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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Egg and Egg Products Act
- 2) Code Citation: 8 Ill. Adm. Code 65
- 3) Section Number: 65.210 Proposed Action: Amend
- 4) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615/13]
- 5) A Complete Description of the Subjects and Issues Involved: The Bureau of Weights and Measures inspects egg and egg products for compliance with the Illinois Egg and Egg Products Act. The Bureau licenses anyone who buys, sells, trades or barter eggs in Illinois. An inspection fee per case (30 dozen eggs) is paid by the first handler in Illinois who packed and sold the eggs. For eggs shipped into Illinois, the fee is paid by the handler who invoiced the eggs to Illinois. The fee increase is necessary to cover the administrative and inspection costs of the egg program as provided by law.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day this notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Egg handlers
 - B) Reporting, bookkeeping or other procedures required for compliance: The Department's invoice statements will be changed.
 - C) Types of professional skills necessary for compliance: No additional professional skills are necessary.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 65
EGG AND EGG PRODUCTS ACT

Section	
65.10	Definitions
65.20	Packaging Material, Master Containers, Packing Material and Consumer-Size Containers
65.30	Consumer Container Labeling Requirements
65.40	Restrictions
65.50	Master Container Labeling Requirements
65.60	Advertising
65.70	Brand or Firm Name
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65.130	Required Forms and Records
65.140	Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments
65.150	Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs
65.160	Minimum Sanitation Requirements for Retailers and Institutional Consumers
65.170	Retail Egg Inspection
65.180	Enforcement
65.190	Restricted Eggs (Definition, Labeling, Handling, Disposition)
65.200	Denaturants
65.210	Egg Inspection Fee
65.220	Illinois Grade Standards
65.230	Administrative Hearings (Repealed)

AUTHORITY: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13].

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Rules and Regulations for the Illinois Egg and Egg Products Act, filed October 28, 1975, effective November 1, 1975; amended March 2, 1976, effective March 12, 1976; amended December 29, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective February 14, 1983; amended at 17 Ill. Reg. 6749, effective April 27, 1993; amended at 19 Ill. Reg. 16933, effective January 1, 1996; amended at 21 Ill. Reg. 900, effective January 6, 1997; amended at 27 Ill. Reg. _____, effective _____.

Section 65.210 Egg Inspection Fee

- a) An inspection fee of ~~6¢~~ ~~5¢~~ per case (30 dozen equals a case) or fraction thereof shall be imposed on all eggs bearing a designated size and grade which are offered for sale or sold in the State of Illinois.
- b) The first handler in Illinois who packed and sold the eggs shall pay the prescribed inspection fee on such eggs. In the event that the eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois shall pay the fee.
- c) The handler paying the inspection fee shall charge on each sales invoice the amount of the inspection fee as the transaction in addition to the price of the eggs.
- d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.
- e) The inspection fee shall be paid only once on the same quantity of eggs so long as said eggs maintain their identity by remaining in their original case, carton or container.
- f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. Such reports shall be accompanied by a remittance in an amount corresponding to said number of master containers at the rate prescribed per master container.
 - 1) In the events below, the Director shall summon the delinquent person or firm to an administrative hearing in Springfield whereby his license may be suspended or revoked:
 - A) the quarterly report is established as being false or incorrect, or

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- B) the report is not received within 30 days of the due date.
- 2) The quarters are as follows: January 1~~st~~ to March 31~~st~~; April 1~~st~~ to June 30~~th~~; July 1~~st~~ to September 30~~th~~; October 1~~st~~ to December 31~~st~~.
- g) The inspection fee applies to all eggs identified with a consumer Grade "AA", "A", or "B" packed loose or packaged in cartons.

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Part 2770 announce the 2004 contribution rates for newly liable employers by classification within the North American Industry Classification System (NAICS). The NAICS replaces the outdated Standard Industrial Classification System. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 1998 as it is no longer needed.
- 6) Will the proposed amendment replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives? This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

The Department requests the submission of written comments within 45 days after the publication of this notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all businesses equally.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on an agenda because: by its own terms, these rules require that the Director make an annual announcement of NAICS rates.

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section

- 2770.100 Pre 2003 Industrial Classification
2770.101 Post 2002 Industrial Classification
2770.105 Pre 2003 Contribution Rate For Non Experience-Rated Employers
2770.106 Post 2002 Contribution Rate For Non Experience-Rated Employers
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

Section

- 2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170 Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER (Repealed)Section

- 2770.400 Definitions (Repealed)
2770.405 Application Of Base Period Wages (Repealed)
2770.410 Restriction On Benefit Wage Transfers Section (Repealed)
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420 Petition For Hearing (Repealed)

SUBPART D: BENEFIT WAGE CANCELLATIONS

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC ~~Classifications~~ Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

- a) ~~The average contribution rate for each Economic Division, excluding the fund~~

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

~~building rate as set forth in Section 1506.3 of the Act, for calendar year 1998, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	3.4%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1999, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.2%
15-17	C. Construction	3.3%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.4%
52-59	G. Retail Trade	1.1%
60-67	H. Finance, Insurance, Real Estate	1.1%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

be) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2000, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.1%

DEPARTMENT OF EMPLOYMENT SECURITY

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15-17	C.	Construction	3.2%
20-39	D.	Manufacturing	1.8%
40-49	E.	Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F.	Wholesale Trade	1.3%
52-59	G.	Retail Trade	1.0%
60-67	H.	Finance, Insurance, Real Estate	1.0%
70-89	I.	Services	1.1%
91-97	J.	Public Administration	1.0%

- cd) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.8%
10-14	B. Mining	3.2%
15-17	C. Construction	3.0%
20-39	D. Manufacturing	1.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.6%
50-51	F. Wholesale Trade	1.2%
52-59	G. Retail Trade	0.9%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.0%
91-97	J. Public Administration	0.9%

- de) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

- a)** The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste Management	2.0%
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%

DEPARTMENT OF EMPLOYMENT SECURITY

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- b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>1.7%</u>
<u>21</u>	<u>Mining</u>	<u>2.9%</u>
<u>22</u>	<u>Utilities</u>	<u>1.5%</u>
<u>23</u>	<u>Construction</u>	<u>3.0%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>2.4%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>1.7%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>1.2%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>2.2%</u>
<u>51</u>	<u>Information</u>	<u>1.9%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>1.2%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.2%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>1.4%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>1.7%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>2.5%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.0%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>0.9%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>1.7%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.0%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.1%</u>
<u>92</u>	<u>Public Administration</u>	<u>0.9%</u>
<u>99</u>	<u>Unclassified</u>	<u>1.2%</u>

(Source: Amended at 28 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Fire Truck Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 290
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
290.10	New Section
290.20	New Section
290.30	New Section
290.40	New Section
290.50	New Section
290.60	New Section
290.70	New Section
290.80	New Section
- 4) Statutory Authority: Authorized and implemented by Section 3-27 of the Rural Bond Bank Act [30 ILCS 360/3-27]
- 5) A Complete Description of the Subjects and Issues Involved: Rules to enact the Fire Truck Revolving Loan Program.
- 6) Will this rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rule contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objective: To provide zero interest loans for the purchase of fire trucks by fire departments that show a need.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

John Kohlhepp, Chief of Staff
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
(217) 785-0969

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for the new rules was not known at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 290

FIRE TRUCK REVOLVING LOAN PROGRAM

Section

290.10	Definitions
290.20	Purpose
290.30	Eligible Expenditures
290.40	Loan Application Review Committee
290.50	Application Procedure and Content
290.60	Appeal Process
290.70	Repayment Procedures
290.80	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 3-27 of the Rural Bond Bank Act [30 ILCS 360/3-27].

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

Section 290.10 Definitions

The following definitions are used in this Part:

“Committee” means the Loan Application Review Committee established in Section 290.40 of this Part.

“Fire Department” means a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.

“Fire Truck” means an emergency vehicle identified as a pumper, ladder truck, elevating platform, rescue, or squad.

“Office” means the Office of the State Fire Marshal.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

“Program” means the Illinois Fire Truck Revolving Loan Program.

"Rural Bond Bank" means the Illinois Rural Bond Bank created by the Rural Bond Act [30 ILCS 360] or its successor agency.

Section 290.20 Purpose

- a) The Office of the State Fire Marshal and the Illinois Rural Bond Bank shall jointly administer a program to provide zero-interest loans for the purchase of fire trucks by a fire department, fire protection district, or township fire department. The Office shall determine loan awards based on equipment and/or financial need, supplemented by recommendations from the Rural Bond Bank based on creditworthiness.
- b) Applicants must also have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of the previous two years. Fire departments or fire stations that are for-profit entities, non-profit entities, associations and/or not-for-profit corporations (i.e., that are not governmental bodies) are not eligible to apply for a loan under this program. Units of local government that do not operate fire departments are similarly not eligible (e.g., a municipality that contracts for fire suppression from another municipality or fire district).

Section 290.30 Eligible Expenditures

Funding is available under the Illinois Fire Truck Revolving Loan Program for *zero-interest loans for the purchase of fire trucks* [30 ILCS 360/3-27].

Section 290.40 Loan Application Review Committee

The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on equipment and/or financial need, which eligible fire departments shall be recommended to the Rural Bond Bank to receive a loan under this program for the purchase of a fire truck.

- a) The Committee shall consist of the following nine members:
 - 1) The State Fire Marshal, as chairman;
 - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);

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- 3) One representative from the Associated Fire Fighters of Illinois;
 - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association), one of whom will serve as Vice Chairman of the Committee for a period of one year, after which the Vice Chairmanship will rotate to the other banking community representative;
 - 5) One member who is a volunteer firefighter; and
 - 6) One member from the Illinois Association of Fire Protection Districts.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office from appropriations for such purposes.
 - c) All members shall have one vote except for the State Fire Marshal, who shall only vote to break a tie.
 - d) Members shall serve a term of four years. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by the State Fire Marshal.
 - e) At the expiration of their initial terms of office, the members (or their successors) shall be appointed for terms of four years each. Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.
 - f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
 - g) Appointments shall be made to geographically represent the State.

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- h) As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect one Secretary of the Committee to serve a term to be fixed by the committee at that meeting.
- i) Regular meetings of the Committee shall occur once in each quarter, or as often as deemed necessary by the State Fire Marshal, at a date, time and place to be fixed by the Committee (or by the State Fire Marshal, should he or she call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, appeals and the transaction of any other business as properly may come before it.

Section 290.50 Application Procedure and Content

- a) Subject to the availability of funds, the Office of the State Fire Marshal will annually issue application forms for zero-interest loans under this program to all fire departments. Each application form provided shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the late date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- b) Each loan application shall include the following components:
 - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the fire department.
 - 2) A description of the fire department's need for the proposed fire truck in light of the resources available to the fire department.
 - 3) Identification of the personnel to serve as contacts for information.
 - 4) Budget information, including copies of the two most recent audits (and/or income and expense reports) for the unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.

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- 5) Certifications and assurances as the Office and/or Rural Bond Bank may require.
- 6) All other information as requested on the loan application form and in the program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an Application Number by the Office. Applicants shall be notified by mail that their application has been received.
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.
- e) After the Committee's review and ranking of applications, loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this program. Approval of an application by the Committee is not, nor should be, construed as any form of commitment or guarantee on the part of the Rural Bond Bank to the applicant unit that the proposed loan will be made.
- f) Those loan applications recommended for approval shall be forwarded to the Rural Bond Bank for review under its guidelines of creditworthiness. The Rural Bond Bank, after completion of its review, will notify the Committee which loan applications it will approve, subject to the end of the appeals process outlined in Section 290.60.

Section 290.60 Appeal Process

- a) Those applicants whose loans were denied by the Committee or the Rural Bond Bank shall be notified by mail.
- b) Notice of denial shall be deemed received the date of mailing. The applicant has 30 calendar days from that date to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

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- d) The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Rural Bond Bank. The Committee, or if appropriate, the Rural Bond Bank shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed complete for the purposes of this Part.

Section 290.70 Repayment Procedures

Loans shall be repaid within 20 years (Section 3-27 of the Rural Bond Bank Act).

- a) The rate of interest shall be stipulated on the loan application as *0 percent* (Section 3-27 of the Rural Bond Bank Act).
- b) Payments on the loan (principal) shall be made by check on a quarterly basis in 80 equal installments.
 - 1) Loan payments shall be due quarterly on December 30, March 30, June 30 and September 30, with the first payment under each loan due on the second due date following the receipt of the loan.
 - 2) Checks shall be made payable to the “Illinois Rural Bond Bank – Fire Truck Revolving Loan Fund” and mailed to the Illinois Rural Bond Bank, 427 East Monroe Street, Springfield, Illinois 62701-1410.
 - 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period.
- c) A fire department may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the fire department first contacts the Rural Bond Bank to obtain the total amount of the principal due at that time.

Section 290.80 Terms and Conditions of Loan Agreement

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An approved loan application with the Office and the Rural Bond Bank is subject to the following terms:

- a) Orders for payment will be submitted to the Office of the Comptroller by the Office according to the terms of Section 290.80 of this Part, Repayment Procedures.
- b) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 290.30 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the fire department, upon written notification from the Office, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan.
- c) Loan proceeds shall be obligated no later than six months following the receipt of the loan.
- d) Use of loan proceeds shall be accounted for in accordance with standard accounting practices. Loan recipients shall submit to the Office a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the Office, shall be due not later than nine months following receipt of the loan.
- e) Loan proceeds shall be included in the fire department's budget.
- f) In the event of default that is not cured within 90 calendar days, the Office shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies, and the fire department shall be ineligible for additional loans until good standing has been restored. In addition, the Office and/or the Rural Bond Bank may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as defense by the fire department in default.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Impartial Hearing Officer Standards
- 2) Code Citation: 2 Ill. Adm. Code 1177
- 3) Section Number: 1177.10 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20].
- 5) Effective Date of Amendment? October 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) A statement that a copy of the adopted amendment, including any material incorporated is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposed Published in the Illinois Register: Title 2 does not require publication in the *Illinois Register*. Filing as adopted.
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Difference 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? None
- 13) Will this Amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking is being proposed to clarify language regarding DHS-ORS impartial hearing officers.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

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Tracie Drew, Bureau Chief of Administrative Rules
100 South Grand Ave. East
Springfield, IL 62702
(217) 785-9772

- 17) Does this Rule require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25] No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATIONAL

SUBTITLE D: CODE DEPARTMENTS

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
~~CHAPTER XX: DEPARTMENT OF REHABILITATION SERVICES~~

PART 1177

IMPARTIAL HEARING OFFICER STANDARDS

SUBPART A: IMPARTIAL HEARING OFFICER STANDARDS

Section

1177.10 Impartial Hearing Officer Standards

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation [20 ILCS 2405/3], authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20].

SOURCE: Adopted at 16 Ill. Reg. 12778, effective August 3, 1992; emergency amendment at 17 Ill. Reg. 11766, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20415, effective November 15, 1993; amended at 27 Ill. Reg. 16104, effective October 1, 2003.

SUBPART A: IMPARTIAL HEARING OFFICER STANDARDS

Section 1177.10 Impartial Hearing Officer Standards

~~An impartial~~A hearing officer conducting a Department of Human Services-Office of Rehabilitation Services (DHS-ORS) hearing Level II Hearing (Impartial Hearing Officer) in accordance with this Part may not be an employee of DHSDORS, a member of DHS' StateDORS' Rehabilitation Services Advisory Council, or an employee of any public agency, with the exceptions of administrative law judges, hearing examiners or employees of institutions of higher education,~~;~~ and shall have the following qualifications:

- a) be at least 21 years of age;
- b) have a bachelor's degree or equivalent professional experience in the area of human services;
- c) have knowledge of the delivery of vocational rehabilitation and other DHS-ORS services, the title I State Plan and federal and DHSDORS rules governing the provision of services;

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NOTICE OF ADOPTED AMENDMENT

- d) ~~have the ability to be fair and impartial and to remove him/herself if he/she has a conflict of interest;~~
- d)e) have no personal, professional, or financial ~~conflicts of~~ interest that would conflict with objectivity; and
- e)f) have attended DHS-ORSDORS Impartial Hearing Officer Training.

(Source: Amended at 27 Ill. Reg. 16104, effective October 1, 2003)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.63 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Rulemaking: October 6, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 18, 2003 (27 Ill. Reg. 6479)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: No substantive changes were 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 this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.10	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.20	Amendment	27 Ill. Reg. 13936; August 22, 2003
121.31	Amendment	27 Ill. Reg. 9389; June 20, 2003
121.32	Amendment	27 Ill. Reg. 9389; June 20, 2003
121.34	Amendment	27 Ill. Reg. 9389; June 20, 2003

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121.41	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.63	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.120	Amendment	27 Ill. Reg. 11367; July 25, 2003
121.125	New Section	27 Ill. Reg. 11367; July 25, 2003
121.145	Repeal	27 Ill. Reg. 11367; July 25, 2003

- 15) Summary and Purpose of Rulemaking: Pursuant to federal regulations at 7 CFR 273.9(d)(6)(iii)(A) and to help reduce food stamp errors in shelter expenses, these amendments require the use of a utility standard for all food stamp households that are billed for utilities.

As a result of this rulemaking, the utility costs deduction for food stamp households that are billed for utilities will be determined as follows:

- Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity will be allowed the air conditioning/heating standard of \$259.
 - Households that are not billed for air conditioning or heating but are billed for at least two other utilities will be allowed the limited utility standard of \$155.
 - Households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, will be allowed the single utility standard of \$32.
 - Households whose only utility expense is for a separately-billed telephone will be allowed the basic telephone standard of \$27.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

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NOTICE OF ADOPTED AMENDMENT

121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

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- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)

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121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	
121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
121.223	Work Experience Component (Repealed)
121.224	Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13

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NOTICE OF ADOPTED AMENDMENT

of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April

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21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency

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amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569,

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effective July 21, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions ~~from~~ ~~From~~ Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through four persons is \$134. The standard deduction for a household size of five persons is \$149. For households of six or more persons, the standard deduction is \$171.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections

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(b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$378.

- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2003) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity,

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water, sewerage, garbage and trash collection;

- B) basic service fee for one telephone (including tax on the basic fee) of \$27.~~00~~; and
 - C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
- 3) ~~A standard must be used if the household is billed for utilities. Except for households that claim utility expenses for an unoccupied home, either the air conditioning/heating standard or the electricity standard must be used if the household is billed for air conditioning, heating or electricity.~~ See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$259. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities ~~electricity~~ must use the limited utility ~~electricity~~ standard allowance of \$155. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$32. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$27 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities ~~air conditioning, heating, or electricity~~ must use the appropriate standard. ~~If the air conditioning/heating standard allowance or the electricity standard allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed.~~
- 4) A household that is billed less often than monthly for its costs for utilities ~~heating, air conditioning, or electricity~~ must continue to use the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate ~~standard~~, between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are ~~not~~ entitled to use the air conditioning/heating

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standard allowance ~~or the electricity standard allowance~~. When households (as defined at 7 CFR 273.1(a) (2003)) live together, the air conditioning/heating standard allowance, ~~or the~~ limited utility electricity standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance ~~or the electricity standard allowance, whichever is appropriate~~ (7 CFR 273.9 and 273.10(d)(6) (2003)). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (IHEAP) (47 Ill. Adm. Code 100) payment during the 12-month period beginning with the date of the food stamp application shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. When the household claims a utility expense for an unoccupied home (as defined in Section 121.63(f)(4)), actual utility expenses are allowed for the unoccupied home as well as the current residence. The air conditioning/heating standard or the electricity standard is not used for either home. The appropriate utility standard may be used for the home if the household chooses ~~not to claim utilities for the unoccupied home~~.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2003) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 27 Ill. Reg. 16108, effective October 6, 2003)

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- 1) Heading of the Part: Annual Audited Financial Report
- 2) Code Citation: 50 Ill. Adm. Code 925
- 3)

<u>Section Number</u> :	<u>Adopted Action</u> :
925.10	Repeal
925.30	Amendment
925.40	Amendment
925.40	Amendment
925.50	Amendment
925.60	Amendment
925.70	Amendment
925.80	Amendment
925.100	Amendment
925.110	Amendment
925.115	Amendment
925.120	Amendment
925.140	Amendment
925.145	New Section
925.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Amendments October 6, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Section 925.100(d) contains an incorporation by reference, but the materials referenced are only being updated, they are not new.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 2, 2002, 26 Ill. Reg. 17016

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- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Difference(s) between proposal and final version:
- a) In the table of contents, changed “Exhibit A” to “925.EXHIBIT A”.
 - b) In 925.30 within the definition of “Accountant”, added “in this Part” after “hereinafter”.
 - c) In 925.50(b)(9), struck “Annual Audited Financial Report” and added “annual audited financial report” before “filed with the Director”.
 - d) In 925.100(d), changed “2001” to “2003”.
 - e) In 925.120(c), deleted “Illinois Insurance” before “Code”.
 - f) In 925.EXHIBIT A, changed “15-100” to “5-570” in the Department’s address.
 - g) In 925.EXHIBIT A, changed “representations” to “representation” in the second paragraph of the form letter.
 - h) Line spacing was changed throughout the Sections being amended to be in compliance with the requirements of 1 Ill. Adm. Code 100.340(a).
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Department is initiating these amendments in order to bring our State requirements concerning annual audited financial reports in line with the National Association of Insurance Commissioners (NAIC) model regulation. New Sections add penalty provisions and requirements for a CPA Letter of Representation confirming that all applicable audit workpapers have been provided to Department examiners.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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James Hansor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-6284

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 925

ANNUAL AUDITED FINANCIAL REPORT

Section

925.10	Authority (Repealed)	
925.20	Purpose and Scope	
925.30	Definitions	
925.40	Filing and Extensions for Filing of Annual Audited Financial Reports	
925.50	Contents of Annual Audited Financial Report	
925.60	Designation of Accountant	
925.70	Qualifications of Accountant	
925.80	Consolidated or Combined Audits	
925.90	Scope of Audit and Report of Accountant	
925.100	Notification of Adverse Financial Condition	
925.110	Report on Internal Control	
925.115	Accountant's Letter of Qualifications	
925.120	Definition, Availability and Maintenance of Accountant Workpapers	
925.130	Examinations (Repealed)	
925.140	Exemptions	
925.145	Penalties	
925.150	Severability Provision	
925.EXHIBIT A	CPA Letter of Representation	

AUTHORITY: Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed July 9, 1975, effective July 21, 1975; codified at 7 Ill. Reg. 2359; amended at 11 Ill. Reg. 18204, effective October 26, 1987; amended at 19 Ill. Reg. 12229, effective August 14, 1995; amended at 21 Ill. Reg. 1666, effective January 28, 1997; amended at 27 Ill. Reg. 16121, effective October 6, 2003.

Section 925.10 Authority (Repealed**)** |

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~~This Part is promulgated by the Director of Insurance pursuant to Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401 and 402] and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7] and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007].~~

(Source: Repealed at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.30 Definitions

~~"Accountant"~~ means an independent certified public accountant or independent accounting firm in good standing with the American Institute of Certified Public Accountants CPA's and all states in which the accountant is licensed to practice. For Canadian and British companies, accountant means a Canadian-chartered or British-chartered accountant generally referred to hereinafter in this Part as accountant.

~~"Annual Audited Financial Report"~~ means and includes those items specified in Section 925.50 of this Part.

Code means the Illinois Insurance Code [215 ILCS 5].

~~"Director"~~ means the Director of the Illinois Department of Insurance.

Idemnification means an agreement of indemnity or a release from liability where the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from known or other misrepresentations made by the insurer or its representatives.

~~"Independent"~~ for purposes of this Part means an accountant who is not affiliated with an insurer.

~~"Insurer"~~ for purposes of this Part means a licensed insurer or accredited reinsurer as defined in Sections 2(f), (g) and (h) and 173.1 of the ~~Illinois Insurance Code~~ [215 ILCS 5/2(f), (g) and (h) and 173.1] or a Health Maintenance Organization as defined in Section 1-2(9) of the Health Maintenance Organization Act [215 ILCS 125/1-2(9)] or a Limited Health Service Organization as defined in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130/1002].

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

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Section 925.40 Filing and Extensions for Filing of Annual Audited Financial Reports

- a) All insurers shall have an annual audit performed by an accountant and shall file an annual audited financial report ~~Annual Audited Financial Report~~ with the Director on or before June 1 for the year ended December 31 immediately preceding. The Director may require an insurer to file an annual audited financial report ~~Annual Audited Financial Report~~ earlier than June 1 with ~~ninety (90)~~ days advance notice to the insurer.
- b) Extensions of the June 1 filing date may be granted by the Director for ~~thirty (30)~~ day periods upon a showing by the insurer and its accountant of the reasons for requesting such extension and a determination by the Director of good cause for an extension. Examples of "good cause" include, but are not limited to, an Act of God or fortuitous or unintentional destruction of documents. The request for extension must be submitted in writing not less than ~~ten (10)~~ days prior to the due date and must provide ~~in~~ sufficient detail to permit the Director to make an informed decision with respect to the requested extension.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.50 Contents of Annual Audited Financial Report

- a) The annual audited financial report ~~Annual Audited Financial Report~~ shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows and changes in capital and surplus for the report year in conformity with statutory accounting practices for preparation of the annual statement as described in Section 136 of the ~~Illinois Insurance~~ Code, Section 2-7 of the Health Maintenance Organization Act, Section 2007 of the Limited Health Service Organization Act, or as otherwise permitted by the insurance regulatory authority of the insurer's state of domicile.
- b) The annual audited financial report ~~Annual Audited Financial Report~~ shall include the following:
- 1) Report ~~Opinion~~ of the accountant.
 - 2) Balance sheet reporting admitted assets, liabilities, capital and surplus or net worth.

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- 3) Statement of operations or statement of revenues and expenses and net worth.
- 4) Statement of cash flows.
- 5) Statement of changes in capital and surplus or net worth.
- 6) Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and the NAIC Accounting Practices and Procedures Manual, pursuant to Section 136(1) of the Code, Section 2-7(a) of the Health Maintenance Organization Act and Section 2007(a) of the Limited Health Service Organization Act.~~any other notes required by generally accepted accounting principles and shall also include:~~
 - A)The notes shall include a reconciliation with a written description of differences, if any, between the annual audited financial report ~~Annual Audited Financial Report~~ and the annual statement~~Annual Statement~~ filed pursuant to Section 136 of the ~~Illinois Insurance~~ Code, Section 2-7 of the Health Maintenance Organization Act, or Section 2007 of the Limited Health Service Organization Act ~~with a written description of the nature of these differences.~~
 - B) ~~— a summary of ownership and relationships of the insurer and all affiliated companies.~~
- 7) The financial statements included in the annual audited financial report~~Annual Audited Financial Report~~ shall be prepared in a format~~form~~ and using language and groupings substantially the same as the relevant sections of the annual statement~~Annual Statement~~ of the insurer filed with the Director and:
 - A) The financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. (However, in the first year in which an insurer is required to file an annual audited financial report~~Annual Audited Financial Report~~, the comparative data may be omitted.)
 - B) Amounts may be rounded to the nearest thousand dollars.
- 8) Supplementary Data and Information. This ~~shall~~will include any

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additional clarifying information or data which the Director may require to be disclosed.

- 9) In the case of Canadian and British insurers, the annual audited financial report ~~Annual Audited Financial Report~~ shall be defined as the annual statement of total business on the form filed by such companies with their domiciliary supervision authority duly audited by an independent chartered accountant. For such insurers, the letter required by Section 925.60 of this Part shall state that the accountant is aware of the requirements relating to the annual audited financial report ~~Annual Audited Financial Report~~ filed with the Director pursuant to Section 925.40 and shall affirm that the opinion expressed is in conformity with such requirements.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.60 Designation of Accountant

- a) Each insurer required by this Part to file an annual audited financial report ~~Annual Audited Financial Report~~ must, within ~~sixty (60)~~ days after becoming subject to such requirement, register with the Director in writing the name and address of the accountant retained to conduct the annual audit set forth in this Part. Insurers not retaining an accountant on the effective date of this Part shall register the name and address of their retained accountant not less than ~~six (6)~~ months before the date when the first audited financial report is to be filed.
- b) If an accountant, who was not the accountant for the immediately preceding filed annual audited financial report ~~Annual Audited Financial Report~~, is engaged to audit the insurer's financial statements, the insurer shall within ~~thirty (30)~~ days after the date the accountant is engaged notify the Director of this event. The insurer shall obtain a letter from the accountant and file a copy with the Director stating that the accountant is aware of the provisions of the ~~Illinois Insurance~~ Code and/or Health Maintenance Organization Act and/or the Limited Health Service Organization Act and the Rules and Regulations of the insurance regulatory authority of the state of domicile that relate to accounting and financial matters and affirming that the accountant will express its opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by that insurance regulatory authority, specifying such exceptions as the accountant ~~it~~ may believe appropriate.

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- c) If an accountant who was the accountant for the immediately preceding filed ~~annual audited financial report~~Annual Audited Financial Report is dismissed or resigns, the insurer shall within ~~five (5)~~ business days notify the Director of this event. The insurer shall also furnish the Director with a separate letter within ~~ten (10)~~ business days ~~after~~of the above notification stating whether in the ~~twenty-four (24)~~ months preceding such event there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused the accountant ~~it~~ to make reference to the subject matter of the disagreement in connection with the accountant's report ~~its opinion~~. The disagreements required to be reported in response to this subsection include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this subsection are those that occur at the decisionmaking level, between personnel of the insurer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering the accountant's ~~its~~ report. The insurer shall also in writing request such former accountant to furnish it a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurer's letter and, if not, stating the reasons for which the accountant ~~it~~ does not agree; and the insurer shall furnish such responsive letter from the former accountant to the Director together with its own.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.70 Qualifications of Accountant

- a) The Director shall not recognize any person or firm as a qualified accountant if the person or firm:
- 1) Is ~~that is~~ not in good standing with the American Institute of Certified Public Accountants ~~CPA's~~ and in all states in which the accountant is licensed to practice or, for a Canadian or British company, that is not a chartered accountant;
 - 2) Has either directly or indirectly entered into an agreement of indemnity or release from liability (collectively referred to as indemnification) with respect to the audit of the insurer; or
 - 3) Has repeatedly failed to timely comply with the written requests of the

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Director's examiners for copies of the workpapers as required pursuant to Sections 925.115 and 925.120 of this Part.

- b) Except as otherwise provided in this Section, the Director shall recognize an accountant ~~shall be recognized~~ as qualified as long as the accountant ~~he or she~~ conforms to the standards of the profession, as contained in the Code of Professional Ethics of the American Institute of Certified Public Accountants ~~and Rules and Regulations and Code of Ethics and Rules of Professional Conduct of the Illinois Board of Public Accountancy~~, or similar code.
- c) A qualified accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. However, in the event of a delinquency proceeding commenced against the insurer under Article XIII½ of the Code [215 ILCS 5/Art. XIII½], the mediation or arbitration provisions shall operate at the option of the statutory successor.
- ~~de~~) The requirements of this subsection ~~(d)(e)~~ shall become effective for years beginning after December 31, 1994. No partner or other person responsible for rendering a report may act in that capacity for more than ~~seven (7)~~ consecutive years. Following any such period of service such person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of ~~two (2)~~ years. An insurer may make application to the Director for relief from the above rotation requirement on the basis of unusual circumstances. The Director may consider the following factors in determining if the relief should be granted:
- 1) Number of partners, expertise of the partners or the number of insurance clients in the currently registered firm;
 - 2) Premium volume of the insurer; or
 - 3) Number of jurisdictions in which the insurer transacts business.
- ~~ed~~) The Director shall not recognize as a qualified accountant, nor accept any annual audited financial report ~~Annual Audited Financial Report~~ prepared in whole or in part by ~~any~~ natural person who:
- 1) Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act, ~~(18 U.S.C. Sections 1961-1968)~~, or any dishonest conduct or practices under federal or state law;

DEPARTMENT OF INSURANCE

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- 2) Has been found to have violated the insurance laws of this State with respect to any previous reports submitted under this Part; or
 - 3) Has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under the provisions of this Part.
- fe)** The Director, as provided in Section 401 of the Code [215 ILCS 5/401], may as provided in Administrative Hearing Procedures (50 Ill. Adm. Code 2402), hold a hearing to determine whether an accountant is qualified and, considering the evidence presented, may rule that the accountant is not qualified for purposes of expressing an opinion on the financial statements in the annual audited financial report ~~Annual Audited Financial Report~~ made pursuant to this Part and require the insurer to replace the accountant with another whose relationship with the insurer is qualified within the meaning of this Part.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.80 Consolidated or Combined Audits

- a) An insurer may make written application to the Director for approval to file a consolidated or combined annual audited financial report ~~Annual Audited Financial Report~~ in lieu of separate annual audited financial reports ~~Annual Audited Financial Reports~~ if the insurer is part of a group of insurance companies which utilizes a pooling or 100% one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and such insurer cedes all of its direct and assumed business to the pool. In such cases, a columnar consolidating or combining worksheet shall be bound into and filed with the report as follows:
 - 1) Amounts shown on the consolidated or combined annual audited financial report ~~Annual Audited Financial Report~~ shall be shown on the worksheet.
 - 2) Amounts for each insurer subject to this Section shall be stated separately.
 - 3) Noninsurance operations may be shown on the worksheet on a combined or individual basis.
 - 4) Explanations of consolidating and eliminating entries shall be included.

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- 5) A reconciliation shall be included of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the ~~annual statements~~Annual Statements of the insurers.
- b) The Director shall require any insurer to file separate ~~annual audited financial reports~~Annual Audited Financial Reports although permission had previously been given to file on a consolidated or combined basis if the Director determines the reasons and/or circumstances given for approval of the consolidated audit, pursuant to subsection (a), no longer exist.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.100 Notification of Adverse Financial Condition

- a) The insurer required to furnish the ~~annual audited financial report~~Annual Audited Financial Report shall require the accountant to report, in writing within ~~five (5)~~ business days, to the board of directors or its audit committee, any determination by the accountant that the insurer has materially misstated its financial condition as reported to the Director as of the balance sheet date currently under examination, or of any other determination that the insurer does not meet the minimum capital and surplus requirements of the ~~Illinois Insurance~~ Code and the net worth requirements of the Health Maintenance Organization Act and the Limited Health Service Organization Act, as of that date.
- b) An insurer who has received a report pursuant to subsection (a) above shall forward a copy of the report to the Director within ~~five (5)~~ business days after receipt of such report and shall provide the accountant making the report with evidence of the report being furnished to the Director. If the accountant fails to receive such evidence within the required ~~five (5)~~ business day period, the accountant shall furnish to the Director a copy of ~~the accountant's~~ report within the next ~~five (5)~~ business days.
- c) No accountant shall be liable in any manner to any person for any statement made in connection with ~~subsections~~subsection (a) and (b) above if such statement is made in good faith in compliance with ~~subsections~~subsection (a) and (b) above.
- d) If the accountant, subsequent to the date of the ~~annual audited financial report~~Annual Audited Financial Report filed pursuant to this Part, becomes aware

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of facts which might have affected ~~the accountant's~~ ~~its~~ report, the Director notes the obligation of the accountant to take such action as prescribed in Volume 1, Section AU561 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, ~~2003~~ ~~1986~~, with no later amendments or editions.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.110 Report on Internal Control

In addition to the ~~annual audited financial report~~~~Annual Audited Financial Report~~, each insurer shall furnish the Director with a written report prepared by the accountant stating ~~the accountant's~~ ~~its~~ evaluation of the accounting procedures of the insurer and the insurer's system of internal control, including any remedial action taken or proposed. The written report shall include a description of any significant deficiencies in the insurer's internal control structure noted by the accountant during the audit. SAS No. 60, Communication of Internal Control Structure Matters Noted in an Audit (AU Section 325 of the Professional Standards of the American Institute of Certified Public Accountants) requires an accountant to communicate significant deficiencies (known as "reportable conditions") noted during a financial statement audit to the appropriate parties within an entity. The written report shall be filed annually by the insurer with the Director, on or before June 1, along with the filing of the ~~annual audited financial reports~~~~Annual Audited Financial Report~~. The insurer is required to provide a description of remedial actions taken or proposed to correct significant deficiencies, if such actions are not described in the accountant's report.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.115 Accountant's Letter of Qualifications

The accountant shall furnish the insurer, in connection with, and for inclusion in, the filing of the ~~annual audited financial report~~~~Annual Audited Financial Report~~, a letter stating ~~that~~:

- a) ~~The~~~~That the~~ accountant is independent with respect to the insurer and conforms to the standards of the profession as contained in the Code of Professional Ethics and pronouncements of the American Institute of Certified Public Accountants ~~and the Rules of Professional Conduct of the Illinois Board of Public Accountancy~~, or similar code.
- b) The background and experience in general, and the experience in audits of insurers, of the staff assigned to the engagement and whether each is an

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accountant. Nothing within this Part shall be construed as prohibiting the accountant from utilizing such staff as deemed appropriate where use is consistent with the standards prescribed by generally accepted auditing standards.

- c) ~~The~~~~That the~~ accountant understands the annual audited financial report~~Annual Audited Financial Report~~ and the accountant's ~~its~~ opinion thereon will be filed in compliance with this Part and that the Director will be relying on this information in the monitoring and regulation of the financial position of insurers.
- d) ~~The~~~~That the~~ accountant consents to the requirements of Section 925.120 of this Part and that the accountant consents and agrees to make available ~~to~~~~for review~~ by the Director, the Director's designee or the Director's appointed agent the workpapers, as defined in Section 925.120, in hard copy or electronic format.
- e) ~~The~~~~A representation that the~~ accountant is properly licensed by an appropriate state licensing authority and is a member in good standing of the American Institute of Certified Public Accountants.
- f) ~~The~~~~A representation that the~~ accountant is in compliance with the requirements of Section 925.70 of this Part.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.120 Definition, Availability and Maintenance of Accountant Workpapers

- a) Workpapers are the records kept by the accountant of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to the accountant's ~~his~~ examination of the financial statements of an insurer. Workpapers, accordingly, may include audit planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the accountant in the course of its audit of the financial statements of an insurer and which support the accountant's ~~its~~ opinion thereof.
- b) Every insurer required to file an annual audited financial report~~Annual Audited Financial Report~~ pursuant to this Part shall require the accountant to make available for review by the Director's examiners all workpapers prepared in the conduct of the accountant's ~~its~~ examination and any communications related to the audit between the accountant and the insurer, at the offices of the insurer, at the offices of the Director, or at any other reasonable place designated by the

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Director. The insurer shall require that the accountant retain the audit workpapers and communications until the Director has filed a ~~report on examination~~Report on Examination covering the period of the audit, but no longer than ~~seven (7)~~ years from the date of the audit report.

- c) In the conduct of the aforementioned periodic review by the Director's examiners, it shall be agreed that photocopies of pertinent audit workpapers may be made and retained by the Director's examiners. Such review by the Director's examiners shall be considered an investigation and all ~~workpapers~~working papers and communications obtained during the course of such investigation shall be afforded the same confidentiality as other examination workpapers generated by the Director's examiners, pursuant to Section 132.5(e) and (f) of the Code [215 ILCS 5/132.5(e) and (f)].

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.140 Exemptions

- a) Upon written application of any domestic insurer, the Director may grant an exemption from compliance with this Part if the Director finds, upon review of the application, that compliance with this Part would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time, and from time to time, for a specified period or periods. Within ~~ten (10)~~ days from a denial of an insurer's written request for an exemption from this Part, such insurer may request in writing a hearing on its application for an exemption. Such hearing shall be held in accordance with the ~~rules~~Rules of the Illinois Department of Insurance pertaining to administrative hearing procedures (50 Ill. Adm. Code 2402).
- b) Foreign and alien insurers, except those insurers licensed under the Health Maintenance Organization Act and the Limited Health Service Organization Act, having total direct premiums written of less than \$1,000,000 in any calendar year shall be ~~automatically~~ exempt from this Part ~~for such year (unless the Director makes a specific finding that compliance is necessary for the Director to carry out statutory responsibilities) except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of \$1,000,000 or more will not be so exempt.~~
- e) ~~Foreign or alien insurers filing audited financial reports in their state of domicile, pursuant to such domestic state's requirement of audited financial reports which~~

DEPARTMENT OF INSURANCE

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~~has been found by the Director to be substantially similar to the requirements of this Part, are exempt from this Part if:~~

- ~~1) A copy of the Annual Audited Financial Report, Report on Internal Control, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the Director in accordance with the filing dates specified in Sections 925.40, 925.110 and 925.115 respectively (Canadian insurers may submit accountants' reports as filed with the Canadian dominion Department of Insurance).~~
- ~~2) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the Director within the time specified in Section 925.100.~~

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

Section 925.145 Penalties

Failure of a company to meet any provisions of this Part shall subject the company to penalty provisions of Sections 132.4(b) and 403A of the Code [215 ILCS 5/132.4(b) and 403A], or other such action as the Director may deem necessary.

(Source: Amended at 27 Ill. Reg. 16121, effective October 6, 2003)

DEPARTMENT OF INSURANCE

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Section 925.EXHIBIT A CPA Letter of Representation

Upon completion of the review by the Department's examiners, the accountant shall submit a "CPA Letter of Representation" in this format.

CPA LETTER OF REPRESENTATION

Date: _____

Attention: Illinois Department of Insurance
Attn: (Examiner-in-charge)
100 West Randolph, Suite 5-570
Chicago, Illinois 60601
(312) 814-2423

Re: Examination of (Insurance Company Name)
As of December 31, 20__

Dear (Examiner-in-charge)

(CPA Firm) confirms the following information related to your review of our 20__ audit workpapers for (Insurance Company Name).

(CPA Firm) have made available for review to the Examiners of the Illinois Department of Insurance all workpapers prepared during the course of the audit of the financial position of the insurer, and the results of its operations, cash flows and changes in capital and surplus of (Insurance Company Name) for the period ending December 31, 20__ . Workpapers include, but are not limited to, all electronic and paper schedules, analyses, reconciliations, memorandums (including emails), permanent files, budgets, progress reports, engagement letters, audit programs, planning documents, internal audit reports, letters of representation, legal liability correspondence, letters of confirmation, summaries of audit differences, and other supporting audit evidence.

The photocopies of workpapers that were requested by the Examiners of the Illinois Department of Insurance are true and complete copies of such workpapers.

Sincerely,

(CPA Partner)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(CPA Firm)

(Source: Added at 27 Ill. Reg. 16121, effective October 6, 2003)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Mediplan Plus
- 2) Code Citation: 89 Ill. Adm. Code 142
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
142.100	Repeal
142.110	Repeal
142.200	Repeal
142.205	Repeal
142.220	Repeal
142.230	Repeal
142.240	Repeal
142.250	Repeal
142.255	Repeal
142.260	Repeal
142.270	Repeal
142.275	Repeal
142.280	Repeal
142.300	Repeal
142.340	Repeal
142.370	Repeal
142.380	Repeal
142.390	Repeal
142.400	Repeal
142.450	Repeal
142.460	Repeal
142.500	Repeal
142.502	Repeal
142.505	Repeal
142.510	Repeal
142.530	Repeal
142.532	Repeal
142.538	Repeal
142.560	Repeal
142.700	Repeal
142.710	Repeal
142.720	Repeal
142.730	Repeal
142.800	Repeal
142.TABLE A	Repeal

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED REPEALER

142.TABLE B Repeal

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Repealer: October 6, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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: April 11, 2003 (27 Ill. Reg. 6053)
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference Between Proposal and Final Version: No changes have been made to the proposed repeal of Part 142.
- 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 repealer replace an emergency repealer currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The Department adopted administrative rules at 89 Ill. Adm. Code 142, MediPlan Plus, on February 4, 1997, in compliance with the Public Aid Code at Section 5-16.3 [305 ILCS 5/5-16.3], System for Integrated Health Care Services. Since then, the Public Aid Code has been amended under Public Act 92-0370 by the repeal of Section 5-16.3, and Part 142 is now being repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:
Joanne Scattoloni
Office of the General Counsel, Rules Section 217/524-0081
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sex Offender Registration Act
- 2) Code Citation: 20 Ill. Adm. Code 1280
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1280.20	Amendment
1280.25	Amendment
1280.30	Amendment
1280.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].
- 5) Effective Date of Amendments: September 30, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Will these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 4509, March 14, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1280.30(c)(6) and (7), language was changed to clarify multiple registration requirements. In addition, editing and formatting changes recommended by JCAR were made. Recommendations from the Illinois Criminal Justice Information Authority were also incorporated. Those changes are as follows:

In Section 1280.20, the definition of "Adjudicated juvenile delinquent sex offender" was changed to read "Section 2(B), (C), or (C-5) of the Act or a violation of any substantially similar federal, sister state, or foreign country law."

In Section 1280.20, the definition of "Out-of-state employee", changed "education" to "educational" and "of more than 30" to "of 30 or more".

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

In Section 1280.20, the definition of “Out-of-state student”, underlined “education” and struck out “learning”.

In Section 1280.20, the definition of “Resides”, deleted “of time”.

In Section 1280.20, changed “Sex Offender” to “Sex offender”.

In Section 1280.20, the definition of “Sexual predator”, deleted “An adjudicated juvenile delinquent sex offender is not a predator.”.

In Section 1280.25, added “the” before “statutory”.

In Section 1280.30(a)(4), changed “three days of” to “three days after”.

In Section 1280.30(b)(3), underlined “Department” and moved it in front of “~~Illinois State Police~~”.

In Section 1280.30(c)(2), changed “identification” to “Identification”.

In Section 1280.30(d)(1), changed “of change” to “after the change”.

In Section 1280.30(d)(2), added “or employed at” after “attending”, changed “above” to read “other requirements of this subsection (d)”, changed “of change” to “after the change”, and corrected “higher eduction” to “high education”.

In Section 1280.30(e), changed “reported” to “reporting”.

In Section 1280.40(a), added “A sex offender shall register in person annually within one year after his or her last registration.” And changed “of his or her” to “after his or her”.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR. However, JCAR did recommend that the Department seek an amendment to 730 ILCS 150/3(a)(1) to clarify the statutory requirements for multiple registration.
- 13) Will these amendments replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The amendments will update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1280
SEX OFFENDER REGISTRATION ACT

SUBPART A: PROMULGATION

Section	
1280.10	Purpose
1280.20	Definitions
1280.25	<u>Adjudicated</u> Juvenile <u>Delinquent</u> Sex Offender

SUBPART B: OPERATIONS

Section	
1280.30	Procedures
1280.40	Requirements

AUTHORITY: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].

SOURCE: Adopted at 12 Ill. Reg. 8458, effective May 3, 1988; emergency amendments at 20 Ill. Reg. 640, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8045, effective June 3, 1996; amended at 24 Ill. Reg. 9081, effective June 14, 2000; amended at 27 Ill. Reg. 16108, effective October 6, 2003.

SUBPART A: PROMULGATION

Section 1280.20 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Sex Offender Registration Act. For purposes of this Part, the following definitions apply:

"Act" means the Sex Offender Registration Act [730 ILCS 150].

"Adjudicated juvenile delinquent sex offender" means a juvenile that has been adjudicated a juvenile delinquent as the result of committing or attempting to commit any of the sex offenses described in Section 2(B), (C), or (C-5) of the Act or a violation of any substantially similar federal, sister state, or foreign country law.

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"Agency of jurisdiction" means the law enforcement agency having jurisdiction as defined in the Act, i.e., the agency with jurisdiction where the sex offender intends to reside, work or attend school.

"Conviction" means one or more convictions which result from or are connected with the same act, or result from offenses committed at the same time; such convictions shall be counted as one conviction.

"Department" means the Illinois Department of State Police and any of its subdivisions.

"Institution of higher education" means an Illinois institution legally constituted to offer degree and instruction post secondary education.

"Out-of-state employee" means any sex offender or sexual predator who is employed in Illinois, regardless of whether the individual receives payment for services performed, volunteers, or performs services for government or educational benefit for a period of time of 10 or more days exceeding 14 consecutive days or for an aggregate period of time of 30 or more exceeding 30 days during any calendar year. Persons who are employed to operate motor vehicles in or through Illinois or whose employment involves periods of less than a full day in Illinois accrue one day of employment for any portion of a day spent in Illinois.

"Out-of-state student" means any sex offender or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher education-learning.

"Place of confinement" means any prison, jail, hospital or other institution or facility where a sex offender may be confined due to conviction or a finding other than acquittal for a sex offense; due to a person's status as a sexually violent person under the Sexually Violent Persons Act; or due to a person's status as a sexually dangerous person under the Sexually Dangerous Persons Act.

"Registry" means data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Law Act. This data includes information forwarded to the Department by jurisdictions and

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information obtained by the Department itself.

“Resides” means to maintain a residence or to be temporarily domiciled for a period of 10 or more days.

“Sex offender” means the same as the definition found in Section 2(A) of the Sex Offender Registration Act [730 ILCS 150/2(A)].

"Sex Offender Notification Form" means the form designed by the Department to be used to notify the sex offender of the responsibility to register.

"Sex Offender Registration Form" means the form designed by the Department to be used to satisfy the registration requirements of the Act.

"Sexual predator" means the same as the definition found in Section 2(E) of the Sex Offender Registration Act [730 ILCS 150/2(E)].

(Source: Amended at 27 Ill. Reg. 16108, effective October 6, 2003)

Section 1280.25 Juvenile Sex Offender

An adjudicated juvenile delinquent ~~Juvenile~~ sex offender as described or defined at Section ~~2(A)(5)(A-5)~~ of the Act ~~is a sex offender as defined at Section 2(A) of the Act and~~ is required to comply with all the statutory and administrative obligations of a sex offender. However, to qualify as an adjudicated juvenile delinquent a juvenile sex offender, the adjudication referenced in Section ~~2(A)(5)(A-5)~~ must have occurred on or after July 1, 1999 (the effective date of Public Act 91-48).

(Source: Amended at 27 Ill. Reg. 16108, effective October 6, 2003)

SUBPART B: OPERATIONS

Section 1280.30 Procedures

- a) Place of Confinement
 - 1) A sex offender, prior to the release from a place of confinement, shall be notified by the place of confinement of the duty to register under the Act. The offender shall also be required to read and sign a completed Sex Offender Notification Form.

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- 2) The place of confinement shall give one copy of the completed Sex Offender Notification Form to the offender, keep the original for their record and send a photograph of the offender to the Department.
 - 3) The Illinois Department of Corrections (IDOC) will share with the Department, within 24 hours, electronic data files, including photographs, containing all sex offenders being released from IDOC facilities.
 - 4) The hospital, other treatment facility, or place of confinement other than IDOC, shall give one copy of the completed Sex Offender Notification Form to the offender, keep the original ~~one copy~~ for their record, and forward one copy ~~the original~~ to the Department within three days after the sex offender's release.
- b) Court
- 1) The court will ensure a sex offender, released on probation or discharged upon payment of a fine as a result of a conviction for a sex offense or an attempted sex offense, shall be informed of the duty to register under the Act. The offender shall also be required to read and sign a completed Sex Offender Notification Form.
 - 2) The court will ensure one copy of the completed Sex Offender Notification Form is given to the offender and the original is maintained in the court file.
 - 3) The court will ensure the record of notification is entered into LEADS and a photograph is forwarded to the Department ~~Illinois State Police~~ within three days after conviction.
- c) Agency of Jurisdiction
- 1) The agency of jurisdiction will complete the Sex Offender Registration Form; ensure the offender reads and signs the form, provide one copy of the form to the offender, keep the original signed copy until the requirement to register has expired, and, within three days, enter registration information in the Law Enforcement Agencies Data System (LEADS); and forward a copy of the offender's photograph to the Department. Fingerprints will be obtained from the sex offender, using

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the standard arrest card, and forwarded to the Illinois State Police Bureau of Identification during initial registration. The card shall indicate that the purpose of the fingerprints is for sex offender registration.

- 2) The agency of jurisdiction shall review the current criminal history record of the offender. The agency shall confirm the offender's duty to register and the offender's registration information and determine if the offender qualifies as a Sex Offender. If the disposition is missing or the criminal history is incomplete, the agency shall inform the Illinois State Police. The Bureau of Identification shall provide any information it has that would assist in completing the record.
- 3) The agency of jurisdiction shall record contacts with convicted sex offenders into LEADS as an add-on record.
- 4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Act and this Part.
- 5) Agencies of jurisdiction shall verify the address of sex offenders required to register with their agency at least once a year. A record of the results of this verification shall be documented with a LEADS add-on.
- 6) Section 3(a)(1) of the Sex Offender Registration Act [730 ILCS 150/3(a)(1)] requires that a sex offender or sexual predator required by the Act to register shall register with each agency of jurisdiction where the sex offender or sexual predator intends to reside, be temporarily (10 or more days per calendar year) domiciled, be employed or attend school. Registration of location of employment or school attendance shall be completed within 10 days after beginning employment or school. Except as provided by subsection (c)(7) of this Section, the sex offender or sexual predator is deemed to have met these registration requirements if the sex offender or sexual predator timely registers all residence, temporary domicile, employment and school attendance information with the agency or jurisdiction in which the registrant resides. The Department will electronically share the registrant information with the agency of

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jurisdiction in the location of the registrant's temporary domicile, employment or school attendance.

- 7) When an individual required to register is employed by or attends an institution of higher education outside the jurisdiction of the sex offender's or sexual predator's place of residence, that individual shall additionally register directly with the agency of jurisdiction in the location of the institution of higher education.

d) Change of Address

A sex offender, who changes residence address, shall within ten days after the change so inform, in writing, the last law enforcement agency with whom registered. Within three days after receiving notification, the law enforcement agency shall enter the notice of address change into LEADS.

- 1) A sex offender shall report any changes of employment or school status in writing or in person to the law enforcement jurisdiction of the sex offender's residence within 10 days after the change.
- 2) A sex offender attending or employed at an institution of higher education shall, in addition to the other requirements of this subsection (d), report any changes of employment or school status in person to the law enforcement jurisdiction of the institution of higher education within 10 days after the change if the institution of higher education is not located in the law enforcement jurisdiction of the sex offender's residence.

e) Registration Fees

The agency of jurisdiction shall collect a \$10 initial registration fee and a \$5 annual renewal fee from sex offenders. The agency can waive the fee if the sex offender is indigent or otherwise unable to pay the registration fee. All registration fees shall be retained by the registering agency and used for official purposes only. Appropriate records of receipts and expenditures should be maintained by the registering agency. Fees shall not be collected for reporting employment, school, or institution of higher education changes other than as may be required for annual registration.

f) Notification of Sex Offenders Moving to Illinois from Other States or Countries; Sex Offenders Who Were Convicted or Adjudicated in Illinois and Were

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Released from Confinement Prior to January 1, 1996 or Who Were Convicted and Sentenced to Probation Prior to January 1, 1996

Any law enforcement agency can notify a sex offender to register. Documentation of this notification may include, but shall not be limited to, a LEADS add-on, Notification Form, local field or investigative report, etc.

g) Registration of Juveniles

The parent, legal guardian, probation or parole supervisor, or other court-appointed custodian shall accompany juveniles to the agency having jurisdiction for the purpose of registering as a sex offender.

(Source: Amended at 27 Ill. Reg. 16108, effective October 6, 2003)

Section 1280.40 Requirements

a) Registration Period

A sex offender required to register under the Act shall be required to register for a period of ten years after the conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of ten years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of ten years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, at the expiration of ten years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of the Act. Reconfinement (due to violation of parole or other circumstances) which relates to the original conviction or adjudication shall extend the period of registration to ten years after final parole, discharge or release. A sex offender shall register in person annually within one year after his or her last registration. Failure to comply with any provision of the Act shall extend the period of registration by ten years beyond the period otherwise required. A ~~sexual predator~~, sexually dangerous person, or sexually violent person shall ~~be required to~~ register in person no later than 90 days after the date of his or her last registration for the period of his or her natural life. A sexual predator shall register in person annually within one year after his or her last registration for the period of his or her natural life.

b) Confidentiality

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- c) The secondary dissemination of sex offender information is not prohibited.
Sex Offender Registration Form

The Sex Offender Registration Form shall contain all the information necessary to comply with the requirements of these rules and shall also provide descriptive information necessary to identify the person registering.

- d) Sex Offender Notification Form

The Sex Offender Notification Form shall be used to notify the offender regarding responsibilities under the Act. The form shall at a minimum include the sex offender's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction and intended address. The form must be initialed and signed by the sex offender. The form is not required for sex offenders who were convicted and sentenced to probation or who were released from confinement prior to January 1, 1996.

- e) Out-of-State Student

Out-of-state students must register with the law enforcement agency having jurisdiction where they attend school in Illinois. ~~Out-of-state students are required to register no later than the day on which the instruction begins.~~

- f) Out-of-State Employee

Out-of-state employees must register with the law enforcement agency having jurisdiction where they are employed in Illinois. Out-of-state employees whose employment involves work in more than one location shall register in the location in which the greatest time of employment is spent. Out-of-state employees are required to register no later than the day on which they qualify as an out-of-state employee as defined in Section 1280.20.

(Source: Amended at 27 Ill. Reg. 16108, effective October 6, 2003)

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- 1) Heading of the Part: Sex Offender and Child Murderer Community Notification Law
- 2) Code Citation: 20 Ill. Adm. Code 1282
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1282.20	Amendment
1282.30	Amendment
- 4) Statutory Authority: Implementing the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].
- 5) Effective Date of Amendments: September 30, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Will these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 4518, March 14, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made. Recommendations from the Illinois Criminal Justice Information Authority were also incorporated. Those changes are as follows:

In Section 1282.20 under the definition of "Sexual predator", deleted "An adjudicated juvenile delinquent sex offender is not a sexual predator."

In Section 1282.30, item (e), number (2), changed "offenders" to "offender".

In Section 1282.30, item (e), number (3), added "and institutions of higher education" in the first, second, and third sentences.

In Section 1282.30, item (e), number (5), added "or" after "institutions of higher education.".

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In Section 1282.30, item (e), number (8), added "Adjudicated juvenile information will not be placed on the Internet.".

In Section 1282.30, item (g), number (2), removed italicization from the Illinois State Police website address.

In Section 1282.30, item (h), numbers (1) and (2), added "However, adjudicated juvenile sex offender information shall only be disseminated when related to personal safety."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.
- 13) Will these amendments replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments will update procedures and policies relating to the implementation of the Sex Offender and Child Murderer Community Notification Law.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1282

SEX OFFENDER AND CHILD MURDERER COMMUNITY NOTIFICATION LAW

SUBPART A: PROMULGATION

Section

1282.10 Purpose
1282.20 Definitions

SUBPART B: OPERATIONS

1282.30 Procedures

AUTHORITY: Implementing the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].

SOURCE: Adopted at 20 Ill. Reg. 8037, effective June 1, 1996; amended at 24 Ill. Reg. 9073, effective June 19, 2000; amended at 27 Ill. Reg. 16152, effective September 30, 2003.

SUBPART A: PROMULGATION

Section 1282.20 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Sex Offender and Child Murderer Community Notification Law.
- b) For purposes of these rules, the following definitions apply:

"Child care facilities" has the meaning set forth in Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05], but does not include licensed foster homes. This term includes licensed child care facilities and child care facilities for which applications for license are being processed by the Department of Children and Family Services.

"Department" means the Illinois Department of State Police.

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"Institution of higher education" means an Illinois institution legally constituted to offer degree and instruction post secondary education.

"Jurisdiction" means law enforcement jurisdiction as described in the definition of "law enforcement agency having jurisdiction" in Section 105 of the Sex Offender Registration Act.

"Law" means the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152].

"Point of contact" means an individual identified by an agency or other entity as the person responsible for accepting and issuing communications relating to the implementation of this Part.

"Registry" means data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Act. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Scheduled notifications" means the first two weeks of February, May, August and November.

"Schools" means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school which has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education which are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools.

"Sex offender" means the same as the definition found in Section 2(A) of the Sex Offender Registration Act [730 ILCS 150/2(A)].

"Sexual predator" means the same as the definition found in Section 2(E) of the Sex Offender Registration Act [730 ILCS 150/2(E)].

"Victim" means the individual subjected to the particular offense for which the perpetrator acquired the status of a sex offender. This term also includes the individual's parent and legal guardian.

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(Source: Amended at 27 Ill. Reg. 16152, effective September 30, 2003)

SUBPART B: OPERATIONS

Section 1282.30 Procedures

- a) State Board of Education
 - 1) The State Board of Education will provide to the Department an accurate listing of addresses and points of contact for all schools.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The State Board of Education will appoint a point of contact to coordinate notification activities with the Department.
- b) Department of Children and Family Services
 - 1) The Department of Children and Family Services will provide to the Department a listing of addresses and points of contact for all child care facilities.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The Department of Children and Family Services will appoint a point of contact to coordinate notification activities with the Department.
- c) State Board of Higher Education
 - 1) The State Board of Higher Education will provide to the Department an accurate listing of addresses and points of contact for all institutions of higher education.
 - 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
 - 3) The State Board of Higher Education will appoint a point of contact to coordinate notification activities with the Department.

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de) Victim Notification

- 1) The victim may request automatic notification of the change of address of the associated sex offender.
- 2) In order to obtain automatic notification, the victim must make a request in writing to the Department which must include the full name and date of birth of the sex offender or the full name, date of conviction and county of conviction of the sex offender.

ed) Law Enforcement Agency Having Jurisdiction

- 1) Law enforcement agencies having jurisdiction will develop internal procedures and policies for implementing the provisions of the Law. Procedures will provide for the reasonable access to the information required to be provided under the Law.
- 2) Agencies shall provide the name, address, date of birth and offense or adjudication of sex offender required to register to any individual as may be authorized by law who requests access to the registry. Agencies have the discretion to provide any additional information contained in the registry, which will help identify the sex offender, to any individual as may be authorized by law. Such disclosure shall not include any information which would help identify the victim.
- 3) A point of contact will be identified to serve as a liaison with schools, ~~and~~ child care facilities, and institutions of higher education. Agencies will provide the name and telephone number of their point of contact to all child care facilities, ~~and~~ schools, and institutions of higher education within their jurisdictions. Schools, ~~and~~ child care facilities, and institutions of higher education will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.
- 4) Requesters will be required to show identification to receive sex offender information.
- 5) Agencies may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for

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this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities, institutions of higher education, or other government agencies or for discretionary release of information.

- 6) Disclosure to the Department of Children and Family Services, schools, ~~and~~ child care facilities, and institutions of higher education will be made during each scheduled notification. Additional disclosures may be made at any time.
- 7) Law enforcement agencies having jurisdiction can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Law and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Law and this Part.
- 8) Law enforcement agencies having jurisdiction have the discretion to place sex offender information, including photographs, on the Internet or in other media. Law enforcement agencies having jurisdiction shall have the discretion to release information regarding employment, school, institution of higher education, and juvenile information only when a risk to the public exists. Adjudicated juvenile information will not be placed on the Internet.
- 9) Law enforcement agencies having jurisdiction of sex offenders attending or employed at institutions of higher education will within three days forward one copy of the registration form and all changes of employment or education status to the point of contact for the institution.

fe) Illinois State Police

- 1) The Department will provide a listing of all schools, ~~and~~ child care facilities, and institutions of higher education to Illinois sheriffs' offices and the Chicago Police Department for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.

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- 2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to sex offenders.
 - 3) The Department will confer with the State Board of Education, ~~and the Department of Children and Family Services,~~ and the State Board of Higher Education concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic meetings will be scheduled to address issues and identify potential problems.
- gf) Requirements
- 1) Confidentiality
~~Information regarding offenders who are not subject to the Law shall not be open to public inspection or to any person other than a law enforcement officer or other individual authorized by law.~~ Information regarding an adjudicated a juvenile delinquent sex offender shall not be available to the public except that information may be provided to a person when that person's safety may be compromised for some reason related to the juvenile sex offender if so determined by the Department or any law enforcement agency.
 - 2) Sex Offender Information
The name, address, date of birth and offense of the sex offender will be provided to all persons or entities receiving information from the registry pursuant to this Part. General sex offender information can be obtained on the Illinois State Police Website at www.isp.state.il.us. Law enforcement agencies have the discretion to provide any additional information contained in the registry, including photographs, which will help identify the sex offender. Information which would help identify the victim may not be disclosed.
 - 3) Registration and Notification Period
Sex offenders are required to register for 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility. If confined, sex offenders are required to register for 10 years after final parole, discharge or release from any such facility.

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Sexual predators, sexually dangerous persons, and sexually violent persons are required to register for the period of their natural lives. Notification requirements with respect to a particular sex offender expire when that individual is no longer required to register.

- 4) **Electronic Transmission of Information**
Any of the Department's communications and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as those commonly described as the "Internet", may be used when technically feasible.

hg) **Public Access**

- 1) **Discretionary Access**
The Department and any law enforcement agency having jurisdiction may provide any information contained in the registry, including photographs but excluding information which would help identify the victim, on any sex offender to any individual or entity likely to encounter the offender. However, adjudicated juvenile sex offender information shall only be disseminated when related to personal safety.
- 2) **Public Inspection**
Any individual or entity shall, upon request to the local law enforcement agency having jurisdiction, be provided an opportunity by that agency to inspect a listing of all names, addresses, dates of birth and offenses or adjudications of sex offenders required to register or registered with that agency. The agency has the discretion to provide any additional information contained in the registry, including photographs but excluding information which would help identify the victim, for the purposes of public inspection. The agency has the discretion to provide the requester with the list of all sex offenders required to register within the county, or in any other Illinois county. The agency may either allow the requester to inspect the list and take notes, as appropriate, or provide a copy of the list to the requester. Secondary dissemination of sex offender information is not prohibited. However, adjudicated juvenile sex offender information shall only be disseminated when related to personal safety. Employment information is only available for public inspection when the agency having jurisdiction determines the employment poses a risk to the public.

(Source: Amended at 27 Ill. Reg. 16152, effective September 30, 2003)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.71 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-0020
- 5) Effective Date of Amendment: October 1, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 30, 2003
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments relate to emergency amendments at 89 Ill. Adm. Code 148.122 under which the new Medicaid Percentage Adjustment payments are being established. The new adjustment payments are a component of the budget plan for Medicaid funded hospital services during fiscal year 2004. These emergency amendments will allow qualified providers of hospital services to receive advance payments and expedited claims payments that are related to Medicaid Percentage Adjustment payments. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2004 by Section 5-45 of Public Act 93-0020.
- 10) Complete Description of the Subjects and Issues Involved: Under these emergency amendments, providers of hospital services that qualify to receive advance payments and expedited claims payments under Section 140.71, will be eligible to receive such payments that are related to Medicaid Percentage Adjustments. These changes coordinate with companion emergency amendments in a new Section at 89 Ill. Adm. Code 148.122 under which Medicaid Percentage Adjustments are being established. Other changes in Section 140.71 provide clarifications on hospitals that qualify for advance and expedited claims payments as disproportionate share hospitals.
- 11) Are there any other amendments pending on this Part? Yes

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<u>Section Numbers:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.71	Amendment	August 29, 2003 (27 Ill. Reg. 14065)
140.402	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.405	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.450	Amendment	September 12, 2003 (27 Ill. Reg. 14384)
140.464	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
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)
140.481	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.492	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.492	Amendment	September 19, 2003 (27 Ill. Reg. 14776)
140.493	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.523	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.551	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.553	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.554	Repeal	July 18, 2003 (27 Ill. Reg. 10633)
140.700	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.830	Amendment	July 18, 2003 (27 Ill. Reg. 10633)
140.930	Amendment	July 18, 2003 (27 Ill. Reg. 10633)

12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandates affecting units of local government.

13) Information and questions regarding this amendment 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 Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

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- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

EMERGENCY

- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)

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NOTICE OF EMERGENCY AMENDMENT

- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

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NOTICE OF EMERGENCY AMENDMENT

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Clinic Services
- 140.453 Definitions
- 140.454 Types of Mental Health Clinic Services
- 140.455 Payment for Mental Health Clinic Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
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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].

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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; peremptory 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; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory 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 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;

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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 Amendment at 15 Ill. Reg. 1174; 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

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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 suspended at 17 Ill. Reg. 18902, effective October 12, 1993; 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; 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,

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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; 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

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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 repealed at 26 Ill. Reg. 16593, effective October 22, 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; 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; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments**EMERGENCY**

- a) C-13 Invoice Voucher Advance Payments
 - 1) The C-13 invoice voucher, when used as an advanced payment, is an exception to the regular reimbursement process. It may be issued only under extraordinary circumstances to qualified providers of medical assistance services. C-13 advance payments will be made only to a hospital organized under the University of Illinois Hospital Act, subject to approval by the Director, or to qualified providers who meet the following requirements:
 - A) are enrolled with the Department of Public Aid;

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- B) have experienced an emergency which necessitates C-13 advance payments. Emergency in this instance is defined as a circumstance under which withholding of the advance payment would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:
- i) agency system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired; or
 - ii) cash flow problems encountered by a provider or group of providers which are unrelated to ~~Agency~~ agency technical system problems. These situations include problems which are exclusively those of the providers or problems related to State cash flow which result in delayed payments and extensive financial problems to a provider, adversely impacting on the ability to promptly serve the clients;
- C) serve a significant number of clients under the Medical Assistance Program. Significant in this instance means:
- i) for long term care facilities, 80 percent or more of their residents must be eligible for public assistance;
 - ii) for long term care facilities enrolled in the Exceptional Care Program, four or more residents receiving exceptional care;
 - iii) for hospitals, the hospital must qualify as a disproportionate share hospital as described in 89 Ill. Adm. Code 148.120 or receive Medicaid Percentage Adjustment payments as described in 89 Ill. Adm. Code 148.122;
 - iv) for practitioners and other medical providers, 50 percent or more of their patient revenue must be generated through Medicaid reimbursement;

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- v) for sole source pharmacies in a community which are not within a 25-mile radius of another pharmacy, the provisions of this Section may be waived;
 - vi) for government-owned facilities, this subsection (a)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) is met; and
 - vii) for providers who have filed for Chapter 11 bankruptcy, this subsection (a)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) are met;
- D) sign an agreement with the Department which specifies the terms of advance payment and subsequent repayment. The agreement will contain the following provisions:
- i) specific reason(s) for advanced payments;
 - ii) specific amount agreed to be advanced;
 - iii) specific date to begin recoupment; and
 - iv) method of recoupment (percentage of payable amount of each Medicaid Management Information System voucher, specific amount per month, a warrant intercept, or a combination of the three recovery methods).
- 2) Determination of amount of payment to be issued shall be based on anticipated future payments as determined by the Department.
- 3) Approval Process
- A) In order to obtain C-13 advance payments, providers must submit their request in writing (telefax requests are acceptable) to the appropriate Bureau Chief within the Division of Medical Programs. The request must include:
- i) an explanation of the circumstances creating the need for the advance payments;

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- ii) supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the clients; and
 - iii) specification of the amount of the advance required.
 - B) An agreement will be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to release of the warrant.
 - C) C-13 advance payments shall be authorized for the provider following approval by the Medicaid Administrator or designee. Once all requirements of this subsection (a)(3) are met, the Administrator will authorize payment within seven days.
- 4) Recoupment
 - A) Health care entities other than individual practitioners shall be required to sign an agreement stating that, should the entity be sold, the new owners will be made aware of the liability and will assume responsibility for repaying the debt to the Department according to the original agreement.
 - B) All providers shall sign an agreement specifying the terms of recoupment. An agreed percentage of the total payment to the provider for services rendered shall be deducted from future payments until the debt is repaid. For providers who are properly certified, licensed or otherwise qualified under appropriate State and federal requirements, the recoupment period shall not exceed six months from the month in which payment is authorized. For those providers enrolled but not in good standing (e.g., decertification termination hearing or other adverse action is pending), recoupment will be made from the next available payments owed the provider.
 - C) In the event that the provider fails to comply with the recoupment terms of the agreement, the remaining balance of any advance payment shall be immediately recouped from claims being processed by the Department. If such claims are insufficient for

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complete recovery, the remaining balance will become immediately due and payable by check to the Illinois Department of Public Aid. Failure by the provider to remit such check will result in the Department pursuing other collection methods.

5) Prior Agreements

The terms of any agreement signed between the provider and the Department prior to the adoption of this rule will remain in effect, notwithstanding the provisions of this Section.

b) Expedited Claims Payments

1) Expedited claims payments are issued through the regular MMIS payment process and represent an acceleration of the regular payment schedule. They may be issued only under extraordinary circumstances to qualified providers of medical assistance services. Reimbursement through the expedited process will be made only to a hospital organized under the University of Illinois Hospital Act, subject to approval by the Director, or to qualified providers who meet the following requirements:

- A) are enrolled with the Department of Public Aid;
- B) have experienced an emergency which necessitates expedited payments. Emergency in this instance is defined as a circumstance under which withholding of the expedited payment would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:
 - i) agency system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the provider's ability to provide further services to the clients is severely impaired;
 - ii) cash flow problems encountered by a provider or group of providers which are unrelated to Department technical system problems. These situations include problems which are exclusively those of the providers (i.e., provider billing system problems) or problems related to State cash flow

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which result in delayed payments and extensive financial problems to a provider adversely impacting on the ability to serve the clients;

- C) serve a significant number of clients under the Medical Assistance Program. Significant in this instance means:
- i) for long term care facilities, 80 percent or more of their residents must be eligible for public assistance;
 - ii) for long term care facilities enrolled in the Exceptional Care Program, four or more residents receiving exceptional care;
 - iii) for hospitals, the hospital must qualify as a disproportionate share hospital as described in 89 Ill. Adm. Code 148.120 or receive Medicaid Percentage Adjustment payments as described in 89 Ill. Adm. Code 148.122;
 - iv) for hospitals that qualify as disproportionate share hospitals as described in 89 Ill Adm. Code 148.120 or receive or receive Medicaid Percentage Adjustment payments as described in 89 Ill. Adm. Code 148.122 and receive Rehabilitation Hospital Adjustment payments (see 89 Ill. Adm. Code 148.295(b)) or Direct Hospital Adjustment payments (see 89 Ill. Adm. Code 148.295(c)(1)), a request must be made in writing that demonstrates proof of cash flow problems;
 - v) for practitioners and other medical providers, 50 percent or more of their patient revenue must be generated through Medicaid reimbursement;
 - vi) for sole source pharmacies in a community ~~that~~which are not within a 25-mile radius of another pharmacy, the provisions of this Section may be waived;
 - vii) for government-owned facilities, this subsection (b)(1)(C) may be waived if the cash flow criteria under subsection (a)(1)(B)(ii) are met; and

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- viii) for providers who have filed for Chapter 11 bankruptcy, subsection (b)(1)(C) may be waived if the cash flow criteria under subsection (b)(1)(B)(ii) are met.
- 2) Reimbursement will be based upon the amount of claims determined payable and be made for a period specified by the Department.
 - 3) Approval Process
 - A) In order to qualify for expedited payments, providers must submit their request in writing (telefax requests are acceptable) to the appropriate Bureau Chief within the Division of Medical Programs. The request must include:
 - i) an explanation of the need for the expedited payments; and
 - ii) supportive documentation to substantiate the emergency nature of the request.
 - B) Expedited payments shall be authorized for the provider following approval by the Medicaid Administrator or designee.
 - C) The Department will periodically review the need for any continued expedited payments.
 - 4) Prior Agreements

The terms of any agreement signed between the provider and the Department prior to the adoption of this rule will remain in effect, notwithstanding the provisions of this Section.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.295 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-020
- 5) Effective Date of amendment: October 1, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment reverses a portion of an emergency rulemaking currently in effect.
- 7) Date Filed with the Index Department: September 30, 2003
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency. New emergency provisions for fiscal year 2004, effective October 1, 2003, are superseding the emergency amendment, effective July 1, 2003, that provided certain changes regarding reimbursement changes for Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments (CHAP) for eligible Medicaid funded hospitals. In order to avoid any conflict between the texts of the two emergency rulemakings, a portion of the earlier emergency amendment (July 1, 2003) is being reversed by this emergency rulemaking. Section 5-54 of Public Act 93-0020 specifically authorizes emergency rulemaking for the implementation of changes during fiscal year 2004.
- 10) A Complete Description of the Subjects and Issues Involved: The Department's administrative rule concerning Critical Hospital Payment Adjustments (CHAP) (89 Ill. Adm. Code 148.295) was amended by emergency action, effective July 1, 2003, to provide certain rate increases for inpatient services. However, the fiscal year 2004 budget implementation plan also calls for additional rate changes under CHAP to take effect on October 1, 2003. A new rulemaking concerning Section 148.295, which reflects all applicable changes as of October 1, 2003, will be implemented by emergency action. The portion of the earlier emergency rulemaking amending Section 148.295(c)(2)(C) is being reversed.

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- 11) Are there any proposed amendments to this Part pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.120	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.122	New Section	August 29, 2003 (27 Ill. Reg. 14090)
148.140	Amendment	July 18, 2003 (27 Ill. Reg. 10640)
148.160	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.160	Amendment	July 18, 2003 (27 Ill. Reg. 10640)
148.170	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.190	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.290	Amendment	June 27, 2003 (27 Ill. Reg. 9549)
148.290	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.295	Amendment	July 18, 2003 (27 Ill. Reg. 10640)
148.295	Amendment	August 29, 2003 (27 Ill. Reg. 14090)
148.310	Amendment	August 29, 2003 (27 Ill. Reg. 14090)

- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.

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

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

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

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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 Organized Under the Town Hospital Act

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- 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) (Repealed)
- 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

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

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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; 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

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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 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.

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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 amendment 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; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)**EMERGENCY**

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

a) Trauma Center Adjustments (TCA)

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

1) Level I Trauma Center Adjustment.

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- A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.
- B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.
 - ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
- A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or

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above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)

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

- 1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
- 2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$229,360.00 in the CHAP rate period.
 - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$527,528.00 in the CHAP rate period.
- 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

- 1) Qualifying Criteria

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

- A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
 - i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
 - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
 - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.
- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located

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in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

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

2) DHA Rates

- A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:
- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.
 - ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
 - iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.

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- iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$142.00 per day for hospitals that do not provide obstetrical care and \$179.00 per day for hospitals that do provide obstetrical care.
- B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:
- i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by \$455.00 per day.
 - ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by \$330.00 per day.
 - iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$423.00 per day.
 - iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$101.00 per day.
 - v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$194.00 per day.
 - vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by \$147.00 per day.
 - vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$41.00 per day.
 - viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by \$227.00 per day.

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- ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by \$110.00 per day.
 - x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by \$202.00 per day.
 - xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$11.00 per day.
- C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:
- i) Qualifying hospitals will receive a rate of ~~\$421.00~~ \$303.00 per day.
 - ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by ~~\$369.00~~ \$262.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$28.00 per day.
 - ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.
 - iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$403.00 per day.
 - iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by \$32.00 per day for hospitals that have fewer than 4,000 Total days; or \$246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or

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\$178.00 per day for hospitals that have more than 8,000
Total days.

- v) Hospitals with more than 3,200 Total admissions will have their rate increased by \$248.00 per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.
 - ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.
 - iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional \$87.00 per day.
 - iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive \$188.00 per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two.
- 3) DHA Payments
- A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
 - B) Payment rates will be multiplied by the Total days.
 - C) Total Payment Adjustments

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

d) Rural Critical Hospital Adjustment Payments (RCHAP)

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

- 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments

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

f) Critical Hospital Adjustment Limitations

Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment

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described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions

The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
- 4) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 5) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16,

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952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

- 6) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.
- 7) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.
- 8) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.
- 9) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 10) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

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- 11) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.
- 12) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 13) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF RESPONSE TO THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Wholesale Drug Distribution Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1510
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
1510.20	Amendment
1510.60	Amendment
1510.65	New Section
- 4) Date Notice of Proposed Rules Published in the Illinois Register:

8/8/03 27 Ill. Reg.13627
- 5) Date JCAR Statement of Objection Published in the Illinois Register:

9/29/03 27 Ill. Reg. 15183
- 6) Summary Action Taken By the Agency: The Department hereby acknowledges the Committee's objection and in the future will make every effort to respond to statutory directives in a timelier manner.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of Part: Humane Care For Animals Act

2) Code Citation: 8 Ill. Adm. Code 35

3) Register Citation to Notice of Proposed Rules:

27 Ill. Reg. 14662; September 19, 2003

4) Date, Time and Location of Public Hearing:

Thursday, October 30, 2003 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

IL Department of Agriculture
Attention: Linda Rhodes
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3) Register Citation to Notice of Proposed Rules:

27 Ill. Reg. 14667; September 19, 2003

4) Date, Time and Location of Public Hearing:

Thursday, October 30, 2003 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Register Citation to Notice of Proposed Rules:

27 Ill. Reg. 14675; September 19, 2003

- 4) Date, Time and Location of Public Hearing:

Thursday, October 30, 2003 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency.

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of Part: Animal Disease Laboratories Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Register Citation to Notice of Proposed Rules:

27 Ill. Reg. 14893; September 26, 2003

4) Date, Time and Location of Public Hearing:

Thursday, October 30, 2003 at 10:00 a.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency.

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 September 30, 2003 through October 6, 2003 and have been scheduled for review by the Committee at its October 14, 2003 meeting in Chicago or November 18, 2003 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/15/03	<u>Department of Insurance</u> , Administrative Dissolutions or Withdrawal of Statutory Deposit (50 Ill. Adm. Code 2410)	5/2/03 27 Ill. Reg. 7522	10/14/03
11/16/03	<u>Department of Natural Resources</u> , Wildlife Conservation Measures and Practices (17 Ill. Adm. Code 635)	7/25/03 27 Ill. Reg. 11385	11/18/03
11/19/03	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/11/03 27 Ill. Reg. 10173	11/18/03

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$10,00.00 against American Home Mortgage Holdings, D/B/A Mortgage Select, License No. 5639, of Melville, NY, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 18, 2003.

PROCLAMATIONS

**2003-175 (Revised)
Lions Candy Day**

WHEREAS, the Lions of Illinois have expended millions of dollars in recent years for diabetic eye centers, low vision clinics, hearing screenings, hearing aid and eyeglass collections, and hundreds of other local programs; and

WHEREAS, since 1952, the Lions of Illinois have held a Candy Day on the second Friday in October; and

WHEREAS, the funds raised from the Lions Candy Day will support a wide range of programs that assist the blind or visually impaired and/or the deaf or hard of hearing populations in Illinois; and

WHEREAS, presently, there are more than 24,000 citizens in Illinois who are blind, and approximately 106,000 who are deaf or hard of hearing:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 10, 2003 as LIONS CANDY DAY in Illinois, and ask citizens to lend your support for this worthy cause.

Issued by the Governor September 26, 2003.

Filed by the Secretary of State September 30, 2003.

2003-259**October 18, 2003 as United Hellenic American Congress Day**

WHEREAS, the United Hellenic American Congress has been involved in philanthropic work in America and overseas, benefiting the medical needs of underserved individuals; and

WHEREAS, October 18, 2003 marks the 28th annual dinner of the United Hellenic American Congress, at which time they will honor Dora Bakoyannis, Mayor of the City of Athens, Greece; and

WHEREAS, in 1989, Bakoyannis' husband was murdered by a group of 17 terrorists while serving as a Deputy in the Greek Parliament; and

WHEREAS, after her husband's death, Bakoyannis was elected to his seat in the Greek Parliament and became a leading advocate of strong anti-terrorist legislation; and

WHEREAS, in 2002, Bakoyannis was elected as Mayor of Athens by 61 percent of the voters, a larger majority than any Athenian mayor in the history of modern Greece; and

WHEREAS, currently, Mayor Bakoyannis is serving with distinction as the first woman chosen to lead Athens in its 3,000 year history; and

WHEREAS, in the summer of 2004, Mayor Bakoyannis will be the first woman to serve as mayor of a city hosting the international Olympic Games:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18, 2003 as UNITED HELLENIC AMERICAN CONGRESS DAY in Illinois,

PROCLAMATIONS

and join them in commending MAYOR DORA BAKOYANNIS for the talents, drive and passion she has afforded the people that she was elected to serve.

Issued by the Governor September 26, 2003.

Filed by the Secretary of State September 30, 2003.

2003-260**National Employer Support of the Guard and Reserve Week**

WHEREAS, serving in the United States Armed Forces is a noble and fulfilling act, and those who have made the commitment earned the right to be recognized for the sacrifices that they make for their country; and

WHEREAS, the National Guard and Reserve comprises 38 percent of America's military forces and, as citizen-soldiers, these dedicated individuals work, train and serve alongside our active-duty forces to advance democracy, freedom and peace throughout the nation and the world; and

WHEREAS, our National Guard and Reserve relies upon the countless civilian employers whose continued support enables our Reserve component soldiers, sailors, airmen, marines and coast guardsmen to defend our country with honor and distinction; and

WHEREAS, Illinois appreciates the employers who support the brave men and women serving the United States through the National Guard and Reserve:

THEREFORE, I, Rod R. Blagojevich do hereby proclaim November 17 – 23, 2003 as NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK in Illinois, and commend the National Guard and Reserves, as well as the employers who are supportive of them

Issued by the Governor October 2, 2003.

Filed by the Secretary of State October 3, 2003.

2003-261**MADD Remembrance Day**

WHEREAS, in 2002, 17,419 people across the country were killed because of alcohol-related accidents, accounting for 41 percent of the total traffic fatalities for the year; and

WHEREAS, in the state of Illinois, alcohol-related traffic deaths comprised nearly 50 percent of all traffic fatalities in 2002; and

WHEREAS, since 1980, Mothers Against Drunk Driving, the organization more commonly referred to as MADD, has grown to become one of the largest crime victims organizations in the world; and

WHEREAS, MADD's mission is to stop the incidence of drunk driving, support the victims of this violent crime, and prevent underage drinking throughout the country; and

PROCLAMATIONS

WHEREAS, each year, MADD holds a Candlelight Vigil to honor those individuals that have been injured or killed in alcohol-related crashes:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 4, 2003 as MADD REMEMBRANCE DAY in Illinois, and encourage all citizens to take a few moments to remember the victims of drunk driving accidents.

Issued by the Governor October 2, 2003.

Filed by the Secretary of State October 3, 2003.

2003-262**Idiopathic Pulmonary Fibrosis Awareness Week**

WHEREAS, Idiopathic Pulmonary Fibrosis is a serious disorder that causes progressive, incurable lung disease, and occurs in both men and women, primarily between the ages of 40-70; and

WHEREAS, Idiopathic Pulmonary Fibrosis progresses quickly, often causing disability or death, and in many cases there is no identified cause of this disease; and

WHEREAS, an estimated 80,000 United States citizens are currently living with Idiopathic Pulmonary Fibrosis; and

WHEREAS, since Idiopathic Pulmonary Fibrosis is often misdiagnosed or under-diagnosed, there is a significant need to increase awareness and detection of this disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 5, 2003 as IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK in Illinois, and encourage all citizens to recognize the need to further the research and education of this disease.

Issued by the Governor October 2, 2003.

Filed by the Secretary of State October 3, 2003.

2003-263**Volunteer Illini Projects Day**

WHEREAS, volunteerism has become a large part of the college experience for many students; and

WHEREAS, since 1963, Volunteer Illini Projects has been serving the University of Illinois at Urbana-Champaign and its surrounding communities; and

WHEREAS, Volunteer Illini Projects is the largest student organization on the University's campus, and the largest student-run, not-for-profit group in the country, with over 2,000 active student volunteers each year; and

WHEREAS, Volunteer Illini Projects began as a group of only eight students and has grown into a major organization able to provide over 30,000 hours of community service each year; and

PROCLAMATIONS

WHEREAS, Volunteer Illini Projects benefits more than 100 agencies, supporting hundreds of programs, as well as countless numbers of individuals across the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 4, 2003 as VOLUNTEER ILLINI PROJECTS DAY in Illinois, and encourage all citizens to recognize and appreciate the dedicated work put forth by this great organization.

Issued by the Governor October 2, 2003.

Filed by the Secretary of State October 3, 2003.

2003-264**Credit Union Day**

WHEREAS, credit unions are individual, independent cooperatives that unite people who are seeking ways to improve their futures; and

WHEREAS, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit if and when they need it; and

WHEREAS, credit unions empower people to improve their economic situations in 79 nations around the world; and

WHEREAS, currently, there are 40,258 credit unions across the globe, serving the financial needs of 118 million members, including more than 2.6 million members in Illinois; and

WHEREAS, credit unions are developing strong alliances that make financial democracy possible in numerous countries including China, Poland, Russia, Ghana, Argentina, and the Ukraine:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2003 as CREDIT UNION DAY in Illinois, and encourage all citizens to recognize the many contributions credit unions have made to the communities in this state through the years and to express appreciation for the services and commitment of 541 Illinois credit unions.

Issued by the Governor October 2, 2003.

Filed by the Secretary of State October 3, 2003.

2003-265**Dystonia Awareness Week**

WHEREAS, Dystonia is a neurological movement disorder characterized by involuntary muscle contractions which force certain parts of the body into abnormal, sometimes painful movements or postures; and

PROCLAMATIONS

WHEREAS, Dystonia can affect any part of the body including the arms, legs, trunk, neck, eyelids, face and vocal cords; and

WHEREAS, although Dystonia affects approximately 300,000 people in North America, little is known about the disorder, and to date, there is still no cure, nor any known cause; and

WHEREAS, the Dystonia Medical Research Foundation exists to support Dystonia patients and their loved ones, as well as to serve as a powerful informational resource about the disorder; and

WHEREAS, providing better information about recognizing and understanding Dystonia to Illinois citizens and medical professionals will provide countless benefits to those who are affected by the disorder:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 11-19, 2003 as DYSTONIA AWARENESS WEEK in Illinois, and urge all citizens to be aware of the causes and effects of Dystonia and to support those who are suffering from it.

Issued by the Governor October 1, 2003.

Filed by the Secretary of State October 6, 2003.

2003-266**GFWC Junior Illinois Women's Club Week**

WHEREAS, the General Federation of Women's Clubs (GFWC), dedicated to community improvement and to bettering the lives of fellow citizens, is one of the oldest and largest volunteer service organizations in the world, representing over 6,500 clubs nationwide and approximately 250,000 members; and

WHEREAS, the GFWC Junior Organization, with over 82 clubs in Illinois, has served the communities of this state for more than 55 years; and

WHEREAS, the GFWC Junior Organization Clubs in Illinois have focused their volunteer and fundraising efforts on helping children through programs such as "Stop Child Abuse – a Safe Place for Every Child" and "Operation Smile," a program that provides reconstructive surgery to indigent children; and

WHEREAS, clubs throughout Illinois provide a myriad of social and philanthropic opportunities for women, including dances, dinners and bowl-a-thons, all of which support the specific needs of each community in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 12-18, 2003 as GFWC ILLINOIS JUNIOR WOMEN'S CLUB WEEK in Illinois, and encourage all citizens to recognize and support the efforts of this great organization.

Issued by the Governor September 26, 2003.

Filed by the Secretary of State October 6, 2003.

PROCLAMATIONS

**ILLINOIS ADMINISTRATIVE CODE
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