

2003

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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June 13, 2003
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Administrative Code Div.
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ISSUES INDEX I – 1

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

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)
Issue 15 - April	00, 2004: Data through	March	31, 2004 (1stQuarter)

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

Editor's Note3:

To: All State Agencies – Springfield Area
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: [All State Agencies in the Chicago Area](#)
From: [Secretary of State](#)
[Department of Index](#)
[Administrative Code Division](#)

[Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.](#)

Workshop Schedule and Signup Sheet on following page:

**Secretary of State
Department of Index
Administrative Code Division**
SPRINGFIELD AREA - Workshop Schedule and Signup Sheet

~~Springfield~~ ~~June 25, 2003~~

Number

~~Topics:~~

- ~~• Miscellaneous Information~~
 - ~~— Emergency Rules~~
 - ~~— Second Notices~~
 - ~~— Executive Orders/Proclamations~~
 - ~~— Regulatory Agenda~~
 - ~~— Other Notices~~
- ~~• Checklists~~

~~Springfield~~ ~~July 23, 2003~~

Number

~~Topics:~~

- ~~• Proposed Rulemaking~~
 - ~~○ Regulatory Agenda~~
 - ~~○ 1st Notice Proposed~~
 - ~~○ 2nd Notice JCAR Approval~~
 - ~~○ Final Notice Adopted~~

Agency Name: _____
 Contact Name: _____
 Address: _____
 City/Zip: _____
 Phone Number: _____

Please return this registration sheets to: Springfield Workshops

Secretary of State	Illinois State Library
Department of Index	300 S. Second St.
Administrative Code Division	Rm. 403-404
Attn: Brenna Boston	Springfield, IL 62701
111 E. Monroe	8:30am – 12:00pm
Springfield, IL 62756	
Fax Number: (217) 524-0308	

If you have any question please call (217) 782-6537.

**Secretary of State
Department of Index
Administrative Code Division**
CHICAGO AREA - Workshop Schedule and Signup Sheet

CHICAGO — July 30, 2003

Number

Topics

- ~~Miscellaneous Information~~
 - ~~Emergency Rules~~
 - ~~Second Notices~~
 - ~~Executive Orders/Proclamations~~
 - ~~Regulatory Agenda~~
 - ~~Other Notices~~
- ~~Checklists~~
- ~~Proposed Rulemaking~~
 - ~~Regulatory Agenda~~
 - ~~1st Notice Proposed~~
 - ~~2nd Notice JCAR Approval~~
- ~~Final Notice - Adopted~~

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to:
Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756

Chicago Workshops
Thompson Center
100 West Randolph
Chicago, IL

Fax Number: (217) 524-0308

If you have any question please call (217) 782-6537.

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.].

2003 REGISTER SCHEDULE VOLUME # 27

<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>	<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
Issue 12	March 10, 2003	March 21, 2003	Issue 49	November 24, 2003	December 05, 2003
Issue 13	March 17, 2003	March 28, 2003	Issue 50	December 01, 2003	December 12, 2003
Issue 14	March 24, 2003	April 04, 2003	Issue 51	December 08, 2003	December 19, 2003
Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
Issue 20	May 05, 2003	May 16, 2003			
Issue 21	May 12, 2003	May 23, 2003			
Issue 22	May 19, 2003	May 30, 2003			
Issue 23	May 27, 2003	June 06, 2003			
Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 04, 2003			
Issue 28	June 30, 2003	July 11, 2003			
Issue 29	July 07, 2003	July 18, 2003			
Issue 30	July 14, 2003	July 25, 2003			
Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Permanency Planning
- 2) Code Citation: 89 Ill. Adm. Code 315
- 3) Section Numbers: Proposed Action:
315.120 Amendment
- 4) Statutory Authority: 20 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved:

The Department is deleting the condition in Section 315.120 (a)(1)(C) that non-custodial parents must intend to seek custody of a child in order to be invited to the initial family meeting or ongoing family meetings. In addition the mandatory attendance of the casework supervisor at ongoing family meetings when the non-custodial parent is attending is being modified to require the supervisor's attendance only when the non-custodial parent presents a safety concern.
- 6) Will these proposed rules replace an emergency rule 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 proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in 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 on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

406 East Monroe, Station # 65
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715
Internet address: cfpolicy@idcfs.state.il.us

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

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment does not have an impact on small business.
- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The need for the amendments was not anticipated at either of the two most recent regulatory agendas.

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 315
PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section	Purpose
315.10	Purpose
315.20	Definitions
315.30	Best Interests, Health, and Safety of the Child
315.40	Accountability
315.45	The Need for a Permanent Home
315.50	Reasonable Efforts/Reasonable Progress
315.60	The Child's Sense of Time
315.70	The Critical Decisions
315.80	Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section	Purpose
315.100	Assessment
315.110	Worker Interventions and Contacts
315.120	Family Meetings
315.130	Developing the Service Plan
315.140	Distributing the Service Plan
315.150	Revising the Service Plan
315.160	Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section	Purpose
315.200	Selection of the Permanency Goal
315.205	Return Home Within Five Months
315.210	Return Home Within One Year
315.215	Return Home Pending Status Hearing
315.220	Substitute Care Pending Court Determination on Termination of Parental Rights

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

315.225	Adoption
315.230	Guardianship
315.235	Independence
315.240	Cannot Be Provided for in a Home Environment
315.245	Concurrent Planning
315.250	Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section

315.300	Evaluating Whether Children in Placement Should Be Returned Home
315.305	When Reunification Is Inappropriate
315.310	Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001, amended at 26 Ill. Reg. 11785; effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 27 Ill. Reg..

Section 315.120 Family Meetings

Family meetings are a tool intended to engage the family in the planning process. Therefore, caseworkers shall make intensive efforts to persuade and encourage parents, including non-custodial parents, to attend the family meetings, especially during the first 90 days, by explaining to them the importance of the family meeting and of attending and cooperating with the process. Casework staff should make every effort when planning family meetings to be flexible and attempt as much as possible to schedule meetings at a time and place where parents can attend, preferably in the parent's home. Staff shall take into consideration parents' work schedules, transportation issues, availability of interpreters (if the parents' primary language of communication is other than English), and any other barriers that might prevent parents from participating. Parents shall be reminded of the court admonishment to cooperate with the Department and that refusal or chronic failure to attend family meetings may be considered by the Department and the court as a lack of reasonable progress. After reaching agreement with the parents on the date, time, location, and participants of the family meeting, the caseworker

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

shall send a confirmation letter to the parents. Caseworkers shall document in the case file all attempts to include parents in the family meetings. Failure to attend family meetings shall also be documented in the case file.

- a) Initial Family Meeting
 - 1) The initial family meeting must occur in time to ensure submittal of the service plan to the juvenile court no later than 45 days after the child's placement and includes at a minimum:
 - A) the caseworker;
 - B) the child's custodial parents,
 - C) the non-custodial parent with the following conditions:
 - ~~i) the non-custodial parent intends to seek custody of the child; and~~
 - ~~ii) i)~~ there is no danger of violence between the parents; and
 - ~~iii) ii)~~ no confidential information concerning the custodial parent, such as mental health information, may be shared with the non-custodial parent, unless the custodial parent consents in writing to the sharing of such information as provided in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services). If the custodial parent does not consent to the release of confidential information, the meeting shall be conducted in segments, with the non-custodial parent excluded from any discussion that includes the information about the custodial parent that is confidential;
 - D) the casework supervisor.
 - 2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:
 - A) appropriate extended family members including non-custodial

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

parents who are not interested in seeking custody;

- B) foster parents and relative caregivers, (see subsections (f), (g), (h) and (i));
- C) service providers; and
- D) the child, if emotionally and developmentally appropriate.

~~b)~~e) Purpose of Initial Family Meeting

The purposes of the initial family meeting, to be conducted by the casework supervisor, are to:

- 1) share information among all participants;
- 2) review the initial and comprehensive assessments;
- 3) discuss and prepare the initial service plan; and
- 4) determine the permanency goal.

~~c)~~d) Ongoing Family Meetings

- 1) Following the initial family meeting, family meetings will be conducted on a flexible schedule, but no less than on a quarterly basis (at least four times a year approximately three months apart). The ongoing family meeting shall include at a minimum:
 - A) the caseworker;
 - B) the child's custodial parents;
 - C) the non-custodial parent with the same conditions as specified in subsection (a)(1)(C);
 - D) the casework supervisor at the supervisor's discretion. However, the supervisor must attend if the non-custodial parent will be attending the meeting when the non-custodial parent presents a safety concern.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:
 - A) appropriate extended family members, including non-custodial parents who are not interested in seeking custody;
 - B) foster parents and relative caregivers (see subsection (f), (g), (h) and (i));
 - C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.

~~d)~~e) Purposes of Ongoing Family Meetings

The purposes of the ongoing family meetings are to:

- 1) assure disclosure of the expectations of all parties;
- 2) assess reasonable efforts on behalf of the Department or the purchase of service agency;
- 3) assess reasonable progress on behalf of the family;
- 4) assess whether the plan is serving the health, safety, and best interests of the child;
- 5) provide support for decision making that recognizes the child's sense of time, including whether the permanency goal and time frames for achieving the goal should be continued, and whether services and service providers are effective;
- 6) share information among the participants;
- 7) evaluate whether the identified behaviors and conditions are being addressed and whether the parents are engaged in the change process;
- 8) engage in planning that involves addressing the needs of the child with appropriate services and establishing realistic time frames for achievement of tasks and goals; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 9) review clinical material by various service providers. Clinical reports should be obtained and collateral contacts completed prior to the staffing. Professionals should have discussed findings and recommendations with the client/family prior to the meeting to promote open and honest discussion.
- e)† Prior to inviting foster parents/relative caregivers to the initial family meeting, the caseworker must consider the statutory requirement that protects foster parents'/relative caregivers' addresses and telephone numbers from disclosure. Such information shall not be disclosed to the child's parents at the initial family meeting that occurs in time to ensure submittal of the service plan to the juvenile court no later than 45 days after placement.
- f)† In deciding whether to invite the foster parents/relative caregivers to the meeting, the caseworker shall take into consideration the level of violence or tendency toward violence displayed by the child's parents. This shall be assessed as the caseworker is conducting the comprehensive assessment in accordance with Section 315.100. The caseworker shall use information from:
- 1) Department safety and risk assessments;
 - 2) the social history, including information such as the parents arrest history, history of domestic violence, and court records; and
 - 3) the caseworker's own observations.
- g)† Information concerning the level or tendency toward violence of the parents may be shared with the foster parents/relative caregivers to help them decide whether to attend the initial family meeting. In no event shall the address and telephone number of the foster parents/relative caregivers be disclosed at the initial family meeting.
- h)† For all subsequent family meetings the same violence factor shall be considered when determining whether the foster parent/relative caregiver should attend and whether there is any danger to the foster parent/relative caregiver by attending the family meeting.
- i)† The participants in the family meeting will attempt to reach decisions and agree on recommendations by consensus. If a consensus cannot be reached, the final decision rests with the supervisor on all meetings.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ~~j)~~ Documentation of the meeting and report of the recommendations/decisions is to be made and included in the case record.
- ~~k)~~ Parents have the right to appeal decisions with which they disagree in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Telecommunications Access for Persons with Disabilities

2) Code Citation: 83 Ill. Adm. Code 755

3) Section Numbers: Proposed Action:

755.10	Amendment
755.11	New Section
755.15	Amendment
755.100	Amendment
755.105	Amendment
755.110	Amendment
755.115	Amendment
755.120	Amendment
755.125	Repeal
755.126	Repeal
755.130	Amendment
755.135	Amendment
755.145	Repeal
755.200	Amendment
755.205	Amendment
755.210	Amendment
755.220	Amendment
755.225	Amendment
755.230	Amendment
755.300	Amendment
755.305	Amendment
755.310	Amendment
755.400	Amendment
755.405	Amendment
755.410	Amendment
755.415	Amendment
755.500	Amendment
755.505	Amendment
755.510	Amendment
755.515	Amendment
755.520	Amendment

755.EXHIBIT E

Amendment

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

755.EXHIBIT F	Amendment
755.EXHIBIT I	Amendment
755.EXHIBIT J	Repeal
755.EXHIBIT K	Repeal
755.EXHIBIT L	Amendment
755.EXHIBIT M	Repeal
755.EXHIBIT N	Repeal

- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].
- 5) A Complete Description of the Subjects and Issues Involved: The Commission adopted Part 755 to implement Section 13-703 of the Public Utilities Act. Section 13-703 requires the Commission to

design and implement a program whereby each telecommunications carrier providing local exchange service shall provide a telecommunications device capable of servicing the needs of those persons with a hearing or speech disability together with a single party line, at no charge additional to the basic exchange rate, to any subscriber who is certified as having a hearing or speech disability by a licensed physician, speech-language pathologist, audiologist or a qualified State agency and to any subscriber which is an organization serving the needs of those persons with a hearing or speech disability as determined and specified by the Commission....

The Commission originally adopted Part 755 in 1988, amending it since the original adoption.

The current rules are restrictive regarding the criteria that equipment must meet in order to be offered to the beneficiaries of the program. Commission Staff has worked with the Illinois Telecommunications Access Corporation ("ITAC") to draft proposed amendments that will allow ITAC to be more responsive to technological advancements in equipment. The proposed amendments remove equipment specifications from the rule and allow ITAC to file a tariff containing equipment specifications, to allow ITAC to keep up with technology through a tariff filing. The proposed amendments would allow for an equipment distribution program through the use of a voucher, rather than ITAC bidding, choosing, purchasing, warehousing, and distributing certain standard pieces of equipment. The proposed amendments also set parameters to factor into the evaluation of new equipment to be offered, rather than list specific pieces of equipment to be offered.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

The proposed amendments also recommend a number of other changes, among them the identification of the ITAC line charge on the bills for local exchange service and the general updating of terminology and definitions.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 03-0357, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting and bookkeeping
 - C) Types of professional skills necessary for compliance: Managerial and accounting

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 755
TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section	
755.10	Definitions
755.11	Waiver
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: [TELECOMMUNICATIONS CARRIER](#) ~~LEC~~ OBLIGATIONS

Section	
755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment Set Specifications—TT
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755.EXHIBIT N	Local Exchange Carrier Monthly Report to ITAC (Repealed)

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendments at 14 Ill. Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. 17105, effective January 1, 1996; expedited correction at 20 Ill. Reg. 11490, effective January 1, 1996; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

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

"Centers for [Independent independent Living living](#)" means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of equipment ~~a telebraille device or TT with LVD.~~

"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss ([whether continuous or variable](#)) by which regular and routine telephone communication is possible only through the aid of [equipment](#) ~~devices which can send and receive written messages over the telephone network.~~

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"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled.

"Equipment ~~set~~" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff pursuant to Section 755.135(a)(1) the Text Telephone ("TT"), telebraille device, or TT with LVD, and all of its components and support equipment (except paper rolls) as specified described in Sections 755.120, 755.125, and 755.126, provided under Sections 755.205 and 755.210 of this Part.

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that regular and routine telephone communication is possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation," or "ITAC," means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service carriers pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703].

"ITAP" or "Program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service carriers shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act.

~~"LEC" or "local exchange carrier" means a telecommunications carrier providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "LEC" or "local exchange carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.~~

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

~~"LVD" or "Large visual display" is a device that, when connected to a TT, displays the text in a large moving lighted print.~~

"Organizations" means Centers for Independent Living ~~centers for independent living~~ and those Illinois-based not-for-profit organizations not owned or operated by any political

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subdivision, public institution of higher learning, state agency, or municipal corporation of this State whose primary purpose is serving the needs of those persons with disabilities.

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name ~~an~~ equipment ~~set~~ is granted, as provided in Section 755.205(b).

~~"Sight disability" refers to condition of permanent loss of sight by which regular and routine telephone communication is possible only through the aid of a telebraille device or TT with LVD.~~

"Social service agencies" means the Illinois Department of Human Services, Office Rehabilitation Services; Department on Aging;; Department of Public Aid;; Department of Public Health;; Department of Children and Family Services;; the State Board of Education;; and the University of Illinois Division of Specialized Care for Children; the Illinois Deaf and Hard of Hearing Commission; and any other agency with which ITAC contracts to provide services for persons who are deaf-blind.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment ~~of devices which can send and receive written messages over the telephone network.~~

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment ~~a telebraille device or TT with LVD.~~

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network, which would be required to carry the subscriber's interpremises traffic and which is capable of providing access

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~~through the public switched network to the Illinois relay system. access lines, as defined in 83 Ill. Adm. Code 730.105, of LECs as defined in this Part, but shall not include Feature Groups A, B, C and D access lines. A subscriber line does not include~~ 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. In calculating charges on subscriber lines pursuant to 220 ILCS 5/13-703(c), one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff shall specify the manner of applying charges to other multi-channel technologies, ~~each centrex line shall be equivalent to one-tenth of a residence or business access line.~~

~~"Telebraille device" is a TT which employs braille language symbols.~~

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service (TRS)" or "Relay service call volumes" means all Illinois intrastate calls placed through the Illinois Relay Center, whether or not completed.

~~"TT" means text telephone, a device which employs graphic communication in the transmission of coded signals through a wire or radio communications system.~~

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use ~~an~~ equipment ~~set~~ is provided, as set forth in Section 755.205.

"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.

"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).

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

Section 755.11 Waiver

The Commission, on application of ITAC on behalf of the carriers; the Advisory Council; a user; or on its own motion; may grant a temporary or permanent waiver from this Part in specific cases where the Commission finds that:

- a) The provision from which the waiver is granted is not statutorily mandated;
- b) No person will be injured by the granting of the waiver; and
- c) The rule from which the waiver is granted would, in the particular case, be unreasonable, unnecessary, or economically burdensome.

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

Section 755.15 Dispute Procedures

- a) If there is a problem with ~~an~~ equipment ~~set~~ distributed pursuant to Section 755.100(a):
 - 1) the Regional Center that distributed the equipment set should be contacted;
 - 2) if the problem cannot be resolved at the Regional Center, then the ITAC office should be contacted; and
 - 3) if the ITAC office cannot satisfactorily resolve the problem, they shall inform the user of the address and telephone number of the Staff Liaison Commission and the information contained in Section 755.410(b).
- b) After receiving the complaint, the Staff Liaison Commission will begin an informal investigation in an effort to settle the dispute.
- c) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735.200.

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

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SUBPART B: TELECOMMUNICATIONS CARRIER ~~LEC~~ OBLIGATIONS

Section 755.100 Components of ITAP Services

a) ITAC, on behalf of the carriers, shall:

~~The LEC's shall:~~

- 1) ~~a)~~ Provide equipment ~~sets~~ to Illinois residents who are recipients, as prescribed by this Part;
- 2) ~~b)~~ Provide maintenance or exchange services for equipment ~~sets~~ at regional centers; and
- 3) ~~e)~~ Provide training in the use of the equipment ~~sets~~ at regional centers that have personnel capable of multiple modes of communications ~~to recipients who desire training and provide sign language capable personnel at regional centers.~~

b) In fulfillment of or in addition to the obligations under subsection (a), ITAC, on behalf of the carriers, shall by 18 months after the effective date of this amendment, initiate a voucher program. The terms and conditions of the voucher program shall be specified in ITAC's tariff. Under a voucher program, an eligible recipient may select equipment from the options offered in ITAC's tariff, and the selected equipment shall become the property of the recipient. Notwithstanding subsection (a), ITAC and the carriers shall not be required to provide maintenance service, exchange service, or training for equipment offered as part of a voucher program. The equipment offered through the voucher program need not be the same as those offered through the distribution program implemented pursuant to subsection (a).

c) In addition to subsections (a) and (b), the carriers, through ITAC, may dispose of, by sale or other means, used, unneeded, or obsolete equipment.

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

Section 755.105 Execution and Administration of ITAP

a) Each carrier shall collect from its customers and remit to ITAC the monthly

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charge per subscriber line allowed by Section 13-703(c) of the Act and ordered by the Commission. ~~The charge per month per subscriber line, allowed by Section 13-703(e) of the Act and ordered by the Commission, shall be collected by the LECs from their customers.~~ Carriers shall identify the line charge on the customer's bill. The line charge identification shall be "IL Telecom Relay Service and Equipment" or an equivalent phrase that is not detrimental to persons with disabilities. The charge applies to all subscriber lines as defined in Section 755.10.

- b) ~~The LECs shall be reimbursed for all start-up and ongoing expenses associated with the administration of the customer charge per line per month and the establishment, execution and administration of ITAP. Such costs shall include but not be limited to those expenses involving~~
- ~~1) Customer notification;~~
 - ~~2) Customer billing;~~
 - ~~3) Accounting and tax administration;~~
 - ~~4) Auditing and reporting;~~
 - ~~5) Taxes;~~
 - ~~6) Franchise fees;~~
 - ~~7) Uncollectables; and~~
 - ~~8) LEC staff assignments.~~
- b) e) The carriers or ITAC, on their behalf, ~~LECs~~ may make voluntary or contractual agreements with businesses, agencies of local, state, or Federal government, organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.
- c) d) The carriers or ITAC, on their behalf, ~~LECs~~ shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the carriers or

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ITAC, on their behalf. LECs shall provide sufficient regional centers to insure a reasonable access to ITAP by persons with disabilities.

- d) e) The carriers LECs may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of the Act [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP. If the Commission approves a plan for joint execution and administration of ITAP through a not-for-profit corporation or other entity, all carriers shall join and participate fully in the plan for joint execution and administration.

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

Section 755.110 Publicity Concerning ITAP

- a) Carriers LECs shall publicize ITAP. Publicity shall include, but not be limited to:
- +) Bill inserts or bill messages and notices published in the directories.;
- b) ITAC, on behalf of the carriers, shall provide:
- 1) 2) Notification, at least annually, ~~Written notification~~ to conventional media such as daily, weekly, ~~or and~~ monthly newspapers or magazines, ~~and the news departments of~~ television ~~or and~~ radio stations, electronic media, or other cost-effective means of communication;
- 2) 3) Written notification, at least annually, to organizations and to newsletters serving persons with disabilities and to other licensed professionals who deal with hearing issues. ~~Any entity Organizations and newsletters~~ wishing to receive ~~this such~~ notification must contact the telecommunications carriers through ITAC LECs and place themselves on an ITAP information service list; and
- 3) 4) Written notification to designated offices of ~~the State of Illinois~~ social service agencies. ITAC, on behalf of the carriers, The LECs shall obtain a list of designated offices from each of the social service agencies listed in this Part.
- c) b) Information to be provided shall include at a minimum the services offered, descriptions of the intended recipients of these services, and the terms under

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which these services are available.

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

Section 755.115 Application Procedure and Processing

- a) Application packets shall be made available to the public ~~by mail~~, at all regional maintenance/training centers, and at designated offices of ~~the State of Illinois~~ social service agencies, as identified in Section 755.110 ~~(b)(3)(a)(4) and at the requests of audiologists or any other similar entity~~. The application packets shall contain:

- ~~1) A brochure which contains:~~
- 1) ~~A) An explanation~~ ~~A description~~ of the obligations of ITAC, on behalf of the carrier, the LEC to the recipient;
- 2) ~~B) A description of the rights and obligations of the recipient under ITAP;~~
- 3) ~~C) A description of the application process for service under this Part;~~
- 4) ~~D) A description of the Advisory Council and its role as liaison to persons with disabilities; and~~
- 5) ~~E) The office telephone number of the Staff Liaison;:-~~
- 6) ~~2) An eligibility form to be filled out according to the provisions of Section 755.200 of this Part, certifying the applicant as a person with a disability. Printed on the eligibility form shall be an explanation of its purpose, the definitions of disability contained in Section 755.10 of this Part and the certification requirements of Section 755.200;:-~~
- 7) ~~3) A form for the prospective recipient to sign indicating that he/she the recipient understands and agrees with the rights and obligations created for the recipient under this Part, and that he/she the recipient desires service under this Part;:-~~
- 8) ~~4) A standard application form requesting that the prospective recipient provide his/her full name, address, social security number, age, telephone~~

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number, and the name of the person to whom telephone service is billed;
~~and requiring:~~

~~A) The address and telephone number of the recipient's residence; and~~

~~B) The full name and age of the recipient and the name of the person to whom telephone service is billed.~~

9) ~~5)~~ A form for the prospective recipient to sign indicating that, if the prospective recipient is acting for a minor user, the equipment ~~set~~ received under this program will be transferred to the user on the user's eighteenth birthday.

- b) Carriers LECs will provide assistance in completing application forms to those who desire assistance at regional maintenance/training centers and through ITAC.
- c) Applicants shall complete (or have completed) all forms, attach all necessary documentation, and mail the completed application packet as directed by ITAC, on behalf of the carriers ~~the LEC.~~
- d) Upon receipt of completed application packets, ITAC, on behalf of the carrier, ~~the LEC~~ shall acknowledge by postcard (stamped and addressed by applicant) and process all applications. In no event shall the ITAC, on behalf of the carriers ~~LEC~~ take more than 21 calendar days to verify an applicant's eligibility. If ITAC, on behalf of the carrier, the LEC determines that it cannot make a decision within 21 days because the application is incomplete or contains inaccurate information, it must immediately notify the applicant upon making this determination and solicit clarification and additional information from the applicant in order to determine the applicant's eligibility. ~~The LEC shall file a quarterly report with the Commission detailing applications that required more than 21 days to process.~~
- e) Processing of applications by ITAC, on behalf of the carriers, ~~LECs~~ shall consist of a review for completeness and the assignment of priority status for distribution in the order of receipt of the completed applications.

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

Section 755.120 Equipment ~~Set Specifications~~—~~TT~~

Before offering ~~TT~~ equipment ~~sets~~ as part of an equipment distribution or voucher program

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pursuant to Section 755.100, the carriers or ITAC, on their behalf, shall consider ~~shall include~~ the following ~~factors~~ ~~equipment and features~~:

- a) Whether the equipment allows persons who are deaf or hard-of-hearing, deaf-blind, hearing-sight disabled, or speech or speech-sight disabled access to the telecommunications network to send or receive messages ~~Keyboard send~~;
- b) Whether the equipment falls within the scope of the Program pursuant to legislative mandates ~~Large size, 20-character minimum LED display~~;
- c) The financial impact on the Program and on the intended recipients of procuring the equipment, and the cost-effectiveness of the equipment ~~Baudot 5-level code and ASCII code capability~~;
- d) Whether the equipment meets an identified need ~~Built-in modem and acoustical coupler~~;
- e) The ease of availability of the equipment ~~Portability~~;
- f) The durability, reliability, and quality of the equipment ~~Carrying ease~~;
- g) The cost, ease, and feasibility of training persons, including disabled persons as defined herein, in the use of the equipment ~~Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack provided with equipment and subsequent replacement to be provided at his/her expense)~~;
- h) The cost, ease, and feasibility of equipment repair ~~One remote signalling device which will turn on a lamp or some other appliance to signal a person with a hearing disability of incoming calls. The signalling device should be capable of activating other remote signals which the recipient may add at his/her option and expense~~;
- i) The availability of warranties upon the equipment ~~Built-in printer and an initial roll of printer paper (subsequent rolls to be supplied by the recipient at his/her expense)~~;
- j) Ease of use of the equipment by persons with a disability; and High level of reliability and durability. TT and remote signalling device must come with at least a one-year full warranty;

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- k) Compatibility of the equipment with other ITAC equipment and other telecommunications technology. ~~A visible serial number permanently affixed to the chassis;~~
- ~~l) All equipment provided under this program shall meet all applicable requirements for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994. No later amendment or edition is incorporated; and~~
- ~~m) A voice announcer.~~

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

Section 755.125 Equipment Set Specifications - Telebraille (Repealed)

~~Telebraille equipment sets shall include the following equipment and features:~~

- ~~a) Braille keyboard;~~
- ~~b) 20-character Braille display;~~
- ~~c) Baudot 5-level code and ASCII code capability;~~
- ~~d) Built-in modem and acoustical coupler;~~
- ~~e) Portability;~~
- ~~f) Carrying case;~~
- ~~g) Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack to be provided with equipment and subsequent replacement to be provided by the recipient at his/her expense);~~
- ~~h) One remote signalling device which the person with a hearing and sight disability wears or carries on his/her person and which vibrates when the phone is ringing;~~
- ~~i) High level of reliability and durability. Telebraille and remote signalling devices shall come with at least a one-year full warranty;~~
- ~~j) A visible serial number permanently affixed to the chassis;~~
- ~~k) All equipment provided under this program shall meet all applicable requirements~~

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~~for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994. No further amendment or edition is incorporated; and~~

- ~~t) A voice announcer.~~

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

Section 755.126 Equipment Set Specifications - Text Telephone with LVD (Repealed)

~~A text telephone with LVD shall meet the specifications for TT as prescribed in Section 755.120 and the following:~~

- ~~a) Large display showing characters in bold type;~~
- ~~b) An option of lens colors for display;~~
- ~~c) High level of reliability and durability. LVD shall come with at least a one-year full warranty; and~~
- ~~d) A visible serial number permanently affixed to the LVD chassis.~~

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

Section 755.130 Bids

- a) Prior to entering into agreements contemplated by Section 755.135(b), the carriers or ITAC, on their behalf, ~~LECs~~ shall solicit and accept bids from various providers.
- b) Bids will be evaluated and awarded based upon the bidder's ability, as demonstrated in the bid proposal, to advance the goals and objectives of ITAP, consistent with the criteria listed below:
- 1) Corporate and fiscal integrity, history, and ability of the bidder to deliver equipment or services up for bid;
 - 2) Equipment up for bid must be evaluated in light of the factors specified ~~meet the minimum specifications~~ in Section 755.120 ~~, 755.125, or 755.126~~; and

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- 3) Maintenance and training services up for bid must be deliverable as prescribed in Sections 755.100 and 755.310.

c) The requirements of subsections (a) and (b) shall not apply to arrangements for the provision of legal services for ITAP.

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

Section 755.135 ITAP Filing Requirements

- a) ITAC, on behalf of the carriers, ~~The LECs~~ shall file with the Commission for approval pursuant to the provisions of the Act and this Part, the following tariff items:
 - 1) A tariff describing any for providing equipment distribution program offered pursuant to Section 755.100(a) ~~sets~~ with a detailed description of the equipment the carriers ~~LEC intends to~~ provide pursuant to ITAP, including:
 - A) the manufacturers ~~manufacturer(s)~~ of the equipment,
 - B) the model numbers ~~number(s)~~ of the equipment,
 - C) the model names ~~name(s)~~ of the equipment, ~~and~~
 - D) a description of the operating functions and specifications of the equipment; and
 - E) the recipient disability certification requirements for receipt of each specific equipment offered.
 - 2) A tariff sheet that which describes the voucher program pursuant to Section 755.100(b), including the applicable recipient disability certification requirements. ~~application packet the LEC intends to provide in compliance with Section 755.115(a). The tariff sheet shall be accompanied by a facsimile of the actual application packets to be provided.~~
 - 3) At a minimum, ITAC, on behalf of the carriers, shall give written notice of any tariff filing made under subsection (a) to each of the following: Staff

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Liaison, Chairperson of the Advisory Council, distribution centers, and local chapters of the Illinois Association for the Deaf, Association for Late-Deafened Adults, and Self Help for Hard of Hearing, as well as the social service agencies. This notice shall be given no later than the date of the tariff filing and shall describe generally the nature of the filing.

- 4) Notwithstanding the requirements of subsections (a)(1)-(3), ITAC, on behalf of the carriers, may purchase or otherwise obtain a limited number of pieces of equipment for distribution and use on a trial basis, for the purpose of evaluating whether they should be offered to recipients pursuant to Section 755.100, without filing a tariff under subsection (a); provided, however, that the distribution and use shall be limited to ITAC employees, ITAC board members, members of the Advisory Council, and the persons identified by ITAC whose use characteristics will enable realistic testing of the equipment; shall not exceed 100 pieces of equipment; shall not exceed one year in duration; and shall be preceded by written notification to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council. At the conclusion of the trial, ITAC shall provide a report indicating the results of the trial to the Director of the Commission's Consumer Services Division, the Staff Liaison, and the Chairperson of the Advisory Council.
- b) With reference to the provision of ITAP services, the ~~LECs~~ carriers or ITAC on their behalf shall file for approval by the Commission all personal services contracts in excess of \$40,000 ~~\$30,000~~ and all other contracts in excess of \$140,000 ~~\$100,000~~. All contracts entered into by ITAC that are below the amounts mentioned above shall be filed with the Commission on an informational basis.
- c) ITAC, on behalf of the carriers, ~~The LECs~~ shall file with the Commission an annual report (to be filed no later than March 31 of each year) that shall contain the following information: ~~copies of the following:~~
- 1) ~~Detailed descriptions of bid solicitation and evaluation procedures and criteria, updated as changes occur;~~
 - 2) ~~Detailed descriptions of procedures for delivering ITAP services, updated as changes occur; and~~

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- 3) ~~An annual report (to be filed no later than March 31 of each year) which shall contain the following information:~~
- 1) ~~A)~~ Updates on administration procedures for ITAP,
 - 2) ~~B)~~ Description of program activities of the past year, including at a minimum the number of applications received, the number of and type of equipment and/or vouchers ~~TT's~~ distributed, the number and location of regional centers, and ~~the number of training sessions offered~~, the number and type of maintenance/repair/exchange incidents, ~~and lists and descriptions of supply contracts entered into for the provision of ITAP services~~, and
 - 3) ~~C)~~ Description and brief evaluation of program effectiveness including at a minimum the following information:
 - A) ~~i)~~ the number and type of complaint incidents,
 - B) ~~ii)~~ the average period of time needed to process a typical application,
 - C) ~~iii)~~ the average period of time between the processing of an application and the receipt of the equipment or voucher ~~TT~~, and
 - D) ~~iv)~~ a list of issues or problem areas identified by the Advisory Council and any action taken by the carriers or ITAC ~~LECs~~ in response.

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

Section 755.145 Renewal of Agreements (Repealed)

- a) ~~All agreements, contractual or otherwise, entered into by the LECs for the provision of ITAP services shall be closed ended and of limited duration.~~
- b) ~~Prior to expiration of each agreement, the LECs shall review and evaluate the agreement and determine appropriate criteria for any successor agreement, consistent with the provisions of this Part.~~
- e) ~~Before entering into agreements for the purchase of equipment sets subject to Section 755.135(b), the LECs will solicit bids and award contracts according to the provisions of Section 755.130 of this Part.~~

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

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section 755.200 Disability Certification

- a) An applicant with a hearing disability seeking [ITAP](#) eligibility ~~for a TT equipment set~~ shall have completed by a licensed physician, licensed audiologist, a designated counselor with the Illinois Department [of Human Services, Office of Rehabilitation Services \(ORS\) \(DORS\)](#), or a speech and hearing consultant with the University of Illinois Division of Specialized Care for Children a standard form (provided by [ITAC, on behalf of the carriers,](#) ~~the LECs~~) certifying that the applicant is deaf or hard-of-hearing as those terms are defined in this Part.
- b) An applicant who is deaf-blind [or hearing-sight disabled](#) seeking [ITAP](#) eligibility ~~for a telebraille equipment set or a TT with LVD~~ shall have completed by a licensed physician, licensed audiologist, designated counselor with the [ORS Illinois Department of Rehabilitation Services \(DORS\), a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind](#) or a speech and hearing consultant with the University of Illinois Division of Specialized Care for Children a standard form (provided by [ITAC, on behalf of the carriers](#)) ~~the LECs~~, [provisionally](#) certifying the applicant as deaf-blind [or hearing-sight disabled](#) as ~~those that~~ [those conditions condition are is](#) defined in this Part. In instances in which deaf-blindness [or the hearing-sight disability](#) is certified by an audiologist, the audiologist shall make [the provisional such](#) certification only upon review of medical records ~~that which~~ confirm the applicant's sight disability. [An applicant who has been provisionally certified as deaf-blind or hearing-sight disabled, as those conditions are defined in this Part, shall receive final certification only upon determination by a designated counselor with any agency with which ITAC contracts to provide services for persons who are deaf-blind that the applicant has the potential skills and potential ability to appropriately utilize the applicable equipment set.](#)
- c) An applicant who has a speech disability seeking [ITAP](#) eligibility ~~for a TT equipment set~~ shall have completed by a licensed physician, speech-language pathologist, or speech and hearing consultant with the University of Illinois Division of Specialized Care for Children, [or designated counselor with ORS](#) a standard form (provided by [ITAC, on behalf of the carriers,](#) ~~the LECs~~) certifying the applicant has a speech disability as that condition is defined in this Part. [In instances in which the applicant's speech disability is certified by a designated](#)

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counselor with ORS, the ORS counselor shall make this certification only upon review of medical records which confirm the applicant's speech disability.

- d) An applicant who has a speech-sight disability seeking ITAP eligibility ~~for a telebraille equipment set or a TT with LVD~~ shall have completed by a licensed physician, speech-language pathologist, a speech and hearing consultant with the University of Illinois Division of Specialized Care for Children, or a designated counselor with ORS DORS a standard form (provided by ITAC, on behalf of the carriers ~~the LECs~~) certifying the applicant as a person with a speech-sight disability as that condition is defined in this Part. In instances in which the applicant has a speech-sight disability and the speech disability is certified by a speech-language pathologist, the speech-language pathologist shall make this ~~such~~ certification only upon review of medical records that ~~which~~ confirm the applicant's sight disability. In instances in which the applicant's speech disability and the sight disability is certified by a designated counselor with ORS DORS, the ORS DORS counselor shall make this ~~such~~ certification only upon review of medical records which confirm the applicant's speech disability.
- e) ITAC, on behalf of the carriers, The LECs shall obtain from the Director of ORS DORS a list of designated ORS DORS counselors who have expertise in working with persons with hearing, speech, and sight disabilities and who are authorized to certify individuals for ITAP. ITAC, on behalf of the carriers, The LECs shall obtain from the Director of the University of Illinois Division of Specialized Care for Children a list of the Division's designated hearing and speech consultants authorized to certify individuals for ITAP. ITAC, on behalf of the carriers, The LECs shall obtain updated lists annually.

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

Section 755.205 Eligibility and Application for Equipment ~~Sets~~ for Residents

- a) Unless ITAC's tariff provides otherwise, one piece of One equipment ~~set~~ shall be provided per subscriber line in a residence that ~~which~~ is the permanent legal residence of a certified user. Subject to subsection subsections (f) ~~and (g) below~~, the maximum number of pieces of equipment ~~sets~~ that shall be provided is the lesser of the number of certified users ~~user(s)~~ or the number of subscriber lines in the residence.
- b) The equipment ~~set~~ shall be granted in the name of the recipient. Subject to subsection subsections (f) ~~and (g) below~~, there is only one recipient per subscriber

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line. Recipient status shall be granted to an adult user within the residence. In the absence of an adult user within the residence, recipient status shall be granted to the parent or legal guardian residing with a minor user in the residence.

- c) The recipient shall assume all responsibilities and liabilities for the equipment ~~set~~ as prescribed by this Part.
- d) The recipient shall be required to sign and complete all forms and documents provided in the application packet as described in Section 755.115(a).
- e) Along with the completed application, the recipient shall provide copies of drivers' licenses, Illinois State I.D.'s, or some other proof of identification and Illinois residence for the recipient and identification of the person to whom telephone service is billed.
- f) Notwithstanding the requirements of subsection (a), if two or more certified users with different disabilities reside in the same legal residence, and if the certified users require dissimilar equipment in order to engage in regular and routine telephone communications as a result of their differing disabilities, ITAC, on behalf of the carriers, shall provide an additional piece of equipment or additional pieces of equipment. ~~One telebraille equipment set shall be provided to a recipient in a residence with a single subscriber line even if a TT equipment set or a TT with LVD is also provided for another user or other users in the residence.~~
- g) ~~One TT equipment set or TT with LVD shall be provided to a recipient in a residence with a single subscriber line even if a telebraille equipment set is also provided for another user or other users in the residence.~~

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

Section 755.210 Eligibility and Application for Equipment ~~Sets~~ for Organizations

- a) Organizations having more than one office receiving basic telephone service shall designate one office to receive the equipment ~~set~~.
- b) Recipient status shall be granted to the organization. The president, executive director, or other official of the organization shall sign the appropriate application forms on behalf of the organization.
- c) The organization shall assume all responsibilities and liabilities for the equipment

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~~set~~ prescribed for recipients by this Part.

- d) The organization shall file a verified [Application or](#) Petition for Eligibility with the Commission containing the following:
- 1) Address and telephone number of the organization's headquarters and the office to which the equipment ~~set~~ will be assigned;
 - 2) Statement explaining how the organization meets the definition of "organization" contained in Section 755.10;
 - 3) Statement of the equipment ~~set~~ applied for and a demonstration that the organization's primary purpose is serving those persons with disabilities who require that kind of equipment; ~~set~~;
 - 4) Full names, addresses, and telephone numbers of officers who can act for the organization;
 - 5) Articles of incorporation, by-laws, charter, or any other documenting evidence supporting the statement required by subsection (d)(2);
 - 6) Most recent annual report (if applicable).
- e) The organization's eligibility will be determined by the Commission upon the filing of a complete verified [Application or](#) Petition. A determination of eligibility shall be based on a finding by the Commission that the organization meets the definition of "organization" contained in Section 755.10 and that its primary purpose is to serve the needs of those persons with disabilities who require the equipment ~~set~~ for which the organization has applied.

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

Section 755.220 Time Period for Possession

Contingent upon the recipient's compliance with provisions of this Part, all equipment ~~sets~~ [distributed pursuant to Section 755.100\(a\)](#) will be provided until the user's legal residence ceases to have telephone service for more than 45 days. At ~~that~~ ~~such~~ time the equipment ~~set~~ must be returned to the [ITAC LEC](#). If telephone service is reestablished after the equipment ~~set~~ has been returned to the [ITAC LEC](#), eligibility must be reapplied for as though no prior service had been provided. An applicant who re-applies after having returned [the](#) ~~an~~ equipment ~~set~~ may submit an

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eligibility form certifying the disability, as described in Section 755.115(a)(2), dated up to one year prior to the date of notice of loss of eligibility.

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

Section 755.225 Shared Residence

In the event that two or more recipients share a common permanent legal residence, equipment in excess of that permitted under Section 755.205 shall be returned to [ITAC](#) ~~the LEC~~.

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

Section 755.230 Change of [Recipient Information](#) ~~Address~~

If the recipient changes his/her permanent legal address, [name or telephone number](#), ~~within the State of Illinois~~, he/she must notify [ITAC](#) ~~the LEC~~ of [this](#) ~~the~~ change ~~of address~~.

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

SUBPART D: POSSESSION AND MAINTENANCE

Section 755.300 Equipment Ownership and Liability

- a) All equipment ~~sets~~ distributed under [Section 755.100\(a\)](#) of this Part shall remain the property of [ITAC](#) ~~the LEC's~~. Each recipient shall sign a form indicating that he/she understands and accepts the requirements of this Part regarding ownership and liability.
- b) Equipment ~~sets~~ [distributed pursuant to Section 755.100\(a\)](#) ~~under this program~~ may not be sold, loaned, or otherwise transferred out of the possession of the original recipient. Transfers will subject the recipient to liability for the full replacement cost of the equipment. ~~set~~.
- c) [Upon implementation of a voucher system pursuant to Section 755.100\(b\), the tariff filed pursuant to Section 755.135\(a\)\(2\) shall specify the Program requirements regarding ownership and liability.](#)

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

Section 755.305 Recipient Responsibility

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- a) In cases in which the recipient is the sole user within the residence:
- 1) in the event the recipient permanently relocates outside of Illinois, the recipient must return ~~any the~~ equipment ~~set~~ distributed under Section 755.100(a) to ITAC ~~the LEC~~ prior to leaving the State;
 - 2) in the event of the death of the recipient, the executor of the recipient's estate, or other responsible survivor must return ~~any the~~ equipment ~~set~~ distributed under Section 755.100(a) to ITAC ~~the LEC~~.
- b) In cases in which the user of the equipment distributed pursuant to Section 755.100(a) resides with a person with a disability and in the event of the user's death or permanent relocation outside of Illinois, the remaining person with the disability or the parent or legal guardian of the remaining person with a disability must give notice to ITAC ~~the LEC~~ and make application for the assignment of recipient status to the eligible individual within the residence.
- c) In cases in which the recipient of equipment distributed pursuant to Section 755.100(a) is not a user, on the occasion of the 18th birthday of a minor user, ~~the recipient shall give notice to the LEC, and~~ recipient status shall be transferred to the user.

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

Section 755.310 Responsibility for Maintenance

- a) Unless otherwise specified by this Section, all ordinary expense of maintenance and repair of equipment ~~sets~~ distributed pursuant to Section 755.100(a) is borne by ITAC, on behalf of the carriers ~~the LEC~~.
- b) If ~~an~~ equipment ~~set~~ is damaged, lost, or destroyed due to negligence of the recipient and not due to ordinary wear and tear, the recipient shall be held responsible for the cost of replacing the lost or destroyed equipment ~~set~~ or ITAC's cost of restoring the damaged equipment ~~set~~ to its original condition, unless ITAC, on behalf of the carriers, ~~the LEC~~ assumes the responsibility for the costs of repair in these ~~such~~ instances. ITAC shall have the right to bill the recipient for the cost of replacing or restoring the lost, destroyed, or damaged equipment, and to withhold further participation by the recipient in the programs offered under Section 755.100(a) and (b) of this Part until payment is made.

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- c) b) The recipient must immediately notify ~~ITAC the LEC~~ if ~~any the~~ equipment ~~distributed pursuant to Section 755.100(a)~~ is lost, ~~destroyed~~, stolen, or damaged. If equipment is stolen, ~~damaged, or destroyed due to fire, flood, or other acts of God the local~~ police, ~~fire, or insurance adjustor's report, specifying the stolen, damaged, or destroyed ITAC equipment~~ must be ~~notified and the police report number~~ forwarded to ~~ITAC the LEC~~ within ~~30 five~~ days ~~after of~~ the date the ~~incident theft~~ was reported.

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

SUBPART E: OVERSIGHT AND REVIEW

Section 755.400 Staff Liaison

The Executive Director of the Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person, advisor and monitor of the ITAP administrators and the Advisory Council. The Staff Liaison shall ~~assemble for implement a procedure for coordinating the dissemination equipment specifications, training, and testing information in response to the equipment distributed pursuant to Section 755.100 to of information by the LECs, the ITAP Advisory Council and the Commissions's 9-1-1 Coordinator in order to encourage and~~ assist emergency telephone services Public Safety Answering Points ("PSAP") ~~to update and/or install TT equipment, investigate and implement PSAP-based TT decoder systems, and develop or refine regular TT training and testing procedures for their telecommunicators.~~

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

Section 755.405 Advisory Council

An Advisory Council composed of seven members who are representatives of persons with disabilities shall function as an organ for the input of individuals with disabilities to ITAP.

- a) For the purpose of selecting representatives to the Advisory Council, the Commission shall divide the state into the following five districts: ~~along Market Service Area ("MSA") boundaries:~~

~~District #1 — MSA 1 —~~

~~District #2 — MSA's 2, 3, 4, 13, 18~~

~~District #3 — MSA's 5, 6, 7, 17~~

~~District #4 — MSA's 8, 9, 10, 14, 16~~

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~~District #5 — MSA's 11, 12, 15, 19~~

- 1) District 1: Cook, DuPage, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, McHenry, Putnam, and Will Counties;
 - 2) District 2: Boone, Carroll, DeKalb, JoDaviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties;
 - 3) District 3: Bureau, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Knox, Livingston, Logan, Marshall, Mason, McDonough, McLean, Peoria, Piatt, Stark, Tazewell, Vermillion, Warren, and Woodford Counties;
 - 4) District 4: Adams, Brown, Cass, Christian, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Greene, Macon, Macoupin, Menard, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby Counties; and
 - 5) District 5: Alexander, Bond, Calhoun, Clay, Clinton, Crawford, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson Counties.
- b) ~~In each district, organizations eligible to receive equipment sets under this Part shall jointly select representatives to the~~ The Advisory Council shall be made up of seven members.;
- 1) Three members shall be selected from District 1; ~~the district containing MSA 1;~~
 - 2) One member shall be selected from each of the four remaining districts, and
 - 3) The Advisory Council members shall be elected to staggered terms of three years with an election being held annually.
- c) In each district, nominations for seats on the Advisory Council shall be solicited by ITAC. The sitting Advisory Council shall identify appropriate local

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organizations, including, but not limited to all distribution centers, local chapters of the Illinois Association for the Deaf, the Association for Late-Deafened Adults, and Self Help for Hard of Hearing. Each nomination shall be accompanied by a resume of the nominee.

- d) Those local organizations identified in subsection (c) shall be entitled to vote for the Advisory Council members representing that district.
- e) If no nominations are received for a seat in any district, that seat shall become an at-large seat, and the organizations specified in subsection (c) shall submit nominations, accompanied by resumes of the nominee, without regard to the residence of the nominee. All the local organizations identified in subsection (c) shall be entitled to vote for at-large seats.
- f) e) The seven members of the Advisory Council shall elect a chairperson.

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

Section 755.410 Advisory Council Rights

- a) ITAC ~~The ITAP administrators~~ shall serve one copy of all filings, reports or other information pertaining to ITAP provided to the Commission on the chairperson of the Advisory Council.
- b) Upon receipt of complaints concerning this program, ITAC ~~the ITAP staff~~ shall inform the recipient that if he/she remains dissatisfied in his/her dispute, the recipient may contact the Advisory Council. ITAC ~~The ITAP staff~~ shall provide the recipient with the name, telephone number and business address of a designated member ~~member(s)~~ of the Advisory Council and inform the recipient that the Advisory Council may be able to aid the recipient in his/her dispute.

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

Section 755.415 Biannual Workshop

~~The Staff Liaison shall convene, at~~ At least two times each year, ITAC, in consultation with the Staff Liaison, shall fund and organize, including but not limited to arranging for the location, interpreters, and other accessibility support, a meeting of the Advisory Council to:

- a) Provide a review and analysis of the program's development; and

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- b) Solicit suggestions and comments from the members of the Advisory Council.

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

SUBPART F: LINE CHARGE ADJUSTMENT MECHANISM

Section 755.500 Annual Filings

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge, and shall file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):
- 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
 - 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
 - 3) A pro forma adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;
 - 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "Guide for Prospective Financial Information" (copyright ~~1993~~ 1999) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the "Guide for Prospective Financial Information" is included by this incorporation; and
 - 5) Schedules for the projection period presenting the following information in the format of Sections 755.Exhibit A through 755.Exhibit M below:
 - A) A calculation of the proposed monthly line charge (Exhibit A);
 - B) A comparison of present and proposed line charges, as adjusted

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- (Exhibit B);
- C) A statement of revenues and expenses at present line charge, as adjusted (Exhibit C);
 - D) A statement of prior calendar year actual revenues over/(under) expenses (Exhibit D);
 - E) A schedule of adjustment to projected cash balance (Exhibit E);
 - F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
 - G) A schedule of projected increase to cash under proposed line charge before cash adjustment (Exhibit G);
 - H) A schedule of projected and historical TRS call volumes and projected and historical subscriber lines (Exhibit H);
 - I) A depreciation schedule (Exhibit I); and
 - ~~J) A schedule of projected payroll expenses (other than TRS payroll expenses), as adjusted (Exhibit J);~~
 - ~~K) A schedule of projected line charge filing expenses (assuming no suspension of filing) (Exhibit K);~~
 - L) Comparative actual and projected balance sheets, at proposed line charge, as adjusted (Exhibit L); and
 - ~~M) Comparative actual and projected statements of revenues and expenses, at proposed line charge, as adjusted (Exhibit M).~~
- b) For purposes of projecting subscriber lines for the projection period as required by subsection (a) ~~above~~, it shall be assumed that subscriber lines will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) ~~above~~, at a weighted average growth rate. ~~Prior to January 1, 1996, this growth rate shall reflect the rates of increase or decrease in subscriber lines for the three most recent years available, as calculated from the annual reports to the Commission by the two largest local exchange telecommunications carriers in Illinois. Effective~~

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~~January 1, 1996, this~~ This growth rate shall be based on historical Illinois ~~reflect~~ the rates of increase or decrease in subscriber lines ~~for the three most recent years, as reported by ITAC, pursuant to subsection (a)(5)(H) above.~~

- c) ~~Effective January 1, 1996, for~~ For purposes of projecting TRS call volumes for the projection period as required by subsection (a) ~~above~~, forecasts of call volumes shall be based on historical Illinois TRS call volumes.
- d) For purposes of projecting expenses for the projection period as required by subsection (a) ~~above~~, an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which the filing is made, shall be applied to all costs, excluding depreciation and costs fixed by contract between ITAC and another party, and other reasonably estimated costs.
- e) For purposes of establishing the proposed line charge for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge, as adjusted;
 - 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
 - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

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

Section 755.505 ~~Local Exchange and Inter Exchange~~ Carrier Reports and Remittances to ITAC

Each ~~local exchange~~ carrier, as defined in this Part, shall provide a monthly remittance report to

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ITAC, indicating the number of subscriber lines excluding centrex lines, the number of centrex lines, PBX lines and other technologies indicated in ITAC's tariff; the applicable line charges; ~~the number of intra-MSA (See Section 13-208 of the Act) TRS billable messages billed, the~~ revenues from each source; adjustments for errors (if any) in prior monthly reports and the total remittance. All revenue amounts shall be reported net of uncollectible amounts ~~and applicable discounts as~~ prescribed by 83 Ill. Adm. Code 756.220(d) and ~~83 Ill. Adm. Code 756.125(a)(2)(C), respectively, and~~ shall be remitted to ITAC as reported. This data shall be presented in the format defined in ITAC's tariff. of Section 755. Exhibit N. The Staff Liaison shall provide assistance to ITAC in monitoring remittances.

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

Section 755.510 Determination and Adjustment of the Line Charge

- a) The Commission may, upon complaint, its own motion, or the petition of ITAC, enter upon a hearing concerning the propriety of the proposed line charge. If no hearing is held, the Commission shall issue an order determining the line charge level within 45 days after ITAC's annual filing. If a hearing is conducted, the Commission shall issue an order determining the line charge level within 105 days after ITAC's annual filing. If the Commission is unable to issue an order within this 105-day period, the Commission shall extend this period for a further period not exceeding six months.
- b) The Commission's order establishing the line charge shall be served on ITAC, the ITAP Advisory Council chairperson, the Staff Liaison, the Director of the Commission's Telecommunications Department, and all ~~local-exchange~~ carriers.
- c) If any change in the line charge is ordered, the order shall direct each ~~local exchange~~ carrier to file a tariff within 15 days in compliance with the order and without further notice.

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

Section 755.515 Notice and Filing Requirements

- a) ITAC shall, beginning not later than ten days after it files the information required under Section 755.500 or under Section 755.520, cause to be published once each week for two consecutive weeks a notice of its filing in the official state newspaper and in a secular newspaper (that has been regularly published for at

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least six months prior to the first publication of ~~this such~~ notice) in general circulation in the cities of Chicago and Springfield. ~~This Such~~ notice shall be not less than one column in width and three inches in length.

- b) ITAC shall file with the Chief Clerk of the Commission the required reports and schedules pursuant to Section 755.500 and 755.520. Any documents filed with the Commission pursuant to those Sections shall also be served on the following persons: Director of the Commission's Consumer Services Division and Telecommunications Division ~~Department~~, the Manager of the Accounting Department of the Commission's Financial Analysis Division, the Staff Liaison, and the ITAP Advisory Council chairperson.

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

Section 755.520 Interim Line Charge Adjustments

- a) ITAC may request, by petition, an interim line charge adjustment. ~~This Such~~ petition shall be verified and shall include documentation in substantially the same form as Sections 755.Exhibit A through Exhibit L supporting the need for an interim line charge adjustment and a projected cash flow statement. If a hearing is conducted, ITAC shall bear the burden of proof regarding the need for an interim line charge adjustment.
- b) The Commission shall issue an order on an expedited basis addressing any requested interim line charge adjustment, either denying, granting in full, or granting in part the requested interim line charge adjustment. The Commission's order shall be served on the same persons as in Section 755.510(b). If the Commission determines that an interim line charge adjustment is necessary, the order shall authorize an interim line charge, to remain in effect until subsequent order of the Commission. If the Commission's order authorizes an interim ~~iterim~~ line charge adjustment, it shall direct all ~~local-exchange~~ carriers to file tariffs in compliance with the order.

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

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Section 755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance
(Schedule A-5)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Proposed Line Charge Before Cash Adjustment (a)	_____	
2	One-Eighth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss on Property and Equipment Retirements)		_____
3	Planned Capital Expenditures During Projection Period (b) (Attach Supporting Schedule)	_____	
4	Line 2 plus Line 3	_____	
5	If Line 4 is greater than Line 1, enter amount from Line 4 here. If Line 4 is less than Line 1, go to Line 7.		_____
6	Adjustment to Cash Balance (Line 5 minus Line 1)		_____
*IF THERE IS AN ENTRY ON LINE 5, STOP HERE AND ENTER AMOUNT FROM LINE 6 ON LINE 3 OF SCHEDULE A-1			
7	One-Fourth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss Property and Equipment Requirements)		_____
8	Amount from Line 3	_____	

9	Line 7 plus Line 8	_____	
10	If Line 9 is less than Line 1, enter amount from Line 9 here. If Line 9 is greater than Line 1, there is no adjustment to Cash Balance.		_____
11	Adjustment to Cash Balance (Line 10 minus Line 1)		_____
*IF THERE IS AN ENTRY ON LINE 10, ENTER AMOUNT FROM LINE 11 ON LINE 3 OF SCHEDULE A-1.			

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(a) Amount from Line 7, Column D, Schedule A-7.

[\(b\) Amount from Line 19, Column D, Schedule A-6.](#)

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

Section 755.EXHIBIT F Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)

Line (A)	Description (B)	Amount (C)	Amount (D)
1.	Amount of Property and Equipment Purchased in prior calendar years to be paid in projection period:		
2.	TT Equipment	_____	
3.	Teletaille Equipment	_____	
4.	LVD Equipment	_____	
3. 5.	Computer Equipment and Software	_____	
4. 6.	Furniture and Fixtures	_____	
5. 7.	Buildings	_____	
6. 8.	Subtotal		_____
7. 9.	Add: Amount of Projected Property and Equipment purchases:		
8. 10.	TT Equipment	_____	
11.	Teletaille Equipment	_____	
12.	LVD Equipment	_____	
9. 13.	Computer Equipment and Software	_____	
10. 14.	Furniture and Fixtures	_____	
11. 15.	Buildings	_____	
12. 16.	Subtotal (a)		_____
13. 17.	Less: Amount of Projected Property and Equipment Purchases to be Paid in years following projection period:		
14. 18.	TT Equipment	_____	
19.	Teletaille Equipment	_____	
20.	LVD Equipment	_____	

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

68 Other: _____
 79 Total _____

10 Reconciliation of Accumulated Depreciation

11			Accumulated		
12			Depreciation		
13		12/31/	Associated	(Year)	12/31/
14		Accumulated	With	Depreciation	Accumulated
15	Depreciation	Depreciation	Retirements	Expense	
816		_____	_____	_____	_____

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

Section 755.EXHIBIT J Projected Payroll Expenses, As Adjusted (Other than DPRS Payroll Expenses) (Schedule A-10) Repealed

Line	Description	-	Year Ending	-	Amount
(A)	(B)	-	12/31	-	(D)
-	-	-	(C)	-	-
-	-	-	-	-	-
1	Executive Wages	-	-	-	-
-	-	-	-	-	-
2	Other Management Wages	-	-	-	-
-	-	-	-	-	-
3	Non-Management Wages	-	-	-	-
-	-	-	-	-	-
4	Sub-Total	-	-	-	-
-	-	-	-	-	-
5	Executive Benefits	-	-	-	-
-	-	-	-	-	-
6	Other Management Benefits	-	-	-	-
-	-	-	-	-	-
7	Non-Management Benefits	-	-	-	-
-	-	-	-	-	-
8	Subtotal	-	-	-	-

ILLINOIS COMMERCE COMMISSION
 NOTICE OF PROPOSED AMENDMENTS

-	-	-	-
9	Total Payroll Expenses	-	-

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

Section 755.EXHIBIT K Projected Line Charge Filing Expenses (Schedule A-11) [\(Repealed\)](#)

Line	Description	Year Ending
(A)	(B)	12/31
		(C)
1	Legal	_____
2	Accounting	_____
3	Other:	_____
4	Other:	_____
5	Total	_____

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

Section 755.EXHIBIT L Comparative Actual and Projected Balance Sheets, At Proposed Line Charge, As Adjusted (Schedule A-12)

Line	Description	Actual Prior	Projected
(A)	(B)	Calendar Year	12/31/
		12/31/	(D)
		(C)	
1	ASSETS		
2	Current Assets:		
3	Cash, and Cash Equivalents and Other Cash Investments	_____	_____
4	Accounts Receivable	_____	_____

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

5	Interest Receivable	_____	_____
6	Prepaid Distribution Expense	_____	_____
7	Other:	_____	_____
8	Total Current Assets	_____	_____
9	Property and Equipment:		
10	Computer Equipment and Software	_____	_____
11	Furniture and Fixtures	_____	_____
12	FF Equipment	_____	_____
13	Telebraille Equipment	_____	_____
14	Large Visual Display Equipment	_____	_____
<u>13</u> 15	Less: Accumulated Depreciation	_____	_____
<u>14</u> 16	Property and Equipment, Net	_____	_____
<u>15</u> 17	Other:	_____	_____
<u>16</u> 18	Total Assets	_____	_____
<u>17</u> 19	LIABILITIES AND FUND BALANCE		
<u>18</u> 20	Current Liabilities:		
<u>19</u> 21	Accounts Payable		
<u>20</u> 22	TRS	_____	_____
<u>21</u> 23	Other:	_____	_____
<u>22</u> 24	Total Current Liabilities	_____	_____

ILLINOIS COMMERCE COMMISSION
 NOTICE OF PROPOSED AMENDMENTS

~~23~~ ~~25~~ Fund Balance:

24 26	Beginning Balance	_____	_____
25 27	Revenues Over/(Under) Expenses	_____	_____
26 28	Ending Balance	_____	_____
27 29	Total Liabilities and Fund Balance	_____	_____

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

Section 755.EXHIBIT M Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) [\(Repealed\)](#)

Line	Description	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
(A)	(B)	(C)	(D)
1	Revenues:		
2	Subscriber Line Charge	_____	_____
3	Investment Income	_____	_____
4	TRS	_____	_____
5	Other:	_____	_____
6	Total Revenues	_____	_____
7	Expenses:		
8	TRS	_____	_____
9	Administration	_____	_____
10	Equipment Distribution and Maintenance	_____	_____
11	Legal	_____	_____

ILLINOIS COMMERCE COMMISSION
 NOTICE OF PROPOSED AMENDMENTS

12	Accounting and Consulting		
13	Depreciation		
14	(Gain)/Loss on Property and Equipment		
	Retirements		
15	Other Expenses:		
16	Total Expenses		
17	Revenues Over/(Under) Expenses		

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

Section 755.EXHIBIT N Local Exchange Carrier Monthly Report to ITAC [\(Repealed\)](#)

Local Exchange Carrier Name: _____

Remittance for (Month/Year): _____

Line (A)	Description (B)	Number (C)	Rate (D)	Revenues (b) (E)
1	Subscriber Lines (a)			
2	Centrex Lines			
3	Intra MSA TRS billable messages billed			
4	Prior Period Adjustment (Attach Explanation)			
5	Total Remittance			

(a) “Subscriber lines” means access lines, as defined in 83 Ill. Adm. Code 730.105, of local exchange carriers as defined in 83 Ill. Adm. Code 755.10 (including telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act), but shall not include Feature Groups A, B, C and D access lines, 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~(b) — Also, for purposes of this report, “subscriber lines” does not include Centrex lines.~~

~~(b) — All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by Sections 756.220(d) and 756.125(a)(2)(C), respectively.~~

~~Date Prepared: _____~~

~~Originator: _____ Phone: _____~~

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.40 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is designed to make the 24 hour medication ban accurate for all horse races, not just the first race. In addition, the word foreign is being removed, with respect to hypodermic injection of a foreign substance, because the intent of the rule is that no substance be administered by hypodermic injection to a horse within 24 hours.
- 6) Will these proposed amendments replace emergency amendments currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to: Mickey Ezzo, Illinois Racing Board, 100 West Randolph, Suite 11-100, Chicago, Illinois 60601, (312) 814-5017.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because it was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 27 Ill. Reg. _____, effective _____.

Section 603.40Twenty-four Hour Ban

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Except as provided in Section 603.70, no ~~foreign~~ substance shall be administered to a horse entered to race by hypodermic injection within 24 hours prior to the scheduled post time for the race the horse is entered. No foreign substance shall be administered to a horse entered to race by oral administration, nasogastric tubing, or topical administration which can penetrate the skin, rectal infusion, suppository, or inhalation within 24 hours prior to the scheduled post time for the ~~first~~ race the horse is entered.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Ownership, Partnership, and Stable Name
- 2) Code Citation: 11 Ill. Adm. Code 1409
- 3) Section Number: 1409.138 Proposed Action: Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being repealed due to the fact that there are no requirements contained in this Section.
- 6) Will these proposed amendments replace emergency amendments currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to: Mickey Ezzo, Illinois Racing Board, 100 West Randolph, Suite 11-100, Chicago, Illinois 60601, (312) 814-5017.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because it was not anticipated when they were submitted.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING

PART 1409
OWNERSHIP, PARTNERSHIP, AND STABLE NAME

Section	
1409.5	Registration of Colors
1409.10	Application for Colors
1409.20	Deviations
1409.30	Register Name of Real Owner
1409.40	Owner-Trainer Registrations
1409.50	Change in Ownership
1409.60	False Registration
1409.70	List of Changes
1409.80	Stable Names
1409.90	Registration of Stable Names
1409.100	Trainers' Use of Stable Names
1409.110	Affidavit of Ownership
1409.120	Partnerships
1409.130	Corporations
1409.135	File Reports With Board
1409.138	Board May Waive Requirements (Repealed)
1409.140	Change in Officers
1409.150	Entries, Declarations and Winnings
1409.160	Signature by Racing Secretary
1409.170	Consent of Partners
1409.180	Name All Owners
1409.185	Corporation With Stable Name

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 13 Ill. Reg. 1841, effective January 27, 1989; amended at 17 Ill. Reg. 12429, effective July 16, 1993 amended at 27 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Section 1409.138 Board May Waive Requirements ([Repealed](#))

~~Any of the above requirements may be waived by the Board.~~

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?

Regarding the rulemaking 27 Ill. Reg. 3261, the Joint Committee on Administrative Rules recommended repealing the designated pay for the Senior Public Service Administrator in the Department of Central Management Services since the incumbent has resigned the position that was added to Section 310.280 (Designated Rate). The Department of Central Management Services will comply with that recommendation.

- 13) Will this amendment replace an emergency rule currently in effect? No

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Register Citation</u>
310.280	Amend	27 Ill. Reg. 8570, 05/19/03
Table L	Amend	27 Ill. Reg. 8570, 05/19/03
Table W	Amend	27 Ill. Reg. 8570, 05/19/03

- 15) Summary and Purpose of Amendments:

In Section 310.280 Designated Rate, the annual salary for an Administrative Assistant II (00502-42-00-040-11-01) position was changed from \$57,648 to \$63,840 at the request of the Department of Commerce and Community Affairs.

The annual salaries for the Senior Public Service Administrators (40070-21-10-000-00-01 and 40070-21-40-000-00-01) positions were changed from \$113,580 to \$117,828 at the request of the Department of State Police.

A Senior Public Service Administrator (40070-33-20-000-00-06) position was added to this Section with the annual salary of \$120,900 at the request of the Department of Public Aid.

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

Ms. Marianne Armento
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Telephone: (217) 785-8609

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT
SERVICESPART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2003
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guide chart for Fiscal Year 2003
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A.	Negotiated Rates of Pay
310.APPENDIX A.TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
310.APPENDIX A.TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
310.APPENDIX A.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.APPENDIX A.TABLE D	HR-001 (Teamsters Local #726)
310.APPENDIX A.TABLE E	RC-020 (Teamsters Local #330)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310.APPENDIX A.TABLE F	RC-019 (Teamsters Local #25)
310.APPENDIX A.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.APPENDIX A.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.APPENDIX A.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.APPENDIX A.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.APPENDIX A.TABLE K	RC-023 (Registered Nurses, INA)
310.APPENDIX A.TABLE L	RC-008 (Boilermakers)
310.APPENDIX A.TABLE M	RC-110 (Conservation Police Lodge)
310.APPENDIX A.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.APPENDIX A.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.APPENDIX A.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.APPENDIX A.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.APPENDIX A.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.APPENDIX A.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.APPENDIX A.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.APPENDIX A.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.APPENDIX A.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.APPENDIX A.TABLE W	RC-062 (Technical Employees, AFSCME)
310.APPENDIX A.TABLE X	RC-063 (Professional Employees, AFSCME)
310.APPENDIX A.TABLE Y	RC-063 (Educators, AFSCME)
310.APPENDIX A.TABLE Z	RC-063 (Physicians, AFSCME)
310.APPENDIX A.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.APPENDIX A.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
310.APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2003
310.APPENDIX C	Medical Administrative Rates for Fiscal Year 2003
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2003
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2003

AUTHORITY: Implementing and authorized by Section 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg.

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8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency

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amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999, amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill.

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Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency amendment expired on March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003.

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Central Management Services	
Senior Public Service Administrator (Pos. No. 40070-37-00-000-05-01)	Annual Salary 120,900
Department of Children & Family Services	
Public Service Administrator	Annual Salary

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(Pos. No. 37015-16-23-120-00-01)	85,104
Department of Commerce & Community Affairs	
Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)	Annual Salary 63,840 59,376
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	Annual Salary 69,792
Public Service Administrator (Pos. No. 37015-42-35-110-10-03)	Annual Salary 78,612

Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	Annual Salary 96,360
Department of Human Services	
Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	Annual Salary 55,200
Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	Annual Salary 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	Annual Salary 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	Annual Salary 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	Annual Salary 105,480
Illinois State and Local Labor Relations Board	
Private Secretary II	Annual Salary

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(Pos. No. 34202-50-19-000-00-01)	51,900
Department of Natural Resources	
Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	Annual Salary 50,520
Department of Public Aid	
Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	Annual Salary 123,060
Department of Revenue	
Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	Annual Salary 76,668
Department of State Police	
Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	Annual Salary 117,828 113,580
Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01 40070 21 10 000 00 01)	Annual Salary 117,828 113,580

(Source: Amended at 27 Ill. Reg. 9114, effective May 27, 2003)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Teachers' Retirement Insurance Program
- 2) Code Citation: 80 Ill. Adm. Code 2170
- 3) Section Numbers: Adopted Action:

2170.110	New
2170.120	New
2170.130	New
2170.210	New
2170.220	New
2170.230	New
2170.240	New
2170.250	New
2170.260	New
2170.270	New
2170.310	New
2170.320	New
2170.330	New
2170.340	New
2170.350	New
2170.360	New
2170.410	New
- 4) Statutory Authority: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375]
- 5) Effective Date of Amendments: May 27, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? This Part contains reference to the State Employees Group Insurance Act and Article 16 of the Pension Code.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register:

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June 7, 2002
26 Ill. Reg. 8200

- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version.
- Section 2170.130. Create separated definitions for “Department” and “Department of CMS”. Added definition “TCHP”.
- Section 2170.230. Rewrote.
- Section 2170.250. Rewrote.
- Sections 2170.260 and 2170.270. Added.
- Section 2170.360. Rewrote.
- Several other minor editing 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 these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-25 established the Teachers’ Retirement Insurance Program (TRIP), a program of health benefits for the Teachers’ Retirement System Benefit Recipients and their Dependent Beneficiaries. Contributions toward the cost of these benefits are required from active teachers, school districts as employers, the State, and participating retirees (through premiums).
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

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(217)782-9669

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE INSURANCE

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2170

TEACHERS' RETIREMENT INSURANCE PROGRAM

SUBPART A: PURPOSE AND DEFINITIONS

Section	
2170.110	Name of Program
2170.120	Purpose
2170.130	Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section	
2170.210	Determining Enrollment Policies
2170.220	Determining Insurance Rates and Premiums
2170.230	Determining Benefits
2170.240	Provision for Benefits
2170.250	Other Responsibilities
2170.260	Appeals Process Responsibilities
2170.270	Health Insurance Portability and Accountability Act (HIPAA)

SUBPART C: RESPONSIBILITY OF TEACHERS' RETIREMENT SYSTEM (TRS)

Section	
2170.310	Eligibility
2170.320	Enrollments and Terminations
2170.330	Premium Collection and Payment
2170.340	Administering Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
2170.350	Other Responsibilities
2170.360	Health Insurance Portability and Accountability Act (HIPAA)

SUBPART D: FUNDING

2170.410	Teacher Health Insurance Security Fund
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AUTHORITY: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375].

SOURCE: Adopted at 27 Ill. Reg. 9127, effective May 7, 2003.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2170.110 Name of Program

The name of this Program is the Teachers' Retirement Insurance Program.

Section 2170.120 Purpose

The purpose of the Program is to provide health benefits to TRS Benefit Recipients and TRS Dependent Beneficiaries.

Section 2170.130 Definitions

Whenever used in this Part, the following terms shall have the meanings set forth in this Section unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized.

"Act" means the State Employees Group Insurance Act of 1971 [5 ILCS 375].

"Benefit Choice Period" means the annual benefit election period (usually May 1 through May 31 each year).

"Certificate of Creditable Coverage" means a document containing a description of benefits provided by licensed insurance plans.

"COBRA" means the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

"State Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code.

"Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois

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Rural Bond Bank.

"CMS" means the Illinois Department of Central Management Services.

"Director" means the Director of the Illinois Department of Central Management Services (CMS).

"Fiscal Year" means the State's fiscal year from July 1 through June 30.

"Fund" means the Teacher Health Insurance Security Fund.

"Participant" means a TRS Benefit Recipient and/or TRS Dependent Beneficiary.

"Plan Administrator" means an organization, company or other entity contracted by CMS to review and approve benefit payments, pay claims, and perform other duties related to the administration of a specific plan.

"Program" means the Teachers' Retirement Insurance Program, as authorized by the State Employees Group Insurance Act of 1971.

"TCHP" means the Teachers' Choice Health Plan (indemnity medical plan offered under TRIP).

"TRIP" means the Teachers' Retirement Insurance Program, as authorized by the State Employees Group Insurance Act of 1971.

"TRS" means the Teachers' Retirement System.

"TRS Benefit Recipient" means a person who is not a "member" as defined in the Act; and is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; and either has at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance Program offered under that Article on January 1, 1996; or is the survivor of a Benefit Recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance Program offered under that Article on June 21, 1995; or is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

"TRS Dependent Beneficiary" means a person who is not a "member" or "dependent" as

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defined in the Act, and is a TRS Benefit Recipient's spouse; dependent parent who is receiving at least half of his or her support from the TRS Benefit Recipient; or unmarried natural, step, or adopted child who is under age 19; or enrolled as a full-time student in an accredited school, financially dependent upon the TRS Benefit Recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a Dependent Beneficiary in the health insurance Program offered under Article 16 of the Illinois Pension Code; or age 19 or over who is mentally or physically handicapped.

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2170.210 Determining Enrollment Policies

- a) Initial enrollment periods. Initial enrollment in TRIP is limited to the following periods:
 - 1) When a TRS Benefit Recipient applies for annuity benefits;
 - 2) When a TRS Benefit Recipient or TRS Dependent Beneficiary turns age 65;
 - 3) When coverage of a TRS Benefit Recipient or TRS Dependent Beneficiary is terminated by a former group plan;
 - 4) During the Benefit Choice Period.
- b) Re-enrollment periods. Re-enrollment into the Program is limited to the following periods:
 - 1) When a TRS Benefit Recipient or TRS Dependent Beneficiary turns age 65;
 - 2) When coverage of a TRS Benefit Recipient or TRS Dependent Beneficiary is terminated by a former employer.

Section 2170.220 Determining Insurance Rates and Premiums

The Director will determine the insurance rates and premiums for TRS Benefit Recipients and TRS Dependent Beneficiaries. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage. Pursuant to the Act, premiums are based on the plan selected by

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the Benefit Recipient. The TRS Benefit Recipient shall pay the entire premium for any coverage for a TRS Dependent Beneficiary.

Section 2170.230 Determining Benefits

CMS will determine the benefits available to TRS Benefit Recipients and TRS Dependent Beneficiaries.

Section 2170.240 Provision for Benefits

The Director shall by contract, self-insurance, or otherwise make available the Program of health benefits for TRS Benefit Recipients and their TRS Dependent Beneficiaries.

Section 2170.250 Other Responsibilities

- a) CMS will offer an annual Benefit Choice Period for TRS Benefit Recipients to:
 - 1) Initially enroll into the Program;
 - 2) Add a Dependent Beneficiary, pursuant to enrollment policies;
 - 3) Change health plans.
- b) CMS will provide information regarding benefits and requirements of the Program in a TRIP Benefits Handbook and an annual Benefit Choice Options booklet.
 - 1) The TRIP Benefits Handbook shall embrace the following topics:
 - A) Eligibility guidelines pursuant to the definitions of Benefit Recipient and Dependent Beneficiary in Section 2170.130.
 - B) Enrollment opportunities pursuant to Section 2170.210.
 - C) Termination guidelines. Coverage for a Benefit Recipient terminates at midnight on the last day of the month when eligibility requirements are no longer met, TRIP coverage terminates, a written request is received by TRS that coverage should be terminated, the Benefit Recipient becomes eligible for and enrolls in the State of Illinois Employees Group Insurance Program, or

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upon death. Coverage for a Dependent Beneficiary terminates at midnight on the last day of the month simultaneously with termination of a Benefit Recipient's coverage; when coverage is terminated by the Benefit Recipient; when eligibility requirements are no longer met or upon death.

- D) Covered Benefits under TCHP (e.g., chemotherapy, durable medical equipment, hospital services, infertility treatments, lab and x-ray, physician services, speech therapy, organ and tissue transplant, urgent care, preventive services, prescription drug, mental health/substance abuse and exclusions.
 - E) TCHP claims filing deadlines and procedures.
- 2) The Benefit Choice Options booklet shall detail information not provided in the Benefits Handbook (e.g., premium amounts, coverage changes, managed care plan availability and preferred provider information).
- c) CMS will provide training seminars for TRS.

Section 2170.260 Appeals Process Responsibilities

- a) If a Participant believes that an error has been made in the benefit amount allowed or disallowed, the Participant should contact the claims processing office of the Plan Administrator pursuant to the Appeal Process as detailed in the Benefits Handbook. The Participant must utilize the Plan Administrator's review process to the fullest extent prior to contacting CMS. The Participant must contact the appropriate Plan Administrator within 180 days after the date of the initial claim determination.
- b) If the Participant is not satisfied with the results of the review process by the Plan Administrator, the Participant may submit a written request for review to CMS, within 60 days after the date of the Initial Review determination, for a Final Determination.
- c) If the Participant is still not satisfied, an appeal of the determination may be made to an appeal committee, created by the Director, within 60 days after the Final Review by CMS. The findings of the appeal committee shall be final and binding on all parties.

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- d) The Participants will be notified in writing of every decision rendered during the Appeal Process.
- e) The Participant retains all rights under Section 15(h) of the Group Insurance Act.
- f) Appeal Committee members are appointed by the Director.

Section 2170.270 Health Insurance Portability and Accountability Act (HIPAA)

CMS will comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), where applicable as referenced in the plan documents.

SUBPART C: RESPONSIBILITY OF TEACHERS' RETIREMENT SYSTEM (TRS)

Section 2170.310 Eligibility

TRS shall determine eligibility of TRS Benefit Recipients and TRS Dependent Beneficiaries pursuant to Section 2170.250(b)(1)(A).

Section 2170.320 Enrollments and Terminations

TRS shall enroll and terminate TRS Benefit Recipients and TRS Dependent Beneficiaries pursuant to Section 2170.210 and Section 2170.250(b)(1)(C).

Section 2170.330 Premium Collection and Payment

TRS shall be responsible for the collection and transmission of TRS Benefit Recipient and TRS Dependent Beneficiary premiums into the Teacher Health Insurance Security Fund.

Section 2170.340 Administering Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

TRS shall be responsible for compliance with the continuation of benefits requirements of COBRA. All premiums must be collected and transmitted by TRS.

Section 2170.350 Other Responsibilities

- a) TRS shall provide enrollment, termination and change in status and/or address

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information to CMS.

- b) TRS shall inform TRS Benefit Recipients that they must:
 - 1) Notify TRS of coverage options chosen, and any changes that may affect eligibility or enrollment, including address changes.
 - 2) Review the TRIP Benefits Handbook, annual Benefit Choice Options booklet and any other materials provided by TRS or CMS and abide by all policies outlined in those publications.

Section 2170.360 Health Insurance Portability and Accountability Act (HIPAA)

TRS shall comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), where applicable as outlined in the Program documents.

SUBPART D: FUNDING

Section 2170.410 Teacher Health Insurance Security Fund

- a) The Director shall establish the Teacher Health Insurance Security Fund (see 5 ILCS 375/6.6). This Fund shall be a continuing fund not subject to Fiscal Year limitations.
- b) All active contributors to the Teachers' Retirement System who are not employees of a State Department shall make contributions toward the cost of annuitant and survivor health benefits. These contributions shall be at the following rates: until January 1, 2002, 0.5% of salary; beginning January 1, 2002, 0.65% of salary; beginning July 1, 2003, 0.75% of salary. These contributions shall be paid to TRS as service agent for CMS.
- c) Every employer of a teacher, other than an employer that is a State Department, shall pay an employer contribution toward the cost of annuitant and survivor health benefits. The contributions are computed as follows: January 1, 2002 through June 30, 2003, 0.4% of each teacher's salary; July 1, 2003, 0.5%. These contributions shall be paid to TRS as service agent for CMS.
- d) TRS shall deposit all moneys collected into the Teacher Health Insurance Security Fund.

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- e) On or before November 15 of each year, the Board of Trustees of TRS shall certify to the Governor, the Director of CMS and the State Comptroller its estimate of the total amount of contributions to be paid for the next fiscal year. The amount certified shall be increased or decreased each year by the amount that the actual active teacher contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year.
- f) On the first day of each month the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Teacher Health Insurance Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Teacher Health Insurance Security Fund pursuant to 5 ILCS 375/6.6(c) and (d).

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: College Insurance Program
- 2) Code Citation: 80 Ill. Adm. Code 2180
- 3) Section Numbers: Adopted Action:

2180.110	New
2180.120	New
2180.130	New
2180.210	New
2180.220	New
2180.230	New
2180.240	New
2180.250	New
2180.260	New
2180.270	New
2180.310	New
2180.320	New
2180.330	New
2180.340	New
2180.350	New
2180.360	New
2180.410	New
- 4) Statutory Authority: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375]
- 5) Effective Date of Amendments: May 27, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? This Part contains reference to the State Employees Group Insurance Act and Article 15 of the Pension Code, and Article VII of the Public Community College Act.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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June 7, 2002
26 Ill. Reg. 8208

- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version.
- Section 2180.130. Create separated definitions for “Department” and “Department of CMS”. Added definition “CCHP”.
- Section 2180.230. Rewrote.
- Section 2180.250. Rewrote.
- Sections 2180.260 and 2180.270. Added.
- Section 2180.360. Rewrote.
- Several other minor editing 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 these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-497 established the College Insurance Program (CIP), a program of health, dental and vision benefits for community college Benefit Recipients and their Dependent Beneficiaries. Contributions toward the cost of these benefits are required from active community college employees, community colleges as employers, the State, and participating retirees (through premiums).
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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(217)782-9669

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE INSURANCE

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2180

COLLEGE INSURANCE PROGRAM

SUBPART A: PURPOSE AND DEFINITIONS

Section	
2180.110	Name of Program
2180.120	Purpose
2180.130	Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section	
2180.210	Determining Enrollment Policies
2180.220	Determining Insurance Rates and Premiums
2180.230	Determining Benefits
2180.240	Provision for Benefits
2180.250	Other Responsibilities
2180.260	Appeals Process Responsibilities
2180.270	Health Insurance Portability and Accountability Act (HIPAA)

SUBPART C: RESPONSIBILITY OF STATE UNIVERSITIES
RETIREMENT SYSTEM (SURS)

Section	
2180.310	Eligibility
2180.320	Enrollments and Terminations
2180.330	Premium Collection and Payment
2180.340	Administering Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
2180.350	Other Responsibilities
2180.360	Health Insurance Portability and Accountability Act (HIPAA)

SUBPART D: FUNDING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section

2180.410 Community College Health Insurance Security Fund

AUTHORITY: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375].

SOURCE: Adopted at 27 Ill. Reg. 9139, effective May 27, 2003.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2180.110 Name of Program

The name of this Program is the College Insurance Program.

Section 2180.120 Purpose

The purpose of the Program is to provide health benefits to State Universities Retirement System (SURS) Benefit Recipients and SURS Dependent Beneficiaries.

Section 2180.130 Definitions

Whenever used in this Part, the following terms shall have the meanings set forth in this Section unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized.

"Act" means the State Employees Group Insurance Act of 1971 [5 ILCS 375].

"Benefit Choice Period" means the annual benefit election period (usually May 1 through May 31 each year).

"CCHP" means the College Choice Health Plan (indemnity medical plan offered under CIP).

"CIP" means the College Insurance Program, as authorized by the State Employees Group Insurance Act of 1971.

"COBRA" means the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

"State Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to

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certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code.

"Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Rural Bond Bank

"CMS" means the Illinois Department of Central Management Services.

"Director" means the Director of the Illinois Department of Central Management Services (CMS).

"Fiscal Year" means the State's fiscal year from July 1 through June 30.

"Fund" means the Community College Health Insurance Security Fund.

"Participant" means a SURS Benefit Recipient and/or SURS Dependent Beneficiary.

"Plan Administrator" means an organization, company or other entity contracted by CMS to review and approve benefit payments; pay claims; and perform other duties related to the administration of a specific plan.

"Program" means the College Insurance Program, as authorized by the State Employees Group Insurance Act of 1971.

"SURS" means the State Universities Retirement System.

"SURS Benefit Recipient" means a person who is not a "member" as defined in the Act; and is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15]; and either was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards; or is the survivor of a person described in this definition.

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"SURS Dependent Beneficiary" means a person who is not a "member" or "dependent" as defined in the Act, and is a SURS Benefit Recipient's spouse; dependent parent who is receiving at least half of his or her support from the SURS Benefit Recipient; or unmarried natural, step, or adopted child who is under age 19; or enrolled as a full-time student in an accredited school, financially dependent upon the SURS Benefit Recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 23; or age 19 or over who is mentally or physically handicapped.

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2180.210 Determining Enrollment Policies

- a) Initial enrollment periods. Initial enrollment in CIP is limited to the following periods:
 - 1) When a SURS Benefit Recipient applies for annuity benefits;
 - 2) When a SURS Benefit Recipient or SURS Dependent Beneficiary turns age 65;
 - 3) When coverage of a SURS Benefit Recipient or SURS Dependent Beneficiary is terminated by a former group plan;
 - 4) During the Benefit Choice Period.
- b) Re-enrollment period limitations. Re-enrollment into the Program is limited to the following periods:
 - 1) When a SURS Benefit Recipient or SURS Dependent Beneficiary turns age 65;
 - 2) When coverage of a SURS Benefit Recipient or SURS Dependent Beneficiary is terminated by a former employer.

Section 2180.220 Determining Insurance Rates and Premiums

The Director will determine the insurance rates and premiums for SURS Benefit Recipients and SURS Dependent Beneficiaries. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage. Pursuant to the Act, premiums are based on the plan selected by the Benefit Recipient. The SURS Benefit Recipient shall pay the entire premium for any

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coverage for a SURS Dependent Beneficiary.

Section 2180.230 Determining Benefits

CMS will determine the benefits available to SURS Benefits Recipients and SURS Dependent Beneficiaries.

Section 2180.240 Provision for Benefits

The Director shall by contract, self-insurance, or otherwise make available the Program of health benefits for SURS Benefit Recipients and their SURS Dependent Beneficiaries.

Section 2180.250 Other Responsibilities

- a) CMS will offer an annual Benefit Choice Period for SURS Benefit Recipients to:
 - 1) Initially enroll into the Program;
 - 2) Add a Dependent Beneficiary, pursuant to enrollment policies;
 - 3) Change health plans.
- b) CMS will provide information regarding benefits and requirements of the Program in a CIP Benefits Handbook and an annual Benefit Choice Options booklet.
 - 1) The CIP Benefits Handbook shall embrace the following topics:
 - A) Eligibility guidelines pursuant to the definitions of Benefit Recipient and Dependent Beneficiary in Section 2180.130.
 - B) Enrollment opportunities pursuant to Section 2180.210.
 - C) Termination guidelines. Coverage for a Benefit Recipient terminates at midnight on the last day of the month when eligibility requirements are no longer met, CIP coverage terminates, a written request is received by SURS that coverage should be terminated, the Benefit Recipient becomes eligible for and enrolls in the State of Illinois Employees Group Insurance Program, or upon death. Coverage for a Dependent Beneficiary terminates at midnight on

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the last day of the month simultaneously with termination of a Benefit Recipient's coverage; when coverage is terminated by the Benefit Recipient; when eligibility requirements are no longer met or upon death.

- D) Covered Benefits under CCHP (e.g., chemotherapy, durable medical equipment, hospital services, infertility treatments, lab and x-ray, physician services, speech therapy, organ and tissue transplant, urgent care, preventive services, prescription drug, mental health/substance abuse and exclusions.
 - E) CCHP claims filing deadlines and procedures.
- 2) The Benefit Choice Options booklet shall detail information not provided in the Benefits Handbook (e.g., premium amounts, coverage changes, managed care plan availability and preferred provider information).
- c) CMS will provide training seminars for SURS.

Section 2180.260 Appeals Process Responsibilities

- a) If a Participant believes that an error has been made in the benefit amount allowed or disallowed, the Participant should contact the claims processing office of the Plan Administrator pursuant to the Appeal Process as detailed in the Benefits Handbook. The Participant must utilize the Plan Administrator's review process to the fullest extent prior to contacting CMS. The Participant must contact the appropriate Plan Administrator within 180 days after the date of the initial claim determination.
- b) If the Participant is not satisfied with the results of the review process by the Plan Administrator, the Participant may submit a written request for review to CMS, within 60 days after the date of the Initial Review determination for a Final Determination.
- c) If the Participant is still not satisfied, an appeal of the determination may be made to an appeal committee, created by the Director, within 60 days after the Final Review by CMS. The findings of the appeal committee shall be final and binding on all parties.

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- d) The Participant will be notified in writing of every decision rendered during the Appeal Process.
- e) The Participant retains all rights under Section 15(h) of the Group Insurance Act.
- f) Appeal Committee members are appointed by the Director.

Section 2180.270 Health Insurance Portability and Accountability Act (HIPAA)

CMS will comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), where applicable as referenced in the plan documents.

SUBPART C: RESPONSIBILITIES OF STATE UNIVERSITIES
RETIREMENT SYSTEM (SURS)

Section 2180.310 Eligibility

SURS shall determine eligibility of SURS Benefit Recipients and SURS Dependent Beneficiaries pursuant to Section 2180.250(b)(1)(A).

Section 2180.320 Enrollments and Terminations

SURS shall enroll and terminate SURS Benefit Recipients and SURS Dependent Beneficiaries pursuant to Section 2180.210 and Section 2180.250(b)(1)(C).

Section 2180.330 Premium Collection and Payment

SURS shall be responsible for the collection and transmission of SURS Benefit Recipient and SURS Dependent Beneficiary premiums into the Community College Health Insurance Security Fund.

Section 2180.340 Administering Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

SURS shall be responsible for compliance with the continuation of benefits requirements of COBRA. All premiums must be collected and transmitted by SURS.

Section 2180.350 Other Responsibilities

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- a) SURS shall provide enrollment, termination and change in status and/or address information to CMS.
- b) SURS shall inform SURS Benefit Recipients that they must:
 - 1) Notify SURS of coverage options chosen, and any changes that may affect eligibility or enrollment, including address changes.
 - 2) Review the CIP Benefits Handbook, annual Benefit Choice Options booklet and any other materials provided by SURS or CMS and abide by all policies outlined in these publications.

Section 2180.360 Health Insurance Portability and Accountability Act (HIPAA)

SURS shall comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), where applicable as outlined in the Program documents.

SUBPART D: FUNDING

Section 2180.410 Community College Health Insurance Security Fund

- a) The Director shall establish the Community College Health Insurance Security Fund (see 5 ILCS 375/6.10). This Fund shall be a continuing fund not subject to Fiscal Year limitations.
- b) An active contributor to the State Universities Retirement System who:
 - 1) is a full-time employee of a community college district or an association of community college boards and
 - 2) is not an employee of a State Department as defined in the Act shall make contributions toward the cost of annuitant and survivor health benefits at the rate of 0.5% of salary. These contributions shall be paid to SURS as service agent for CMS.
- c) Every community college district or association of community college boards that is an employer under SURS contributes toward the cost of the community college health benefits in an amount equal to 0.5% of the salary paid to its full-time employees who participate in SURS and are not members as defined in the Act.

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These contributions shall be paid to SURS as service agent for CMS.

- d) SURS shall deposit all moneys collected into the Community College Health Insurance Security Fund.
- e) On or before November 15 of each year, the Board of Trustees of SURS shall certify to the Governor, the Director of CMS and the State Comptroller its estimate of the total amount of contributions to be paid for the next fiscal year.
- f) On the first day of each month the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Community College Health Insurance Security Fund pursuant to 5 ILCS 375/6.10(c) and (d).

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salary or wages for personal services rendered to the State of Illinois, including an individual hired an employee by contract with the individual." To reflect adopted language currently on file. In lines 102-103, italicize "annuitant" means a person receiving an annuity or disability benefit under Article 2, 14,15,16 or 18 of the Illinois Pension Code" to reflect adopted language currently on file.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes.
- 13) Will this amendment replace and emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this part? No.

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Amendments: The amendment is necessary to implement provision of the Voluntary Payroll Deductions Act of 1983 as amended by P.A. 92-634, effective July 11, 2002. The amendment reflects the need for individuals authorizing withholding for an organization to provide the last four digits of their social security number, rather than their entire social security number as currently required.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Shirley M. Soria
Division of Legal Counsel
Office of the Comptroller
201 State Capitol
Springfield, Illinois 62706
217/782-6000

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: PAYROLL DEDUCTIONS
CHAPTER I: COMPTROLLERPART 2500
VOLUNTARY DEDUCTIONS FROM WAGES, SALARY OR ANNUITIES

Section	
2500.10	Scope
2500.20	Authorization to Withhold
2500.30	Deduction Code Numbers
2500.40	Processing by State Agencies
2500.50	Special Provisions for United States Savings Bonds
2500.51	Special Provisions for Withholding Pursuant to the Voluntary Payroll Deductions Act of 1983
2500.60	Insufficient Wages or Annuity
2500.70	Precedence of Tax Levies

AUTHORITY: Implementing and authorized by Section 10 of the State Salary and Annuity Withholding Act [5 ILCS 365/10] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Adopted at 8 Ill. Reg. 1, effective January 6, 1984; amended at 8 Ill. Reg. 5170, effective April 6, 1984; amended at 26 Ill. Reg. 2656, effective February 22, 2002; amended at 27 Ill. Reg. 9151, effective June 2, 2003.

Section 2500.51 Special Provisions for Withholding Pursuant to the Voluntary Payroll Deductions Act of 1983

- a) A petitioning organization desiring to be designated as a "qualified organization" under the Voluntary Payroll Deductions Act of 1983 (the "Act") must submit written designations from at least 4,000 State employees and/or annuitants indicating that each employee or annuitant intends to authorize withholding for payment to that organization.
- b) Petitioning organizations shall submit proposed forms for the written designations to the Comptroller for approval. The Comptroller will approve the forms where the information set forth in this subsection (b) is included on such forms. At a minimum, petitioning organizations shall include on the written designation forms

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the following:

- 1) Information identifying the petitioning organization;
 - 2) The employee's or annuitant's name (dated signature);
 - 3) The State Agency in which the employee is currently employed, if applicable;
 - 4) The [last four digits of the](#) employee's or annuitant's Social Security Number;
 - 5) A statement in prominent type "This is not a payroll deduction authorization.";
 - 6) A statement of the percentage of the organization's total collected receipts from employees' payroll and/or annuitants' deductions that are distributed to the benefiting agencies and the percentage of the organization's total collected receipts from employees' payroll and/or annuitants' deductions that are expended for fund-raising and overhead costs.
- c) No fewer than 4,000 employee and/or annuitant designations shall be submitted to the Comptroller by the petitioning organization at one time, in either of the following formats:
- 1) In a "petition" format with the information established in subsection (b) ~~above~~ prominently typed at the top of the page with spaces for up to 100 signatures.
 - 2) In a "card" format, with the information established in subsection (b) ~~above~~ typed on each card with a space for signature for only one employee or annuitant. The cards shall not exceed 8 ½ by 11 inches and must be batched in groups of 100.
- d) Entities desiring designation as a qualified organization must show entitlement by making the certifications identified in Section 3(b)(2)-(10) of the Act. The certifications shall be transmitted along with the 4,000 written designations from employees and/or annuitants to the Comptroller at his offices at 325 West Adams Street, Springfield, Illinois 62706 Attention: Payroll Department, in letter form

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signed by the chief executive officer (or his equivalent) of the requesting organization.

- e) By February 1 of each year, the Comptroller will notify by letter each qualified organization for which the Comptroller's records indicated that fewer than 500 employees and/or annuitants have authorized withholding on behalf of that organization. The notification shall give the qualified organization until March 1 to provide the Comptroller with documentation that the 500 deduction requirement has been met. If the qualified organization does not submit evidence that 500 employees and/or annuitants have authorized withholding on behalf of the organization within 30 calendar days after the date of the Comptroller's notification letter, the Comptroller will discontinue withholding for that organization. Evidence of withholding authorization by employees or annuitants may consist of signed payroll or annuity deduction authorization forms that include withholdings on behalf of such organizations or information submitted to the Comptroller by a university or retirement system that documents the number of State and university employees and annuitants who have authorized withholding on behalf of the organization during the prior calendar year. The Comptroller shall, by March 15 of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations that have met the 500 payroll deduction requirement.
- f) *An employee or annuitant may authorize the withholding of a portion of his salary, wages, or annuity for contribution to a maximum number of four organizations described in Section 3 (b) and (c) of the Act [5 ILCS 340/4 and 4.5]. Once a State agency has received four currently effective deduction authorization forms from an employee or an annuitant for withholding on behalf of the organizations described in Section 3 (b) and (c) of the Act, the State agency shall accept no further deduction authorization forms for organizations described in Section 3 (b) and (c) of the Act from that employee or annuitant, unless a previously effective deduction authorization is terminated by the employee or annuitant (or by the expiration of the stated term of the prior authorization).*
- g) As used in this Section, *"employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, including an individual hired as an employee by contract with that individual.* [5 ILCS 340/3(a)]
- h) As used in this Section, *"annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16 or 18 of the Illinois Pension Code* [40

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ILCS 5]. [5 ILCS 340/3(f)]

(Source: Amended at 27 Ill. Reg. 9151, effective June 2, 2003)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
 140.530 Amendment
 140.860 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 2, 2003
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
 140.530 - August 30, 2002 (26 Ill. Reg. 13026)
 140.860 - September 6, 2002 (26 Ill. Reg. 13146)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences Between Proposal and Final Version:
 No substantive changes have been made to this proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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140.15	Amendment	February 28, 2003 (27 Ill. Reg. 3241)
140.420	Amendment	March 14, 2003 (27 Ill. Reg. 4470)
140.421	Amendment	March 14, 2003 (27 Ill. Reg. 4470)
140.471	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.472	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.474	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.514	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
140.642	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
Table D	Amendment	March 14, 2003 (27 Ill. Reg. 4470)

15) Summary and Purpose of Amendments:

Section 140.530

These amendments pertain to the rate methodology for Medicaid funded nursing facilities that are owned or operated by a county in Illinois. Under the amendments, county-owned or operated nursing facilities will be reimbursed at 94 percent of the rate that such facilities would receive under Medicare payment principles. By applying Medicare payment principles, payments to county nursing facilities will be increased and the State will maximize the Medicaid funding that may be matched by the federal government. These higher rates will bring additional federal matching funds to Illinois. This new payment methodology for county nursing facilities will be implemented in accordance with intergovernmental transfer agreements between the Department and the counties involved that will specify the responsibilities of the two parties with respect to the provision and funding of services provided by the facilities.

Section 140.860

These amendments relate to the alternate reimbursement methodology at Section 140.530, which is described above, for certain county owned and operated nursing facilities when they have an intergovernmental agreement with the Department. By utilizing Medicare payment principles, payments to county nursing facilities will be increased and the State will maximize the Medicaid funding that may be matched by the federal government.

The amendments provide that when one of these nursing facilities receives payment for services under Section 140.530(e), which exceeds the payment amounts otherwise authorized by the Department's administrative rules, the county shall remit to the State an amount equal to the difference, less an administrative allowance that may be specified in an intergovernmental agreement with the Department. The intent of these changes is to maximize federal matching funds coming to the State for county owned and operated nursing facilities through an

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intergovernmental transaction and to allow the Department to use county funds (the remittance) as the State share for federal matching purposes.

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

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June

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26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill.

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Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted

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Amendment at 15 Ill. Reg. 117; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg.

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18902, effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999;

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emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; emergency amendment at 26 Ill. Reg. 16593, effective October 22, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 1, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003.

SUBPART E: GROUP CARE

Section 140.530 Basis of Payment for Long Term Care Services

- a) The amount approved for payment for long term care services is based on the type and amount of services required by and actually being furnished to a resident and is determined in accordance with the Department's rate schedule.

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- b) Costs not related to patient care, as well as costs in excess of those required for the efficient and economical delivery of care, will not be reimbursed.
- c) Rates and payments.
 - 1) Rates for long term care services shall be the sum of the reimbursable costs of capital, support, and nursing, as defined in this Part and 89 Ill. Adm. Code 147.
 - 2) Additionally, for county-owned [or operated](#) nursing facilities, rates shall include allowable costs incurred in excess of the reimbursable costs defined in this Part and 89 Ill. Adm. Code 147. Costs in excess of reimbursable costs shall be certified from the signed annual cost report submitted by the county to the Department.
 - 3) Payment for long term care services is on a per diem basis. In determining the number of days for which payment can be made, the day of admission to the facility is counted. The day of discharge from the facility is not counted, unless it is the day of death and the death occurs in the facility or a reserved bed has been authorized for that day.
 - 4) Payments by the Department for long term care services shall not exceed reimbursable costs as defined in this Part and 89 Ill. Adm. Code 147 less what is contributed by third party liability.
- d) Definitions.
 - 1) "Allowable costs" are those which are appropriate patient care expenditures as defined in this Part and 89 Ill. Adm. Code 147.
 - 2) "Reimbursable costs" are determined by the application of statistical standardizations of allowable costs for all providers within various defined groups to the costs of individual providers within such groups.
 - 3) "County-owned nursing facility" is a nursing facility owned and operated by an Illinois county.
- e) [Alternate reimbursement methodology for certain nursing facilities](#)
 - 1) [Qualifications](#)

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- A) The nursing facility must be owned or operated by an Illinois county.
- B) The county must enter into an intergovernmental agreement with the Department that specifies the responsibilities of the two parties with respect to services provided by the facility and the funding of those services.

2) Reimbursement

Effective for services on or after October 1, 2002, the per diem rate for qualifying nursing facilities shall be 94 percent of the average rate that is determined by applying the Medicare reimbursement methodology that is in effect for the service period to the facility's Medicaid residents. For purposes of the calculation, each resident will be assigned a case mix weighting factor that is the arithmetic mean of the weighting factors derived from the resident assessment (nursing facility Minimum Data Set (MDS)) data transmitted to the State for Medicaid residents who resided in the facility on the 15th day of February preceding the beginning of the State fiscal year during which the service was provided.

(Source: Amended at 27 Ill. Reg. 9157, effective June 2, 2003)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section 140.860 County Owned or Operated Nursing Facilities ~~Covered Services (Repealed)~~

When a county owned or operated nursing facility receives payment for services under Section 140.530(e) that exceeds the payment amounts otherwise authorized for nursing facilities under this Part 140 and 89 Ill. Adm. Code 153, the county shall remit to the State an amount equal to the difference, less an administrative allowance that may be specified in an intergovernmental agreement between the county and the Department.

(Source: Section repealed at 18 Ill. Reg. 18059, effective December 19, 1994; Amended at 27 Ill. Reg. 9157, effective June 2, 2003)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
148.126 Amendment
148.140 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 28, 2003
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:

Section 148.126 - December 2, 2002 (26 Ill. Reg. 17143)
Section 148.140 - January 10, 2003 (27 Ill. Reg. 484)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences Between Proposal and Final Version:

Section 148.126

A new subsection (a)(6) has been added as follows:

- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.

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- C) [Provided greater than 15,000 days in the safety net hospital base year.](#)

In subsection (c)(1)(G), A\$92.00" has been changed to A\$125.00".

In subsection (c)(1)(L), A4 days@ has been changed to A4.00 days@.

A new subsection (c)(6) has been added as follows:

- 6) [for a hospital qualifying under subsection \(a\)\(6\) of this Section, the rate is \\$30.00.](#)

A new subsection (e)(9) has been added as follows:

- 9) [AOccupancy rate@ means a fraction, the numerator of which is the hospital=s total days, excluding long term care and substance abuse days, and the denominator of which is the hospital=s total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled APercent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois@.](#)

Subsections (e)(9) through (e)(12) have been relabeled as subsections (e)(10) through (e)(13), accordingly.

No other substantive changes have been made in the text of the proposed amendments.

- 12) [Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?](#) Yes
- 13) [Will these amendments replace emergency amendments currently in effect?](#) Yes
- 14) [Are there any other amendments pending on this Part?](#) Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.295	Amendment	March 14, 2003 (27 Ill. Reg. 5148)

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15) Summary and Purpose of Amendments:

Section 148.126

These amendments provide fiscal year 2003 budget implementation changes that affect specified inpatient hospital services. Reimbursement levels are being increased under the Safety Net Adjustment Payment program to provide additional funding to high volume Medicaid providers of hospital services.

Section 148.140

These proposed amendments provide reimbursement changes and additional funding for Critical Clinic Provider Pharmacies. Under these changes, prescribed drugs that are not a component of an all inclusive encounter will be separately reimbursed. The changes will affect qualifying clinics that are owned or operated by a county with a population of over three million, that are within or adjacent to a hospital, and that meet the Department's efficiency standards as described at Section 148.140(e). Spending under these changes will be offset in their entirety by additional federal matching funds and intergovernmental transfer funds, resulting in no net costs to the State.

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.105	Psychiatric Adjustment Payments
148.110	Bone Marrow Transplants (Repealed)
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals

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- Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- EMERGENCY
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements

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SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993;

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amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amended at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 9178, effective May 28, 2003.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
 - 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).

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- 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
- 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 days in the safety net hospital base year.
- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) of this Section:
 - 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
 - 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is

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the sum of the amounts for each of the following criteria for which it qualifies:

- A) A qualifying hospital—\$15.00.
- B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2)—\$20.00.
- C) A children’s hospital, as described in 89 Ill. Adm. Code 149.50(c)(3)—\$20.00.
- D) A children’s hospital that has an MIUR greater than or equal to 80 per centum that is:
 - i) Located within HSA 6 or HSA 7—\$80.00.
 - ii) Located outside HSA 6 or HSA 7—\$35.00.
- E) A children’s hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
 - i) Located within HSA 6 or HSA 7—\$35.00.
 - ii) Located outside HSA 6 or HSA 7—\$15.00.
- F) A children’s hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
 - i) Located within HSA 6 or HSA 7—\$12.00.
 - ii) Located outside HSA 6 or HSA 7—\$5.00.
- G) A children’s hospital with more than 25 graduate medical education programs, as listed in the “2000-2001 Graduate Medical Education Directory”—~~\$125.00~~ \$92.00.
- H) A children’s hospital that is a rural hospital—\$145.00.
- I) A qualifying hospital, that is neither a rehabilitation hospital nor a children’s hospital, that is located in HSA 6 and that:

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- i) Provides obstetrical care—\$10.00.
 - ii) Has at least one graduate medical education program, as listed in the “2000-2001 Graduate Medical Education Directory”—\$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the “2000-2001 Graduate Medical Education Directory”—\$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year—\$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days—\$5.00; less than 4.00 days—\$5.00; less than 3.75 days—\$5.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children’s hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care—\$70.00.
 - ii) Does not provide obstetrical care—\$30.00.
- K) A qualifying hospital that provided greater than 35,000 days in the safety net hospital base year—\$6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the “2000-2001 Graduate Medical Education Directory”, with an average length of stay fewer than 4.00 days—\$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:

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- A) A qualifying hospital—\$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds—\$20.00.
 - ii) Fewer than 150 licensed beds—\$40.00.
 - C) A qualifying hospital with the lowest average length of stay—\$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum—\$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year—\$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
- A) The hospital that has the highest number of obstetrical care admissions—\$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is \$30.00.
- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of

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the hospital's rate multiplied by two multiplied by total days.

- 2) For the safety net adjustment period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section. For the period January 1, 2003, through June 30, 2003, payment will equal the State fiscal year 2003 amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, 2002, and December 31, 2002 ~~The total annual adjustment amount shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.~~
- 3) For safety net adjustment periods occurring after State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (f)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

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- 5) “Licensed beds” means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled “Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois.”
- 6) “MIUR”, for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital’s eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital’s eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
- 7) “Obstetrical care admissions” means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department’s claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) “Obstetrical care days” means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (f)(7) of this Section.
- 9) “Occupancy rate” means a fraction, the numerator of which is the hospital’s total days, excluding long term care and substance abuse days, and the denominator of which is the hospital’s total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled “Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois”.
- ~~10)~~9) “Safety net hospital base year” means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- ~~11)~~10) “Safety net adjustment period” means, beginning July 1, 2002, the 12

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month period beginning on July 1 of a year, and ending on June 30 of the following year.

12)~~11)~~ “Total admissions” means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department’s claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

13)~~12)~~ “Total days” means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department’s claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended at 27 Ill. Reg. 9178, effective May 28, 2003)

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
 - A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described

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in subsection (e) of this Section.

- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-

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assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Ambulatory Procedure Listing (APL)

Effective July 1, 2002, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this procedure shall be \$1,794.00.
- ii) Surgical group 1(b) consists of moderately intense surgical

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procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this procedure shall be \$1,049.00.

- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this procedure shall be \$752.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. The rate for this procedure shall be \$287.00.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this procedure shall be \$941.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure shall be \$304.00.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure shall be \$176.00.

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- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure shall be \$136.00.
- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described ~~in this Section~~ [below](#). Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.
- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.
 - ii) Emergency Level II refers to Emergency Services that do not meet the ~~above~~ definition [in this Section](#) of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.

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- iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated [in this Section above](#). For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.
- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:
- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;
 - ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be \$222.00; or
 - iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.
- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.

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- ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
 - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
 - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
 - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
 - iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
 - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will

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consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and

- ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
- B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.
- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
 - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts

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described in subsection (b)(1) of this Section multiplied by a factor of 2.72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00. However, such rates shall be no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed [in this Section](#) above.
 - F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.
- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's

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Hospital Handbook and in notices to providers.

- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified [in this Section below](#), provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims which resulted in a zero payment by the Department. A one-time amount of:
 - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
 - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
 - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- 5) County Facility Outpatient Adjustment
 - A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
 - i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

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- ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
 - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

7) Rate Adjustments

With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the

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two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
 - 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through

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140.481, respectively.

- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
 - 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement
- 1) County-Operated Outpatient Facility Reimbursement
- Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

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- A) Base Rate. The per encounter base rate shall be calculated as follows:
- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
 - iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
- B) Supplemental Rate
- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.
- C) Final Rate

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- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.

- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

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- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
 - 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
 - A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
 - 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that

DEPARTMENT OF PUBLIC AID

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cost reporting period as adjudicated by the Department through July 31, 1997.

- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

f) Critical Clinic Provider Pharmacies

Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended at 27 Ill. Reg. 9178, effective May 28, 2003)

TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers:
1650.520
1650.1001
- Adopted Action:
Amended
New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16].
- 5) Effective Date of Amendments: May 28, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) The adopted rules are on file in the Teachers' Retirement System's principal office and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 6, 2002, 27 Ill.Reg. 17348
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Various punctuation changes recommended by JCAR were made in the final version. Furthermore, based on public comment received during the First Notice Period, the System withdrew Section 1650.160.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:

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Rule 1650.520: Part a) is being stricken due to the change in the limitation on post-retirement employment from 100 days / 500 hours per school year to 120 days / 600 hours per school year imposed on TRS annuitants by P.A. 92-416. Rule 1650.1001 is being added to define "election date / election day as used in 40 ILCS 5/16-165.

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

Name: Thomas S. Gray, General Counsel
Address: Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253
Telephone: (217) 753-0375

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

TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOISPART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

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

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure
1650.202 Disability and Occupational Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments

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1650.209	Computation of Annual Salary When Member Has Different Semester Salary Rates
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.310	Effective Date of Membership
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355	Purchase of Optional Service - Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)
1650.380	Definition of Actuarial Equivalent
1650.390	Independent Contractors
1650.391	Optional 2.2 Upgrade of Earned and Credited Service

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1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service
1650.520 Suspension of Benefits
1650.530 Power of Attorney
1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.570 Survivors' Benefits
1650.571 Payment of Monthly Survivor Benefits to a Trust
1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset
1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

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

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section	
1650.910	Summary and Purpose
1650.920	Definitions
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests
1650.950	Appeal of a Denial
1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section	
1650.1000	Nomination of Candidates
<u>1650.1001</u>	<u>Elections Date/Election Day – Defined</u>

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1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Curing Minor Deficiencies
1650.1113	Required Form
1650.1114	Filing a QILDRO with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement
1650.1122	Providing Benefit Information for Divorce Purposes

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section	
1650.1200	Payroll Deduction Program Guidelines
1650.1201	Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
1650.1202	Payroll Deduction Agreements – Suspensions and Terminations
1650.1203	Payroll Deduction Program – Full Time Employment Defined
1650.1204	Payroll Deduction Program – Disability Defined
1650.1205	Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIRMENT BENEFITS

TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section

1650.2900 Excess Benefit Arrangement

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

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003.

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section 1650.520 Suspension of Benefits

- a) ~~Annuitants receiving a retirement annuity under Section 16-132 of the Act may be employed as teachers not in excess of 100 days or 500 hours within any one school year. Employment in excess of 100 days or 500 hours within any one~~

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~~school year shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement annuity to be payable effective on the day following termination of employment.~~

- ~~a~~b) Monthly benefit payments to annuitants shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.
- b)e) Recipients of a non-occupational disability benefit, occupational disability benefit, disability retirement annuity, or a monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

(Source: Amended at 27 Ill. Reg. 9209, effective May 28, 2003)

Section 1650.1001 Election Date/Election Day – Defined

For purposes of Subpart L: Board Election Procedures, the term “election date” or “election day” shall mean “May 1, unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday” in trustee election years as prescribed in 40 ILCS 5/16-165.

(Source: Added at 27 Ill. Reg. 9209, effective May 28, 2003)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers: Adopted Action:
390.1000 Amend
390.1020 Amend
390.1030 Amend
390.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) Effective Date of Amendments: June 2, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:

February 7, 2003, 27 Ill. Reg. 2042
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

At Section 390.1020, "Emergency", the Department has stricken "Regional Director of Motor Carriers for the region" and added "FMCSA Field Administrator for the geographical area" to replace it.

The Department revised the definition of "Medical Examiner" at Section 390.1020 as follows:

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical

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examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physicians assistants who have been delegated the performance of medical examinations by his/her supervising physician, and advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes him/her to perform physical examinations as authorized by the Illinois Medical Practice Act [225 ILCS 60].

Additionally, several technical/grammatical corrections were made, at JCAR's request, throughout the Part.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: By this Notice, the Department has updated Sections 390.1020, .1030 and .2000, the CFR citations, to the most recent edition of the CFR, October 1, 2002, to maintain consistency with the federal regulations.

Additionally, the following definitions have been amended at Section 390.1020:

The definition of "Special agricultural movement equipment" has been amended to incorporate changes made to the gallon capacity limit for farm wagon-type tank trailers (i.e., nurse tanks) pursuant to P.A. 92-15, effective July 1, 2001.

The definition of "Driving a commercial motor vehicle while under the influence of alcohol" has been amended to reflect changes made to the federal definition at 67 FR 49742, July 31, 2002.

The definition of "Out-of-service order" has been amended to reference the registration enforcement requirements that have been established at 92 Ill. Adm. Code 392.2000 pursuant to 67 FR 55162, August 28, 2002.

At Section 390.2000(a), the Department has updated the incorporation by reference date of 49 CFR 390, subpart B, to the October 1, 2002 edition, the most recent edition of the CFR, including the federal rulemakings adopted at 67 FR 61818, October 2, 2002 and 67 FR 63019, October 9, 2002.

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The following summary provides a description of a federal rulemaking that is applicable to this Part, that became effective since October 1, 2001, and that is included in the October 1, 2002 edition of the Code of Federal Regulations. The Department's regulations, therefore, incorporate changes made by the following Docket.

Docket FMCSA – 00-8209 (67 FR 9410, March 1, 2002) Revises the requirements for filing the Motor Carrier Identification Report (Form MCS-150) for a motor carrier that conducts operations in interstate commerce. Also requires each interstate motor carrier to file an update of the report every 24 months.

Also, this rulemaking incorporates by reference, at Section 390.2000(a), changes made in the following Dockets:

(67 FR 61818, October 2, 2002) Amends the FMCSR to update obsolete references and make grammatical corrections for clarity.

(67 FR 63019, October 9, 2002) Makes minor technical amendments.

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	
390.1000	Purpose
390.1010	General Applicability
390.1020	Definitions
390.1030	Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	
390.2000	Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1000 Purpose

This Part establishes general applicability, definitions, general requirements and information as they pertain to persons subject to the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/Ch. 18B]. The Illinois Motor Carrier Safety Regulations (IMCSR) consist of 92 Ill. Adm.

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Code [385](#), 386, 390, 391, 392, 393, 395, 396, and 397.

(Source: Amended at 27 Ill. Reg. 9219, effective June 2, 2003)

Section 390.1020 Definitions

The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5, October 1, ~~2002~~²⁰⁰¹)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 1-101.6 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-101.6])

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of

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blood or grams of alcohol per 210 liters of breath. (49 CFR 390.5, October 1, ~~2002~~2004)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, ~~2002~~2004)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Code)

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, ~~2002~~2004)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 1-111.4 of the Code)

"Commercial motor vehicle (CMV)" means:

Any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or

The vehicle is designed to transport more than 15 passengers, including the driver; or

The vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or

The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.

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This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law) (See P.A. 92-108, effective January 1, 200.)

"Commercial Vehicle Inspections" means:

Level 1 – North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria.

As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 – Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 – Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report.

Level 4 – Special Inspections: Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.

Level 5 – Vehicle-Only Inspection: An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection

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(Level 1), without a driver present, conducted at any location.

(Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Commercial Vehicle Safety Alliance (CVSA)" means the association of state/territory (United States), provincial/territory (Canada), and federal (Mexico) officials responsible for the administration and enforcement of motor carrier safety and hazardous materials laws in the United States, Canada and Mexico working together with the federal governments and industry to improve commercial vehicle safety. (CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

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Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, ~~2002~~2001)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of [Table 1 to](#)

"Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51 ~~(b)(2)(i)(A) or (B)~~) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, ~~2002~~2001)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, ~~2002~~2001)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, ~~2002~~2001)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the [FMCSA Field Administrator for the geographical area](#) ~~Regional Director of Motor Carriers for the region~~ in which the occurrence

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happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Employer" means any person engaged in a business affecting interstate or intrastate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a commercial motor vehicle wholly within an exempt intracity zone notwithstanding any

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common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration (FMCSA) under 49 USC 13506. "Exempt motor carriers" are subject to the requirements set forth in the Illinois Motor Carrier Safety Regulations. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 1-119.6 of the Code)

"Farm machinery" – see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is –

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either –

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that ~~requires~~ **required** the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm. ([49 CFR 390.5, October 1, 2002](#)~~2001~~)

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"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Federal Motor Carrier Safety Administrator" means the chief executive of the Federal Motor Carrier Safety Administration, an agency within the United States Department of Transportation. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"FMCSA Field Administrator" means the Field Administrator, Federal Motor Carrier Safety Administration, for a given geographical area of the United States. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State. (Section 1-122.5 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and

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which has been so designated. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in Appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities when offered for transportation in one package, or in one transport motor vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in Appendix A to 49 CFR 172.101. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5, October 1, [2002](#)~~2001~~)

"Illinois Motor Carrier Safety Regulations (IMCSR)" means the requirements established in Parts 385, 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder.
(Section 1-130 of the Code)

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"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, ~~2002~~2001)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physician assistants [who have been delegated the performance of medical examinations by his/her supervising physician, and advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes him/her to perform physical examinations](#) ~~as authorized by the Illinois Medical Practice Act [225 ILCS 60].~~

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, ~~2002~~2001)

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (~~49 CFR 390.5, October 1, 2002~~66 FR 49867, October 1, 2001)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (49 CFR 390.5, October 1, ~~2002~~2001)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines established

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by the CVSA and recognized by all states, the provinces of Canada, and Mexico as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced in some states, by qualified law enforcement officers of a municipality, county, state or the federal government. In Illinois, only qualified officers of the Illinois State Police and the federal government have authority to enforce the out-of-service criteria.

"Operator" – see driver.

"Other terms" – any other term used in the IMCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the IMCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, ~~2002~~[2001](#))

"Out-of-service order" means a declaration by the Illinois State Police or by an authorized enforcement officer of a Federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, [or 92 Ill. Adm. Code 392.2000\(d\)](#), or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section. (~~49 CFR 390.5, October 1, 2001~~)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns.
(Section 18b-101 of the Law)

"Planting and harvesting season" means the period of February 1 through November 30 each year.

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Motor Carrier Safety Administration or the Illinois Department of Transportation. ([49 CFR 390.5, October 1, 2002](#)~~66 FR 49867, October 1, 2001~~)

"Private motor carrier" means a person who provides transportation of property or

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passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, ~~2002~~)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, ~~2002~~)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, ~~2002~~)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5, October 1, ~~2002~~)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, ~~2002~~)

"School bus" means a motor vehicle that meets all of the special requirements for school buses in Sections 12-801, 12-802, 12-803 and 12-805 of the Code and is designed or used to carry more than 10 passengers, including the driver, and is used for transporting preprimary, primary or secondary school students from home to school or from school to home or for intrastate school sanctioned functions.

"School bus operation" means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home and for intrastate

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school sanctioned functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5, October 1, ~~2002~~2001)

"Special agent" – See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed ~~3,000~~2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, ~~2002~~2001)

"Trailer" includes:"

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, ~~2002~~2001)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, ~~2002~~2001)

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"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle. (49 CFR 390.5, October 1, ~~2002~~[2001](#))

"Truck" means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, ~~2002~~[2001](#))

"Truck tractor" means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, ~~2002~~[2001](#))

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, ~~2002~~[2001](#))

"US DOT" means the United States Department of Transportation.

(Source: Amended at 27 Ill. Reg. 9218, effective June 2, 2003)

Section 390.1030 Rules of Construction

- a) In the IMCSR unless the context requires otherwise:
 - 1) Words imparting the singular include the plural;
 - 2) Words imparting the plural include the singular; and
 - 3) Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, ~~2002~~[2001](#))
- b) In the IMCSR:
 - 1) "Officer" includes any person authorized by law to perform the duties of the office;
 - 2) "Writing" includes printing and typewriting;
 - 3) "Shall" is used in an imperative sense;
 - 4) "Must" is used in an imperative sense;

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- 5) "Should" is used in a recommendatory sense;
- 6) "May" is used in a permissive sense; and
- 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, ~~2002~~2001)

(Source: Amended at 27 Ill. Reg. 9218, effective June 2, 2003)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subpart B is hereby incorporated by reference as that subpart of the Federal Motor Carrier Safety Regulations (FMCSR) that was in effect on October 1, ~~2002~~2001, as amended at 67 FR 61818, October 2, 2002, and as amended at 67 FR 63019, October 9, 2002 subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B are ~~is~~ incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 390, subpart B shall apply for the purposes of this Subpart:
 - 1) 49 CFR 390.9 is deleted and not incorporated.
 - 2) 49 CFR 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry. ~~(66 FR 49867, October 1, 2001)~~
 - 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.

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- 4) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State, or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.

- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.

- 6) 49 CFR 390.29(b) is not incorporated and the following is substituted therefor:

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 8) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 9) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMCSR.
- 10) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, ~~2002~~2001)

(Source: Amended at 27 Ill. Reg. 9219, effective June 2, 2003)

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- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) Section Numbers: 391.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: June 2, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and the Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
February 7, 2003, 27 Ill. Reg. 2065
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 391 to the October 1, 2002 edition, the most recent edition of the CFR, including the federal rulemaking adopted at 67 FR 61818,

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October 2, 2002.

This rulemaking incorporates by reference changes made in the following Docket:

[\(67 FR 61818, October 2, 2002\)](#) Amends the FMCSR to update obsolete references and make grammatical corrections for clarity.

Additionally, Section 391.2000(c)(7) has been amended to update the term “State Director” to “Division Administrator” pursuant to 67 FR 61818, October 2, 2002.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 391
QUALIFICATION OF DRIVERS

Section

391.1000 General
391.2000 Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362, effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 14, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. 13077, effective August 30, 1995; amended at 20 Ill. Reg. 15365, effective November 18, 1996; amended at 23 Ill. Reg. 5133, effective March 31, 1999; amended at 24 Ill. Reg. 1991, effective January 19, 2000; amended at 25 Ill. Reg. 2126, effective January 17, 2001; amended at 26 Ill. Reg. 8997, effective June 5, 2002; amended at 27 Ill. Reg. 9238, effective June 2, 2003.

Section 391.2000 Incorporation By Reference of 49 CFR 391

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, ~~2002~~²⁰⁰¹, [as amended at 67 FR 61818, October 2, 2002](#) subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.
- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.
 - 1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

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or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020

- 2) 49 CFR 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.
- 3) *Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations (IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law)*
- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 which made the IMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe

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manner.

- 5) 49 CFR 391.43(a) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b), the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

- 6) If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

- 7) 49 CFR 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a commercial motor vehicle, may drive a commercial motor vehicle in interstate or intrastate transportation if the [Division Administrator](#) ~~State Director~~, FMCSA, has granted a Skill Performance Evaluation (SPE) Certificate to that person.

(Source: Amended at 27 Ill. Reg. 9238, effective June 2, 2003)

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The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2002 edition of the Code of Federal Regulations. Therefore, the Department's regulations incorporate changes made by the following Dockets.

Docket FMCSA –2002-13015 (67 FR 55162, August 28, 2002) Amends the FMCSR to require that a motor carrier subject to the registration requirements may not operate a commercial motor vehicle in interstate commerce unless registered with the FMCSA. These motor carriers are further prohibited from operating beyond the scope of their registration. If an unregistered carrier's motor vehicle is discovered in operation or is being operated beyond the scope of the carrier's registration, the motor vehicle will be placed out-of-service.

Docket FMCSA 97-2289 (67 FR 61212, September 27, 2002) Revises the regulations concerning protection against shifting and falling cargo for CMVs. Requires motor carriers to change the way they use cargo securement devices to prevent articles from shifting on or within, or falling from, CMVs. Motor carriers are not required to purchase new cargo securement equipment to comply with this rulemaking.

Additionally, the Department has added a new subsection at Section 392.2000(d). This new subsection establishes guidelines for vehicles requiring registration under 49 U.S.C. 13902 (i.e., interstate for-hire vehicles only). The Department is not incorporating 49 CFR 392.9a by reference but has replaced it with language unique to the Illinois Motor Carrier Safety Regulations. For example, since the Department has no established provisions for administrative procedures that are similar to "section 554 of title 5, United States Code" as referenced in 49 CFR 392.9a, the Department has replaced the language regarding administrative review with language regarding driver compliance.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217)785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 392
DRIVING OF COMMERCIAL MOTOR VEHICLES

Section

392.1000	General
392.2000	Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective November 18, 1996; amended at 23 Ill. Reg. 5093, effective March 31, 1999; amended 24 Ill. Reg. 1942, effective January 19, 2000; amended at 25 Ill. Reg. 2090, effective January 17, 2001; amended at 26 Ill. Reg. 9002, effective June 5, 2002; amended at 27 Ill. Reg. 9243, effective June 2, 2003.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Commercial Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, ~~2002~~2001. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

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- d) 49 CFR 392.9a (Operating authority) is not incorporated and the following is substituted therefore:
- 1) Registration required. A motor vehicle providing transportation requiring registration under 49 USC 13902 may not be operated without the required registration or operated beyond the scope of its registration.
 - 2) Penalties. Every motor vehicle providing transportation requiring registration under 49 USC 13902 shall be ordered out-of-service if determined to be operating without registration or beyond the scope of its registration. In addition, the motor carrier may be subject to penalties in accordance with 49 USC 14901.
 - 3) Driver compliance. Upon the issuance of the out-of-service order under subsection (d)(2) of this Section, the driver shall comply immediately with such order.

(Source: Amended at 27 Ill. Reg. 9243, effective June 2, 2003)

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- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: 393.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: June 23, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
February 7, 2003, 27 Ill. Reg. 2076
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 393 to the October 1, 2002 edition, the most recent edition of the CFR, including the federal rulemaking adopted at 67 FR 61818, October 2, 2002.

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This rulemaking incorporates by reference changes made in the following Docket:

(67 FR 61818, October 2, 2002) Amends the FMCSR to update obsolete references and make grammatical corrections for clarity. In addition, corrects an error in the final rule on Brake Performance Requirements for Commercial Motor Vehicles published on August 9, 2002.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2002 edition of the Code of Federal Regulations. The Department's regulations incorporate changes made by the following Dockets.

Docket FMCSA –99-6266 (67 FR 51770, August 9, 2002) Amends the FMCSR to establish pass/fail criteria for use with performance based brake testers (PBBT), which measure the braking performance of commercial motor vehicles. A PBBT is a device that can assess vehicle braking capability. Also, allows motor carriers and State and local enforcement officials to use PBBT's to determine compliance with existing brake performance requirements.

Docket FMCSA –99-6266 (67 FR 53048, August 14, 2002) Makes a minor editorial correction.

Docket FMCSA 97-2289 (67 FR 61212, September 27, 2002) Revises the regulations concerning protection against shifting and falling cargo for CMVs. Requires motor carriers to change the way they use cargo securement devices to prevent articles from shifting on or within, or falling from, CMVs. States that motor carriers are not required to purchase new cargo securement equipment to comply with this rulemaking.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 393
PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section

- 393.1000 General
393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. 5124, effective March 31, 1999; amended at 24 Ill. Reg. 1974, effective January 19, 2000; amended at 25 Ill. Reg. 2117, effective January 17, 2001; amended at 26 Ill. Reg. 9005, effective June 5, 2002; amended at 27 Ill. Reg. 9247, effective June 2, 2003.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, ~~2002~~~~2001~~, as amended at 67 FR 61818, October 2, 2002 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) *49 CFR 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the*

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Law) [625 ILCS 5/18b-105(c)(1)].

- 2) *49 CFR 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).*
- 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 27 Ill. Reg. 9247, effective June 2, 2003)

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- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill Adm. Code 395
- 3) Section Numbers: 395.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: June 2, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
February 7, 2003, 27 Ill. Reg. 2081
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 395 to the October 1, 2002 edition, the most recent edition of the CFR.

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Also, a cite to P.A. 92-108, which is now in effect, has been removed from subsection .2000(d).

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395
HOURS OF SERVICE OF DRIVERS

Section

395.1000	General
395.2000	Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 20022001, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
 - 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
 - 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish

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that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])

- 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
 - B) Out-of-Service Criteria
 - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.
 - C) Responsibilities of motor carriers
 - i) No motor carrier shall:

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Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this Section. The consecutive eight hour off duty period may include sleeper berth time.

- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this Section.
- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
- iv) This Section does not alter the hazardous materials

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requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.

- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
 - 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
 - 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location*. (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law) ~~(See P.A. 92-108, effective January 1, 2002.)~~

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 27 Ill. Reg. 9251, effective June 2, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Inspection, Repair and Maintenance
- 2) Code Citation: 92 Ill. Adm. Code 396
- 3) Section Numbers: 396.2000 Adopted Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendments: June 2, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Traffic Safety and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
February 7, 2003, 27 Ill. Reg. 2088
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 396 to the October 1, 2002 edition, the most recent edition of the CFR.

DEPARTMENT OF TRANSPORTATION

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 396
INSPECTION, REPAIR AND MAINTENANCE

Section

396.1000	General
396.2000	Incorporation by Reference of 49 CFR 396
396.2010	Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. 15340, effective November 18, 1996; amended at 23 Ill. Reg. 5101, effective March 31, 1999; amended at 24 Ill. Reg. 1949, effective January 19, 2000; amended at 25 Ill. Reg. 2097, effective January 17, 2001; amended at 26 Ill. Reg. 9014, effective June 5, 2002; amended at 27 Ill. Reg. 9257, effective June 2, 2003.

Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, ~~2002~~²⁰⁰¹, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.
 - 1) 49 CFR 396.9 is deleted and not incorporated.
 - 2) Any commercial motor vehicle used in intrastate commerce that is

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inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR 396.17.

(Source: Amended at 27 Ill. Reg. 9257, effective June 2, 2003)

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This rulemaking incorporates by reference changes made in the following Docket:

Docket FMCSA 02-13376; Docket RSPA 02-12773 (HM-232B) (67 FR 62191, October 4, 2002) Eliminates an outdated requirement for certain motor vehicle operators to stop periodically to check the vehicle's tires.

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

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 397

TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING

Section

397.1000	General
397.1010	Application
397.1020	Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397.Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 15327, effective November 18, 1996; amended at 23 Ill. Reg. 5090, effective March 31, 1999; amended at 24 Ill. Reg. 1938, effective January 19, 2000; amended at 25 Ill. Reg. 2137, effective January 17, 2001; amended at 26 Ill. Reg. 9017, effective June 5, 2002; amended at 27 Ill. Reg. 9261, effective June 2, 2003.

Section 397.1020 Incorporation By Reference of 49 CFR 397

- a) The Department incorporates "Transportation of Hazardous Materials; Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, ~~2002~~²⁰⁰¹, [as amended at 67 FR 62191, October 4, 2002](#), subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) 49 CFR 397.1 is deleted and not incorporated.
- c) 49 CFR 397.2 is deleted and not incorporated.
- d) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- e) The following addition to 49 CFR 397 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 27 Ill. Reg. 9261, effective June 2, 2003)

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 May 27, 2003 through June 2, 2003 and have been scheduled for review by the Committee at its July 8, 2003 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>
7/10/03	<u>Department of Human Services</u> , Related Program Provisions (89 Ill. Adm. Code 117)	2/7/03 27 Ill. Reg. 1862	7/8/03
7/10/03	<u>Department of Human Services</u> , Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)	2/28/03 27 Ill. Reg. 3197	7/8/03

PROCLAMATIONS

2003-142**June 1, 2003, as William G. Stratton Day**

WHEREAS, William G. Stratton faithfully served the citizens of Illinois for 16 years during the 1940s and 1950s; and

WHEREAS, in 1940, at the age of 26, he was the youngest member of the 77th Congress. He was elected two years later as State Treasurer; and

WHEREAS, in 1952, at the age of 38, he was elected the 32nd Governor of the State of Illinois and was reelected in 1958; and

WHEREAS, William G. Stratton was a progressive Republican and hands-on administrator who was an authority on Illinois and its governments, both state and local; and

WHEREAS, William G. Stratton was named Chairman of the National Governor's Conference and President of the Council of State Governments in 1958. He also served as Chairman of the Interstate Oil Compact Commission. He was appointed by President Eisenhower to the Lincoln Sesquicentennial Commission and the Advisory Commission on Intergovernmental Relations; and

WHEREAS, he was actively involved in business, charitable, and educational causes, including the presidency of the Mental Health Association of Greater Chicago, the Rotary Club of Chicago, and several other organizations; and

WHEREAS, in addition to his many initiatives and programs, William G. Stratton devoted extensive time and attention to highway and building construction projects; he was personally responsible for the creation of the Illinois Toll Highway System; and

WHEREAS, after serving the people of Illinois, Governor Stratton began a successful career as a Chicago businessman in the banking industry and continued his involvement in politics in an advisory role;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2003, as WILLIAM G. STRATTON DAY in Illinois.

Issued by the Governor May 29, 2003

Filed by the Secretary of State June 02, 2003

2003-143**August 2003 as MDA Firefighter Appreciation Month**

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

WHEREAS, their immense contributions, both of personal risk and time devoted to public service, should be acknowledged; and

WHEREAS, last year, firefighters in 186 Illinois communities raised and donated more than \$635,000 to the Muscular Dystrophy Association (MDA); and

WHEREAS, money raised by the firefighters help pay for wheelchair purchases, leg braces, speech communication devices, summer camp for children, support group sessions, research for

PROCLAMATIONS

muscular dystrophy, physical, occupational, and respiratory consultations and flu shots for people with neuromuscular diseases;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim August 2003 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois.

Issued by the Governor May 22, 2003

Filed by the Secretary of State June 02, 2003

2003-144**August 1, 2003, as Resurrection Retirement Community Day**

WHEREAS, a group of concerned neighbors asked the Sisters of the Resurrection to help fill a need for senior housing, which became the seed for the Resurrection Retirement Community (RRC); and

WHEREAS, Resurrection Retirement Community came to life on August 1, 1978; and

WHEREAS, a community spirit is the hallmark of Resurrection Retirement Community; and

WHEREAS, residents, supported by staff, nurture this spirit in many ways: through the RRC Club, a social club run entirely by the residents; the Garden Club, which has won several city recognitions; the Spiritual Services Committee; the Food Committee; and the Floor Representatives essential for communication and the well-being of residents on each floor; and

WHEREAS, the Phoenix, the resident newsletter of RRC, provides a vehicle for the creative efforts of the residents and keeps everyone up-to-date on Resurrection Retirement Community's current events and activities; and

WHEREAS, over the past 25 years, RRC has been home to hundreds of seniors from the northwest side of Chicago and neighboring suburbs where they have continued being productive citizens and will continue to do so into the future; and

WHEREAS, RRC is committed to providing enhanced supportive living services and ensures that resident assistance is available at all times;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim August 1, 2003, as RESURRECTION RETIREMENT COMMUNITY DAY in Illinois and celebrate with you 25 years of committed and dedicated service to the senior community.

Issued by the Governor May 28, 2003

Filed by the Secretary of State June 02, 2003

2003-145**June 1, 2003, as International Children's Day**

WHEREAS, a group of concerned neighbors asked the Sisters of the Resurrection to help fill a need for senior housing, which became the seed for the Resurrection Retirement Community (RRC); and

WHEREAS, Resurrection Retirement Community came to life on August 1, 1978; and

WHEREAS, a community spirit is the hallmark of Resurrection Retirement Community; and

PROCLAMATIONS

WHEREAS, residents, supported by staff, nurture this spirit in many ways: through the RRC Club, a social club run entirely by the residents; the Garden Club, which has won several city recognitions; the Spiritual Services Committee; the Food Committee; and the Floor Representatives essential for communication and the well-being of residents on each floor; and

WHEREAS, the Phoenix, the resident newsletter of RRC, provides a vehicle for the creative efforts of the residents and keeps everyone up-to-date on Resurrection Retirement Community's current events and activities; and

WHEREAS, over the past 25 years, RRC has been home to hundreds of seniors from the northwest side of Chicago and neighboring suburbs where they have continued being productive citizens and will continue to do so into the future; and

WHEREAS, RRC is committed to providing enhanced supportive living services and ensures that resident assistance is available at all times;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim August 1, 2003, as RESURRECTION RETIREMENT COMMUNITY DAY in Illinois and celebrate with you 25 years of committed and dedicated service to the senior community.

Issued by the Governor May 28, 2003

Filed by the Secretary of State June 02, 2003

2003-146**May 25, 2003, as Missing Children's Day**

WHEREAS, May 25 has annually been declared National Missing Children's Day; and

WHEREAS, the Missing Children Act of 1982 was the first federal law to address this issue. In 1983, President Ronald Reagan first proclaimed May 25 as National Missing Children's Day. In each of the past 15 years, family and friends of missing children have joined together to plan events in communities across America to raise public awareness about the issue of missing children; and

WHEREAS, the children of today are the citizens of tomorrow. Our children are the nation's most valuable asset. They are our link to the future. Their protection and safety must be one of our highest priorities; and

WHEREAS, there are 1,326 missing children in the State of Illinois. Locating and safely returning these children to their homes is a statewide, national, and international objective. In addition to the already existing crimes against children, we now have a serious additional threat due to the expansion of Internet technology; and

WHEREAS, on August 29, 1985, in Chicago, Illinois, the Governors of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the Interstate Agreement on Missing and Exploited Children. This agreement was the beginning of the development of an interstate network established to aid in the improved safety and in the identification and recovery of missing children;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 25, 2003, as MISSING CHILDREN'S DAY in Illinois and ask each citizen to observe this day by

PROCLAMATIONS

turning on porch lights and vehicle headlights to "LIGHT THE WAY HOME" for our missing children throughout the country.

Issued by the Governor May 22, 2003

Filed by the Secretary of State June 02, 2003

2003-147**May 18-24, 2003, as Emergency Medical Services Week**

WHEREAS, Emergency Medical Services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) -- basic, coal miner, intermediate and paramedic -- field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and First Responders who are dedicated to saving lives; and

WHEREAS, in Illinois, there are 62 EMS resource hospitals and 65 trauma centers, and 12,100 First Responders, 21,800 basic EMTs, 300 coal miner EMTs 2,300 intermediate EMTs and 10,600 paramedic EMTs selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS – When It Matters Most," underscores the immediate nature of the situations to which EMS personnel must respond;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 18-24, 2003, as EMERGENCY MEDICAL SERVICES WEEK in Illinois.

Issued by the Governor May 12, 2003

Filed by the Secretary of State June 02, 2003

2003-148**May 22, 2003, as Maritime Day**

WHEREAS, on May 22, 1819, the SS SAVANNAH sailed from Savannah, Georgia, to Liverpool, England, making the first successful Atlantic crossing by a vessel using steam propulsion; and

WHEREAS, today, the U.S. maritime fleet has decreased in the number of vessels in the international trades, but it transports goods more efficiently and economically than ever before. These U.S. ships deliver a billion tons of imports and exports each year in our foreign trade and another billion tons of waterborne domestic trade; and

WHEREAS, during World War II, some 6,000 American seafarers and more than 700 U.S. merchant ships fell to enemy action, many in the infamous Run to Murmansk. No branch of our Armed Forces, except the Marine Corps, suffered a higher casualty rate. Today, our Merchant Marine continues this proud tradition; and

WHEREAS, each year on this day, men and women from all over the United States currently serving the in the American Merchant Marine are honored, along with the many seamen who lost their lives in World War II, and those who served with such dedication and valor in Korea,

PROCLAMATIONS

Vietnam, Persian Gulf, Afghanistan, and once again, in the conflict with Iraq;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 22, 2003, as MARITIME DAY in Illinois.

Issued by the Governor May 12, 2003

Filed by the Secretary of State June 02, 2003

2003-149**May 19-23, 2003, as School Counselor Week**

WHEREAS, school counselors provide guidance services for thousands of students in elementary and high schools in regular and special education settings; and

WHEREAS, school counselors help children and adolescents realize their potential both academically and socially; and

WHEREAS, school counselors help children and adolescents learn to solve problems, handle differences in a peaceful manner, negotiate, make good decisions, and set realistic goals for their futures; and

WHEREAS, school counselors help teachers and administrators provide curricula which stress developmental and career goals in order for students to transition from school to work successfully; and

WHEREAS, school counselors work with parents and outside agencies to advocate for the best interest of children by coordinating their efforts; and

WHEREAS, school counselors provide opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 19-23, 2003, as SCHOOL COUNSELOR WEEK in Chicago.

Issued by the Governor May 12, 2003

Filed by the Secretary of State June 02, 2003

2003-150**June 27, 2003, as Build America Day**

WHEREAS, the Pi Kappa Phi Fraternity founded "Push America" with the intention of providing service and education to promote a greater understanding of persons with disabilities; and

WHEREAS, the Build America team, consisting of members of Pi Kappa Phi Fraternity, is an opportunity to serve people with disabilities through construction oriented service projects and personal interaction with the people they serve while traveling across the United States; and

WHEREAS, the Build America Team began a cross-country trek on June 19, 2003, leaving Wisconsin, and will be arriving in South Carolina on August 3, 2003, traveling through 13 states and 16 cities; and

PROCLAMATIONS

WHEREAS, the team will stop in six week-long camps and build accessible amenities in service for persons with disabilities and spread their message of empathy; and

WHEREAS, the team will be working with Aspire, a local agency founded in 1960, who serves the developmental, residential, and vocational needs of adults with developmental disabilities; and

WHEREAS, upon completing their nation-wide journey, the team will have raised more than \$60,000 and reached over 2 million people through the media, which will further the cause of "Push America";

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim June 27, 2003, as BUILD AMERICA DAY in Illinois.

Issued by the Governor May 12, 2003

Filed by the Secretary of State June 02, 2003

2003-151**May 21, 2003, as Emergency Medical Services for Children Day**

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illnesses and injuries; and

WHEREAS, EMSC promotes a specialized approach to pediatric care; and

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and

WHEREAS, in Illinois, there are 62 EMS resource hospitals and 65 trauma centers, 12,100 First Responders, 21,800 basic Emergency Medical Technicians (EMTs), 300 coal miner EMTs, 2,300 intermediate EMTs, and 10,600 paramedic EMTs selflessly providing 24-hour service to the people of Illinois;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 21, 2003, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor May 12, 2003

Filed by the Secretary of State June 02, 2003

2003-152**May 2003 as Foster Parent Appreciation Month**

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for children whose natural parents cannot provide them with care; and

WHEREAS, foster parents meet a very special need in our society by ensuring these children receive attention, respect, love, understanding, compassion, and health and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide a loving and stable environment for more than 21,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are

PROCLAMATIONS

incalculable and irreplaceable; and

WHEREAS, for three consecutive years, Illinois has out-distanced all other states in adoptions primarily due to the commitment shown by the state's licensed foster parents and homes of relative foster parents, who are responsible for the vast majority of adoptions of DCFS wards; and

WHEREAS, foster parents throughout the state helped the Illinois Department of Children and Family Services become the nation's largest child welfare agency accredited by the Council on Accreditation for Children and Family Services; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do every day to ensure that our children receive the support they need at a traumatic time in their lives;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor May 14, 2003

Filed by the Secretary of State June 02, 2003

2003-153**July 12, 2003, as USS Reagan Day**

WHEREAS, the USS Ronald Reagan, the most advanced and technologically sophisticated aircraft carrier ever built, will be commissioned and join the fleet Summer, 2003; and

WHEREAS, the USS Ronald Reagan will displace approximately 100,000 tons, be 1,092 feet long, have a crew of about 5,500, and carry about 100 aircraft; and

WHEREAS, after commissioning, the USS Ronald Reagan will have its homeport in Santa Barbara, California; and

WHEREAS, the USS Ronald Reagan was officially adopted by the Santa Barbara Council of the United States Navy League on June 16, 2000. Captain Bill Goodwin, commanding officer of the pre-commissioning unit, oversaw the construction and assembled the crew; and

WHEREAS, the Santa Barbara Council was chosen to be the vessel, as President Reagan's ranch is located in Santa Barbara County and the Reagan Presidential Library is located nearby; and

WHEREAS, Ronald Reagan, was the 40th President of the United States and was born in Tampico, Illinois; and

WHEREAS, with the support of the Navy League, the lives of those sailing aboard the ship will be better, and President Reagan's legacy will be honored;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim July 12, 2003, as USS RONALD REAGAN DAY in Illinois.

Issued by the Governor May 15, 2003

Filed by the Secretary of State June 02, 2003

DEPARTMENT OF THE LOTTERY

JULY 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Lottery (General), 11 Ill. Adm. Code 1770
- 1) Rulemaking:
- A) Description: Section 1770.20 currently lists a number of factors that must be considered in granting on-line sales status to a retailer. Among those factors is the retailer's performance selling instant lottery tickets. However, there are occasions when Lottery's analysis of a location's sales potential warrants granting on-line status immediately, rather than after a trial period of instant ticket sales. The Lottery anticipates amending Section 1770.20 in order to give the Lottery's Director the clear discretion to grant immediate on-line status in such situations.
- B) Statutory Authority: Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: No First Notice date has been determined.
- E) Effect on small business, small municipalities or not for profit corporations: The contemplated amendments will have no impact on small businesses, small municipalities and not for profit corporations, unless such entities are applicants for lottery licenses at locations that would warrant immediate on-line ticket sales. In that event, the rulemaking would likely have a positive impact on the revenues realized by the small business, small municipality or not for profit corporation.
- F) Agency contact person for information:
Name: Lisa A. Crites
Address: Illinois Lottery
201 E. Madison
Springfield, IL 62702
Telephone: 217/524-5253
Fax: 217/524-5235
- G) Related rulemakings and other pertinent information: There are no related

DEPARTMENT OF THE LOTTERY

JULY 2003 REGULATORY AGENDA

rulemakings.

PROPERTY TAX APPEAL BOARD

JULY 2003 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking

- A) Description: The purpose of the proposed rulemaking is to revise and update various sections of Part 1910, Practice and Procedure for Hearings Before the Property Tax Appeal Board.
- B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates First Notice: September or October 2003.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: James W. Chipman
Executive Director

Address: Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

Telephone: (217) 782-6076
- G) Related rulemaking and other pertinent information: None

DEPARTMENT OF INSURANCE

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of Part: Timely Payment for Health Care Services and Individual Practice Association or Physicians Hospital Organization Registration
- 2) Code Citation: 50 Ill. Adm. Code 5423
- 3)

Section Numbers:	Proposed Action:
5423.10	Withdrawal
5423.20	Withdrawal
5423.30	Withdrawal
5423.40	Withdrawal
5423.50	Withdrawal
5423.60	Withdrawal
Exhibit A	Withdrawal
Exhibit B	Withdrawal
- 4) Date Notice of Proposed Rules Published in the Illinois Register: 26 Ill. Reg. 11198; July 19, 2002
- 5) Reason for Withdrawal: Limited Department resources necessitate delaying the implementation of this initiative at this time.

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 27, Issue 24 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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