/3.16 as amended by Public Act 92-597 (effective June 28, 2002)
- 5) Effective Date of Amendment: November 7, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment 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: July 12, 2002, 26 Ill. Reg. 10384
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only other changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
530.105	Amendment	10/25/02, 26 Ill. Reg. 15274
530.205	Amendment	10/25/02, 26 Ill. Reg. 15274
530.305	Amendment	10/25/02, 26 Ill. Reg. 15274
530.330	Amendment	10/25/02, 26 Ill. Reg. 15274

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- 15) Summary and Purpose of Amendment: A new rate of payment is established for authorized pharmacies participating in the Pharmaceutical Assistance Program as follows:

Subsection (a) is amended by correcting “reimbursement” terminology to correspond with pharmacy contracts regarding “payment” provisions.

Subsection (b) is reorganized and renumbered into two subparagraphs which describe the methodology for determining the reasonable cost of covered prescription drugs for which reimbursement will be made to an authorized pharmacy for contracts executed and in effect prior to and on or after the effective date of Public Act 92-597. Subsection (b)(1) is further amended by correcting “reimbursement” terminology to correspond with pharmacy contracts regarding “payment” provisions.

Subsection (c) is reorganized and renumbered into two subparagraphs which describe the professional dispensing fee for contracts executed and in effect prior to and on or after the effective date of Public Act 92-597. Subsection (c)(1)(B) is further amended to correct “reimbursement” terminology to correspond with pharmacy contracts regarding “payment” provisions.

Subsection (d) is amended by correcting “reimbursement” terminology to correspond with pharmacy contracts regarding “payment” provisions in the subheading and in subsections (d)(1) and (d)(2). Subsection (d)(1) is further amended by striking a duplicative word. Subsection (d)(2) is further amended by changing an internal cross-reference to correspond with the reorganization of subsection (b) into two subparagraphs.

Subsection (g) is amended by changing an internal cross-reference to correspond with the reorganization of subsection (b) into two subparagraphs.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Karen Alice Kloppe
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

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The full text of the adopted amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 530

SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND
PHARMACEUTICAL ASSISTANCE ACT

SUBPART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section

530.101	Purpose of the Pharmaceutical Assistance Program
530.105	Definitions
530.110	Covered Prescription Drugs
530.115	Eligibility Qualifications
530.116	Fees and Co-payments
530.117	Claim Filing Procedures
530.120	Cards
530.125	Determination of Cost of Covered Prescription Drugs
530.130	Authorized Pharmacy Qualifications
530.135	Assignment and Coordination of Benefits
530.140	Payments to Authorized Pharmacies
530.145	Execution of Contracts
530.150	Limitation on Prescription Size
530.155	Inspection and Disclosure of Records
530.160	Establishment of Liens
530.165	Penalties

SUBPART B: PROPERTY TAX RELIEF PROGRAM ("CIRCUIT BREAKER")

Section

530.201	Purpose of the Property Tax Relief Program
530.205	Definitions
530.210	Claimant Eligibility Qualifications
530.215	Claim Filing Procedures
530.220	Property Tax Grant Determinations
530.225	Penalties

SUBPART C: ELECTRONIC FILING

Section

530.301	Electronic Filing Program Via Internet
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530.305	Eligible Electronic Documents
530.310	Internet Filer Eligibility Qualifications
530.315	Electronic Applications
530.320	Electronic Signature Code
530.325	Transmission of Electronic Applications
530.330	Transmission Confirmations <u>Confirmation</u>

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 25 Ill. Reg. 12913; emergency expired November 27, 2001; amended at 25 Ill. Reg. 16508, effective December 18, 2001; amended at 26 Ill. Reg. 8437, effective May 24, 2002; emergency amendment at 26 Ill. Reg. 11126, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16981, effective Nov 7, 2002

SUPBART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section 530.125 Determination of Cost of Covered Prescription Drugs

- a) The Department will ~~pay reimburse~~ an authorized pharmacy the reasonable cost of pharmaceutical services that such pharmacy provided to a beneficiary pursuant to a physician's oral or written prescription authorization.
- b) Determination of Reasonable Cost.
 - 1) ~~The~~ For contracts executed and in effect prior to July 1, 2002, the Department will determine the reasonable cost of covered prescription drugs for which ~~payment reimbursement~~ will be made to an authorized pharmacy in an amount equal to:
 - ~~A-1)~~ the lesser of:
 - iA) *the Average Wholesale Price (AWP) for the covered prescription drug minus 10%*, based on the National Drug Code (NDC) number for the original package size from which such drug was dispensed (AWP is determined by the most recent monthly publication Price Alert, First DataBank, 1111 Bayhill Dr., San Bruno CA 94066, the

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- electronic successor to the Blue Book); or
- ~~iiB)~~ *the Maximum Acquisition Cost (MAC) for the covered prescription drug based on MAC list for this program (MAC is determined by the Department's claims processing vendor); plus*
- ~~B2)~~ *the professional dispensing fee; less*
- ~~C3)~~ *any applicable co-payments, deductibles, and ancillary charges.*
[320 ILCS 25/3.16]
- 2) For contracts executed and in effect on or after July 1, 2002, as subject to periodic review, the Department will determine the rate for the reasonable cost of covered prescription drugs for which payment will be made to an authorized pharmacy in an amount equal to:
- A) the lesser of:
- i) the Average Wholesale Price (AWP) for the covered prescription drug minus 14%, based on the National Drug Code (NDC) number for the original package size from which such drug was dispensed (AWP is determined by the most current information provided by drug pricing services such as First DataBank or other source nationally recognized in the retail prescription drug industry selected by the Department's claims processing vendor); or
- ii) the Maximum Allowable Cost (MAC) for the covered prescription drug, based on the MAC list for this program (MAC is determined by the Department's claims processing vendor); or
- iii) the usual and customary cost for the covered prescription drug; plus
- B) the professional dispensing fee; less
- C) any applicable co-payments, deductibles, and ancillary charges.
- c) Professional Dispensing Fee.
- 1) For contracts executed and in effect prior to July 1, 2002, on an annual basis, the Department shall conduct a survey to determine the professional dispensing fee to be charged by authorized pharmacies.
- ~~A1)~~ The survey will consist of a broad rate analysis of other similar private and governmental pharmaceutical assistance programs, including organizations within and outside Illinois. The survey will be conducted as follows:
- ~~iA)~~ The Department will contact those other states that have pharmaceutical assistance programs similar to this program and obtain information concerning current dispensing fees

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as well as information on any plans to modify the fees within the next 12 months.

~~iiB~~) The Department will contact private sector businesses with similar programs and obtain fee information from those businesses.

~~iiiC~~) The Department will contact the Illinois Department of Public Aid and the public aid departments of the surrounding states to obtain fee rates under the various Medicaid programs.

~~B2~~) The results of the broad rate analysis will then be evaluated by the Department to determine an appropriate professional dispensing fee for which an authorized pharmacy will be ~~paid~~ reimbursed. The professional dispensing fee so determined will be used in subsection (b) of this Section to determine reasonable cost.

~~C3~~) The professional dispensing fee shall be adjusted as of July 1 of each year in accordance with the results of the survey prescribed in this subsection (c).

~~2~~) For contracts executed and in effect on or after July 1, 2002, as subject to periodic review, the Department shall determine the professional dispensing fee to be charged by authorized pharmacies. The professional dispensing fee shall be in the amount of \$2.55 per prescription.

d) Payment Reimbursement

1) ~~Payment Reimbursement~~ to authorized pharmacies will be allowed for covered prescription drugs legally marketed in accordance with the rules and regulations of the Food and Drug Administration of the federal Department of Health and Human Services.

2) ~~Payment Reimbursement~~ will be at the generic price as provided in subsection (b)(4) unless the following conditions exist:

- A) an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or
- B) a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or
- C) beginning January 1, 2001, an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and the prescriber stipulates "brand medically necessary" and that substitution is not permitted; or

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- D) beginning January 1, 2001, a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and indicates on its face "brand medically necessary" and that substitution is not permitted.
- e) Pharmacy's Cost of On-line Communications. Each authorized pharmacy participating in this program shall pay all costs, charges and fees incurred by the pharmacy that are related to on-line communication and the processing of claims or other information sent to or from the Department or the Department's claims processing vendor.
- f) The reasonable cost of covered prescription drugs available to beneficiaries in this program shall not exceed the cost of such drugs when dispensed to the general public.
- g) In the event that generic equivalents for covered prescription drugs are available at lower cost, the Department shall establish the maximum acquisition cost for such covered prescription drugs at the lower generic cost as provided in subsection (b)(4).

(Source: Amended at 26 Ill. Reg. 16981, effective Nov 7, 2002)

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 November 5, 2002 through November 12, 2002 and have been scheduled for review by the Committee at its December 17, 2002 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/20/02	<u>Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)</u>	7/12/02 26 Ill. Reg. 10165	12/17/02
12/20/02	<u>Department of Natural Resources, Land and Water Conservation Fund (LWCF) Grant Program (17 Ill. Adm. Code 3030)</u>	9/20/02 26 Ill. Reg. 13764	12/17/02
12/21/02	<u>Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)</u>	8/16/02 26 Ill. Reg. 12612	12/17/02
12/22/02	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	9/20/02 26 Ill. Reg. 13739	12/17/02
12/22/02	<u>Department of Natural Resources, Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)</u>	9/20/02 26 Ill. Reg. 13750	12/17/02

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3)

<u>Section Number:</u>	<u>Action:</u>
1150.105	Refusal
- 4) Date Notice of Proposed Amendments Published in the Register: March 8, 2002, at 26 Ill. Reg. 3389
- 5) Date JCAR Statement of Objection Published in the Register: October 25, 2002, at 26 Ill. Reg. 15327
- 6) Summary of Action Taken by the Agency: Public Act 91-133, the sunset reauthorization of the Illinois Architecture Practice Act of 1989, included the addition of continuing education; these amendments implement this provision.

JCAR objected to the above cited Section because it feels the rulemaking lacks standards for determining how DPR will approve an association or organization as a continuing education provider. However, these rules contain specific course content for acceptable CE courses so that the Department does not have to approve sponsors. This ensures quality CE course content while providing flexibility to licensees in obtaining acceptable CE. Moreover, this language was sought by the design professions and has already been adopted in the rules for land surveyors and structural engineers.

In addition, JCAR recommended that in the future the Department abide by its statutory obligation to consult with the Board on a more timely basis concerning changes to rule language recommended by the Board. The Department will abide by procedures set forth in the Act in the future.

DPR will adopt the amendments as submitted to JCAR at Second Notice.

PROCLAMATIONS**2002-577****Certificate of Commendation the Wanxiang America Corporation**

WHEREAS, Wanxiang America Corporation, one of China's top 120 companies and China's second-largest non-state-owned enterprise, is a wholly-owned subsidiary of Wanxiang Group Corp.; and

WHEREAS, Wanxiang America was founded in 1993 with a mission of further developing markets and serving customers in North America, South America and Europe; and

WHEREAS, Wanxiang America, under the leadership of Mr. Pin Ni, serves automotive and industrial customers in North America, South America and Europe through its headquarters in Chicago and warehouses in Chicago, Mexico and England; and

WHEREAS, Wanxiang America has been awarded QS9000 and ISO 9002 certification, the business world's highest standard for quality operations-something none of its direct competitors has achieved; and

WHEREAS, Wanxiang America has enjoyed tremendous success, with assets of over \$1.2 billion US and annual sales in the range of \$2 billion; and

WHEREAS, Illinois is fortunate to attract and keep companies like Wanxiang America, whose performance and goal accomplishments are outstanding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to the Wanxiang America Corporation, for its much-deserved success and the dedication it has shown to serving the people of Illinois and the world.

Issued by the Governor November 01, 2002

Filed by the Secretary of State November 07, 2002

2002-578**October 30, 2002, as Gerri Scott Day**

WHEREAS, Gerri Scott began her public service career as a very young woman in the seat of state government in Springfield, Illinois; and

WHEREAS, during the early years of her career, Gerri worked for and with legislators and legislative leaders developing lasting friendships; and

WHEREAS, as a single mother and woman of substance, Gerri continually sought to expand her educational and professional careers, in her case by leaving Springfield and moving to Chicago, and

WHEREAS, as a member of the newly organized Regional Transportation Authority, Gerri began a new phase of her career as a leader in the public transit field; and

WHEREAS, Gerri simultaneously balanced her professional life with her life as a mother and as a student, earning her degree at Roosevelt University; and

WHEREAS, Gerri became a founding member of Pace's organization, taking on successively more responsible positions as the years passed; and

WHEREAS, the provision of mass transit services throughout the R.T.A. region have been immeasurably enhanced by Gerri's contributions over the years, and

PROCLAMATIONS

WHEREAS, Gerri's contributions within her profession are matched by the generosity of her time, talent and energy to her community and church; and

WHEREAS, Gerri's greatest contribution can be reflected in the person of her son, Bill, a man any mother would be proud to claim; and

WHEREAS, Gerri's character, integrity, and industry have always been dedicated to serving the people of Illinois; and

WHEREAS, Gerri has decided to enter a new phase of her life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as GERRI SCOTT DAY in Illinois in honor of her many years of dedicated service to the people of Illinois, and wish her the very best in the years ahead.

Issued by the Governor October 31, 2002

Filed by the Secretary of State November 07, 2002

2002-579**November 14, 2002, as Hilton Chicago Day**

WHEREAS, in 1927, the Stevens Hotel, now the Hilton Chicago, opened its doors as the largest hotel in the world with 3,000 guest rooms and the nation's most spectacular ballroom; and

WHEREAS, in the ensuing decades the hotel has played an integral role in the history of Chicago by hosting some of the city's most famous events; and

WHEREAS, the Hilton Chicago has accommodated every United States President since Franklin D. Roosevelt; numerous foreign heads of state, including Queen Elizabeth II and Emperor Hirohito; and veritable icons of Americana such as Charles Lindbergh and Babe Ruth; and

WHEREAS, in order to celebrate the hotel's illustrious past, the Hotel Chicago will be hosting a gala reception for the benefit of friends and clients in the Grand Ballroom on Thursday, November 14, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14, 2002, as HILTON CHICAGO DAY in Illinois, in honor of the hotel's 75th anniversary.

Issued by the Governor October 31, 2002

Filed by the Secretary of State November 07, 2002

2002-580**Commend the Outstanding Efforts and Long Service of C. Grier Davis, Jr.**

WHEREAS, C. Grier Davis, Jr. began his service as a faculty member of Northwestern University in 1968 and joined the administration of Northwestern University in 1975; and

WHEREAS, since joining the Northwestern administration, culminating in his appointment in 1997 as Special Assistant to the President for Government and Community Relations, C. Grier Davis, Jr. has made significant contributions not only to Northwestern University, but also to the higher education community throughout Illinois; and

WHEREAS, the Northwestern University Office of Government and Community Relations,

PROCLAMATIONS

under the direction of C. Grier Davis, Jr. has led efforts within the State of Illinois to increase investments in research universities, including advocacy for such programs as State Matching Grants, the X-ray Collaboration for Illinois Technology and Education, and other programs benefiting research universities, both public and private, throughout Illinois; and

WHEREAS, C. Grier Davis, Jr., through his leadership in organizations such as the Network for Charitable Giving, Charitable Accord, and the Donors Forum of Chicago, has assisted a wide range of nonprofit organizations in the State of Illinois by his advocacy before the U.S. government of tax provisions favorable to charitable giving; and

WHEREAS, the strength and vitality of the state's higher education, research and nonprofit enterprises are a source of great pride for the people of Illinois; and

WHEREAS, C. Grier Davis, Jr. has announced his retirement from Northwestern University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, commend the outstanding efforts and long service of C. Grier Davis, Jr. on behalf of the higher education, research and nonprofit communities of Illinois.

Issued by the Governor October 31, 2002

Filed by the Secretary of State November 07, 2002

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD OF A CONTRACT OR
SUBCONTRACT FOR PUBLIC WORKS PROJECTS

Pursuant to the settlement of In re: Porter Brothers Asphalt & Seal, IDOL File Nos. 02-PW-EH04-0240 & 02-PW-EH03-0170 and 03-PW-EH07-0033, the Director of the Department of Labor gives notice that Mr. Clint Porter, owner of Porter Brothers Asphalt & Seal, and any other officer, partner, shareholder or title holder of Porter Brothers Asphalt & Seal, currently located at 1106 Industrial Park Road, Rock Falls, Illinois 61071, are prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing November 15, 2002 and continuing through November 14, 2004.

Copies of the Prevailing Wage Act are available on the Department's web site at <http://www.state.il.us/agency/idol>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

ILLINOIS ADMINISTRATIVE CODE

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